

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 31, 2004

The House of Representatives convened at 10:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	DeLaForest	Hilty	Lenczewski	Otremba	Soderstrom
Abrams	Demmer	Holberg	Lesch	Otto	Solberg
Adolphson	Dempsey	Hoppe	Lieder	Ozment	Stang
Anderson, B.	Dill	Hornstein	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Howes	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Pelowski	Sykora
Atkins	Eastlund	Jacobson	Magnus	Penas	Thao
Beard	Eken	Jaros	Mahoney	Peterson	Thissen
Bernardy	Ellison	Johnson, J.	Mariani	Powell	Tingelstad
Biernat	Entenza	Johnson, S.	Marquart	Pugh	Urdahl
Blaine	Erhardt	Juhnke	McNamara	Rhodes	Vandever
Borrell	Erickson	Kahn	Meslow	Rukavina	Wagenius
Boudreau	Finstad	Kelliher	Mullery	Ruth	Walker
Bradley	Fuller	Klinzing	Murphy	Samuelson	Walz
Brod	Gerlach	Knoblach	Nelson, C.	Seagren	Wardlow
Buesgens	Goodwin	Koenen	Nelson, P.	Seifert	Wasiluk
Carlson	Greiling	Kohls	Newman	Sertich	Westerberg
Clark	Hackbarth	Krinkie	Nornes	Severson	Westrom
Cornish	Harder	Kuisle	Olsen, S.	Sieben	Wilkin
Cox	Hausman	Lanning	Olson, M.	Simpson	Zellers
Davids	Heidgerken	Larson	Opatz	Slawik	Spk. Sviggum
Davnie	Hilstrom	Latz	Osterman	Smith	

A quorum was present.

Gunther and Haas were excused.

Nelson, M., was excused until 9:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Magnus moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2649, A bill for an act relating to insurance; requiring the commissioner of commerce to study and report on options to reduce motor vehicle insurance premiums for private transit companies and taxi services.

Reported the same back with the following amendments:

Page 1, line 9, after "force" insert "of up to 15 members."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2684, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; amending Minnesota Statutes 2002, sections 10A.31, subdivision 4; 16B.55, subdivision 3; 193.29, subdivision 3; 193.30; 193.31; Minnesota Statutes 2003 Supplement, sections 16A.11, subdivision 3; 192.501, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE GOVERNMENT FINANCE

Section 1. [STATE GOVERNMENT APPROPRIATIONS.]

The dollar amounts shown in the columns marked "APPROPRIATIONS" are added to or, if shown in parentheses, are subtracted from the appropriations in Laws 2003, First Special Session chapter 1, article 1, and are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal year indicated for each purpose. The figures "2004" and "2005" used in this article mean that the appropriation or appropriations listed under them are available for the fiscal years ending June 30, 2004, and June 30, 2005, respectively.

SUMMARY BY FUND

	2004	2005	TOTAL
General	\$(456,000)	\$3,207,000	\$2,751,000

APPROPRIATIONS
Available for the Year
Ending June 30

	2004	2005
--	------	------

Sec. 2. LEGISLATURE

Subdivision 1. Total Appropriation

	-0-	(152,000)
--	-----	-----------

The per diem paid to legislators may not exceed \$56 per day. Legislators may not be paid a housing allowance for more than six months in any one calendar year.

Subd. 2. Senate

\$2,000,000 is canceled to the general fund from amounts previously carried forward under Minnesota Statutes, section 16A.281.

Subd. 3. House of Representatives

\$2,000,000 is canceled to the general fund from amounts previously carried forward under Minnesota Statutes, section 16A.281.

Subd. 4. Legislative Coordinating Commission

	-0-	(152,000)
--	-----	-----------

The reduction in this subdivision takes effect only if a bill is enacted in 2004 transferring duties related to actuarial services from the Legislative Commission on Pensions and Retirement to public pension funds.

Sec. 3. GOVERNOR AND LIEUTENANT GOVERNOR

	-0-	(108,000)
--	-----	-----------

Sec. 4. STATE AUDITOR

	-0-	(249,000)
--	-----	-----------

Sec. 5. ATTORNEY GENERAL

	-0-	(677,000)
--	-----	-----------

\$2,000,000 of the amount carried forward from fiscal year 2003 to fiscal year 2004 is canceled to the general fund.

Sec. 6. SECRETARY OF STATE

	-0-	(181,000)
--	-----	-----------

Sec. 7. ADMINISTRATION

	-0-	(432,000)
--	-----	-----------

	APPROPRIATIONS Available for the Year Ending June 30	
	2004	2005
Sec. 8. FINANCE	(456,000)	(456,000)
<p>The commissioner of finance may use \$40,000 of the general fund appropriation in Laws 2003, First Special Session chapter 1, article 1, section 28, to pay unemployment insurance and other shutdown costs related to the elimination of the Office of Ombudsman for Corrections. The funds remain available until June 30, 2005.</p>		
Sec. 9. EMPLOYEE RELATIONS	-0-	(186,000)
Sec. 10. REVENUE	-0-	(1,402,000)
Sec. 11. MILITARY AFFAIRS		
Subdivision 1. Total Appropriation	-0-	4,428,000
Subd. 2. Appropriation Reduction		
	-0-	(222,000)
Subd. 3. Reenlistment Bonus Program		
	-0-	1,500,000
<p>The appropriation in this subdivision is for a reenlistment bonus program as authorized by Minnesota Statutes, section 192.501, subdivision 1b. The appropriation for the reenlistment bonus program is available until expended.</p>		
Subd. 4. National Guard Youth Camp		
	-0-	50,000
<p>The appropriation in this subdivision is to assist in the operation of the Minnesota National Guard Youth Camp at Camp Ripley. This appropriation is contingent on a dollar-for-dollar match from nonstate sources. This is a onetime appropriation.</p>		
Subd. 5. Tuition and Textbook Reimbursement Grant Program		
	-0-	3,100,000
<p>The appropriation in this subdivision is in addition to funding provided by Laws 2003, First Special Session chapter 1, article 1, section 16, subdivision 4. This appropriation is available until expended.</p>		

APPROPRIATIONS Available for the Year Ending June 30	
2004	2005
-0-	(78,000)

Sec. 12. VETERANS AFFAIRS

Sec. 13. LOTTERY

Operating budget limits established in Minnesota Statutes, section 349A.10, Laws 2003, First Special Session chapter 1, article 1, section 23, or any amendment to Laws 2003, First Special Session chapter 1, article 1, section 23, adopted by the 2004 legislature, do not apply to new duties relating to lease of gaming machines assigned to the lottery by proposed Minnesota Statutes, section 349A.17 or 349A.20, or by other laws enacted in 2004.

Sec. 14. ADMINISTRATION; MOVING COSTS	-0-	2,500,000
---------------------------------------	-----	-----------

This appropriation is for relocation of state agencies as determined by the commissioner of administration.

Sec. 15. Minnesota Statutes 2002, section 10A.31, subdivision 4, is amended to read:

Subd. 4. [APPROPRIATION.] ~~(a)~~ The amounts designated by individuals for the state elections campaign fund, less three percent, are appropriated from the general fund, must be transferred and credited to the appropriate account in the state elections campaign fund, and are annually appropriated for distribution as set forth in subdivisions 5, 5a, 6, and 7. The remaining three percent must be kept in the general fund for administrative costs.

~~(b) In addition to the amounts in paragraph (a), \$1,500,000 for each general election is appropriated from the general fund for transfer to the general account of the state elections campaign fund.~~

Sec. 16. Minnesota Statutes 2002, section 11A.24, subdivision 6, is amended to read:

Subd. 6. [OTHER INVESTMENTS.] (a) In addition to the investments authorized in subdivisions 1 to 5, and subject to the provisions in paragraph (b), the state board may invest funds in:

(1) venture capital investment businesses through participation in limited partnerships, trusts, private placements, limited liability corporations, limited liability companies, limited liability partnerships, and corporations;

(2) real estate ownership interests or loans secured by mortgages or deeds of trust or shares of real estate investment trusts through investment in limited partnerships, bank sponsored collective funds, trusts, mortgage participation agreements, and insurance company commingled accounts, including separate accounts;

(3) regional and mutual funds through bank sponsored collective funds and open-end investment companies registered under the Federal Investment Company Act of 1940, and closed-end mutual funds listed on an exchange regulated by a governmental agency;

(4) resource investments through limited partnerships, trusts, private placements, limited liability corporations, limited liability companies, limited liability partnerships, and corporations; and

(5) international securities.

(b) The investments authorized in paragraph (a) must conform to the following provisions:

(1) the aggregate value of all investments made according to paragraph (a), clauses (1) to (4), may not exceed 35 percent of the market value of the fund for which the state board is investing;

(2) there must be at least four unrelated owners of the investment other than the state board for investments made under paragraph (a), clause (1), (2), (3), or (4);

(3) state board participation in an investment vehicle is limited to 20 percent thereof for investments made under paragraph (a), clause (1), (2), (3), or (4); and

(4) state board participation in a limited partnership does not include a general partnership interest or other interest involving general liability. The state board may not engage in any activity as a limited partner which creates general liability.

(c) The following data received, prepared, used, or retained by the state board in connection with investments authorized by paragraph (a) is public:

(1) the name and industry group classification of the legal entity in which the state board has invested or in which the state board has considered an investment;

(2) the state board commitment amount, if any;

(3) the funded amount of the state board's commitment to date, if any;

(4) the market value of the investment by the state board;

(5) the state board's internal rate of return; and

(6) the age of the investment in years.

All other financial or proprietary data received, prepared, used, or retained by the state board in connection with investments authorized by paragraph (a), or in which the state board has considered an investment, that is considered nonpublic by the legal entity or portfolio companies or other entities providing the data is nonpublic data under section 13.02, subdivision 9.

Sec. 17. Minnesota Statutes 2002, section 13.635, is amended by adding a subdivision to read:

Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government data of the State Board of Investment related to venture capital investments are classified under section 11A.24, subdivision 6.

Sec. 18. Minnesota Statutes 2003 Supplement, section 16A.11, subdivision 3, is amended to read:

Subd. 3. [PART TWO: DETAILED BUDGET.] (a) Part two of the budget, the detailed budget estimates both of expenditures and revenues, must contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. The detailed estimates shall include the governor's budget arranged in tabular form.

(b) Tables listing expenditures for the next biennium must show the appropriation base for each year as well as the governor's total recommendation for that year for each expenditure line. The appropriation base is the amount appropriated for the second year of the current biennium, adjusted in accordance with any provisions of law that specify changes to the base. For a statutory appropriation not specifying a dollar amount or for an appropriation for a forecasted program, the appropriation base is the amount estimated to fulfill the appropriation according to the most recent forecast prepared by the commissioner of finance pursuant to section 16A.103.

(c) The detailed estimates must include a separate line listing the total cost of professional and technical service contracts for the prior biennium and the projected costs of those contracts for the current and upcoming biennium. They must also include a summary of the personnel employed by the agency, reflected as full-time equivalent positions.

(d) The detailed estimates for internal service funds must include the number of full-time equivalents by program; detail on any loans from the general fund, including dollar amounts by program; proposed investments in technology or equipment of \$100,000 or more; an explanation of any operating losses or increases in retained earnings; and a history of the rates that have been charged, with an explanation of any rate changes and the impact of the rate changes on affected agencies.

Sec. 19. Minnesota Statutes 2002, section 16A.103, subdivision 1a, is amended to read:

Subd. 1a. [FORECAST PARAMETERS.] The forecast must assume the continuation of current laws and reasonable estimates of projected growth in the national and state economies and affected populations. Revenue must be estimated for all sources provided for in current law. Expenditures must be estimated for all obligations imposed by law and those projected to occur as a result of variables outside the control of the legislature. Expenditure estimates must not include an allowance for inflation, but the forecast must include a separate discussion of the cost of applying inflation to expenditures.

Sec. 20. Minnesota Statutes 2002, section 16A.53, subdivision 1, is amended to read:

Subdivision 1. [~~FUND CREATES FUNDS AND ACCOUNTS CREATED BY LAW.~~] When a law creates a fund or account in the treasury into which are deposited certain revenues and out of which certain expenditures are appropriated, the commissioner may consider the creation of the fund or account as the creation of a bookkeeping account in the state's ~~general books of account~~ accounting system so as to reflect the revenues deposited in the treasury and credited to the bookkeeping account and the expenditures appropriated from the treasury and charged to the bookkeeping account. The commissioner must organize these bookkeeping accounts into funds in accordance with generally accepted accounting principles.

Sec. 21. Minnesota Statutes 2002, section 16A.53, is amended by adding a subdivision to read:

Subd. 3. [COMMISSIONER TO MANAGE FUNDS AND ACCOUNTS.] (a) As necessary, the commissioner may eliminate an account that is no longer needed for the purposes specified for it in law.

(b) The commissioner must eliminate an account that meets the criteria in paragraph (c) unless the commissioner determines that the account is necessary for efficient fiscal operation.

(c) Criteria for account elimination are:

(1) receipts to the account and transfers into the account average less than \$1,000 per year in the past four years;

(2) year-end balances in the past four years average less than \$1,000 per year; and

(3) the account has been in existence for at least four years.

(d) Any balances in an eliminated account must be transferred to the general fund unless some other disposition is specified in law. If the commissioner eliminates an account established in law, the commissioner must notify the legislature, in a report to the appropriate finance committees, of the elimination.

Sec. 22. Minnesota Statutes 2002, section 16A.53, is amended by adding a subdivision to read:

Subd. 4. [REPORT.] Each agency that manages accounts within a fund must report at least annually to the appropriate finance committees of the legislature on the number, purpose, and recent financial activity in those accounts. The commissioner must establish uniform criteria and timing for the reports.

Sec. 23. Minnesota Statutes 2002, section 16A.531, is amended by adding a subdivision to read:

Subd. 4. [MISCELLANEOUS SPECIAL REVENUE FUND.] (a) A miscellaneous special revenue fund is created in the state treasury. This fund is for the deposit of receipts and other revenues that are not placed in any other fund by law or under section 16A.53.

(b) One-third of the accounts in the miscellaneous special revenue fund are terminated on June 30, 2007, another one-third of the accounts in the miscellaneous special revenue fund are terminated on June 30, 2009, and the remaining accounts in the miscellaneous special revenue fund are terminated on June 30, 2011. Thirty months before the termination dates listed in this paragraph, the commissioner must identify and notify the appropriate legislative finance committee of the accounts which are scheduled to terminate on those dates. Any balance in an account that is terminated is transferred to the general fund and any revenues that would have been deposited in that account are deposited in the general fund. Any statutory appropriation made out of an account that is terminated is canceled. This paragraph does not apply to an account established after July 1, 2004.

Sec. 24. Minnesota Statutes 2002, section 16B.55, subdivision 3, is amended to read:

Subd. 3. [PERMITTED USES.] A state vehicle may be used by a state employee to travel to or from the employee's residence:

(1) on a day on which it may be necessary for the employee to respond to a work-related emergency during hours when the employee is not normally working;

(2) if the employee has been assigned the use of a state vehicle for authorized state business on an extended basis, and the employee's primary place of work is not the state work station to which the employee is permanently assigned;

(3) if the employee has been assigned the use of a state vehicle for authorized state business away from the work station to which the employee is permanently assigned, and the number of miles traveled, or the time needed to conduct the business, will be minimized if the employee uses a state vehicle to travel to the employee's residence before or after traveling to the place of state business; or

(4) if the employee is authorized to participate in a ridesharing program established by the commissioner pursuant to section 174.257.

Use of a state vehicle under this subdivision requires the prior approval of the agency head or the designee of the agency head. A state employee must reimburse the employer for the use of a state vehicle to the extent the use would be considered a taxable fringe benefit for the employee under the Internal Revenue Code and regulations implementing the code, but for the employee reimbursing the employer. The reimbursement must be at the same

rate per mile as the standard mileage rate for business use of an automobile permitted under the Internal Revenue Code and regulations in effect when the employee uses the state vehicle. A state employee must report use of a state vehicle under this subdivision to the employer within 15 days of use of the vehicle. Notwithstanding any law to the contrary, the employer must deduct from the employee's pay the amount due to the employer under this subdivision.

Sec. 25. Minnesota Statutes 2003 Supplement, section 192.501, subdivision 2, is amended to read:

Subd. 2. [TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.] (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota National Guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the National Guard who:

- (1) is serving satisfactorily as defined by the adjutant general;
- (2) is attending a postsecondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and
- (3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

In addition, if a member of the Minnesota National Guard is killed in the line of state active service or federally funded state active service, as defined in section 190.05, subdivisions 5a and 5b, the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant.

The adjutant general may, within the limitations of this paragraph and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

(c) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

- (1) ~~75 percent~~ of the cost of tuition for lower division programs in the College of Liberal Arts at the Twin Cities campus of the University of Minnesota in the most recent academic year; or
- (2) ~~50 percent~~ of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for postsecondary courses at a Minnesota public educational institution.

Paragraph (b) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

(d) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota Higher Education Services Office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

(e) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 26. Minnesota Statutes 2002, section 193.29, subdivision 3, is amended to read:

Subd. 3. **[JOINT BOARDS.]** ~~In all cases in which~~ If more than one company or other unit of the military forces ~~shall occupy~~ occupies the same armory, the armory board shall consist of ~~officers~~ military personnel assigned to the units or organizations quartered therein. The adjutant general shall designate by order from time to time the representatives of each unit quartered therein to comprise the armory board for each armory. In the discretion of the adjutant general, the membership of the board may be comprised of officers, warrant officers, and enlisted personnel and may be changed from time to time so as to give the several organizations quartered therein proper representation on the board.

Sec. 27. Minnesota Statutes 2002, section 193.30, is amended to read:

193.30 ~~[COMMANDING OFFICERS~~ ORGANIZATION OF ARMORY BOARD.]

The senior ~~officer ranking member~~ on each armory board shall be the chair, and the junior ~~officer ranking member~~ thereof shall be the recorder. A record of the proceedings of the board shall be kept, and all motions offered, whether seconded or not, shall be put to a vote and the result recorded. In the case of a tie vote the adjutant general, upon the request of any member, shall decide. The governor may make and alter rules for the government of armory boards, officers, and other persons having charge of armories, arsenals, or other military property of the state.

Sec. 28. Minnesota Statutes 2002, section 193.31, is amended to read:

193.31 ~~[SENIOR OFFICER RANKING MEMBER~~ TO CONTROL DRILL HALL.]

The senior ~~officer ranking member~~ of any company or other organization assembling at an armory for drill or instruction shall have control of the drill hall or other portion of the premises used therefor during such occupancy, subject to the rules prescribed for its use and the orders of that ~~officer's ranking member's~~ superior. Any person who intrudes contrary to orders, or who interrupts, molests, or insults any troops so assembled, or who refuses to leave the premises when properly requested so to do, shall be guilty of a misdemeanor. Nothing in this section shall prevent reasonable inspection of the premises by the proper municipal officer, or by the lessor thereof in accordance with the terms of the lease.

Sec. 29. Minnesota Statutes 2002, section 211B.15, subdivision 1, is amended to read:

Subdivision 1. **[DEFINITIONS.]** For purposes of this section, "corporation" means:

- (1) a corporation organized for profit that does business in this state;
- (2) a nonprofit corporation that carries out activities in this state; ~~or~~
- (3) a limited liability company formed under chapter 322B, or under similar laws of another state, that does business in this state; or

(4) a business entity established or operated by a foreign government or by an entity or subdivision of an entity that exercises governmental functions for purposes of Public Law 97-473, Title II.

Sec. 30. Minnesota Statutes 2002, section 354A.08, is amended to read:

354A.08 [AUTHORIZED INVESTMENTS.]

(a) A teachers retirement fund association may receive, hold, and dispose of real estate or personal property acquired by it, whether the acquisition was by purchase, or any other lawful means, as provided in this chapter or in the association's articles of incorporation. In addition to other authorized real estate investments, an association may also invest funds in Minnesota situs nonfarm real estate ownership interests or loans secured by mortgages or deeds of trust.

(b) All or a portion of the assets of a first class city teacher retirement fund association may be invested in the Minnesota supplemental investment fund under section 11A.17.

Sec. 31. Minnesota Statutes 2002, section 354A.12, is amended by adding a subdivision to read:

Subd. 2c. [REIMBURSEMENT OF CERTAIN INVESTMENT UNDERPERFORMANCE.] (a) If the report of the state auditor under section 356.219 indicates that the Minneapolis Teachers Retirement Fund Association has underperformed the State Board of Investment basic retirement plans in its investment of the Minneapolis teachers retirement fund assets, on the first of the month next following the release of that report, the board of trustees of the Minneapolis Teachers Retirement Fund Association shall redeem the amount of the underperformance by imposing a charge on active members, retired members, and other benefit recipients.

(b) The additional charge on active members must continue for one year and must be a percentage of covered pay. The charge must be set by the board to represent the active member asset portion of the underperformance as determined by the board.

(c) The additional charge on retired members must continue for one year and must be a deduction from the annuity or benefit. The charge must be set by the board to represent the retired member asset portion of the underperformance as determined by the board.

(d) The total additional charges under paragraphs (b) and (c) must equal the total amount of the investment underperformance. If an active member retires during the course of the year during which the additional charge is in force, the member shall pay or have deducted the appropriate charge for the appropriate portion of the year.

(e) If the total amount of the underperformance is not recovered under paragraph (d), the balance of the underperformance must be added to any underperformance amount in the next year of underperformance, plus annual compound interest at the rate of 8.5 percent from the date of the applicable report of the state auditor to July 1 of the year in which the balance is to be collected.

Sec. 32. Minnesota Statutes 2002, section 354A.12, subdivision 3a, is amended to read:

Subd. 3a. [SPECIAL DIRECT STATE AID TO FIRST CLASS CITY TEACHERS RETIREMENT FUND ASSOCIATIONS.] (a) In fiscal year 1998, the state shall pay \$4,827,000 to the St. Paul Teachers Retirement Fund Association, \$17,954,000 to the Minneapolis Teachers Retirement Fund Association, and \$486,000 to the Duluth Teachers Retirement Fund Association. In each subsequent fiscal year, these payments the state shall pay to the first class city teachers retirement fund associations must be \$2,827,000 \$2,967,000 for the St. Paul, \$12,954,000 Teachers Retirement Fund Association and \$13,300,000 for the Minneapolis, and \$486,000 for Duluth Teachers Retirement Fund Association.

(b) The direct state aids under this subdivision are payable October 1 annually. The commissioner of finance shall pay the direct state aid. The amount required under this subdivision is appropriated annually from the general fund to the commissioner of finance.

(c) The direct state aid for the Minneapolis Teachers Retirement Fund Association is governed by section 354A.121.

Sec. 33. Minnesota Statutes 2003 Supplement, section 354A.12, subdivision 3b, is amended to read:

Subd. 3b. [SPECIAL DIRECT STATE MATCHING AID TO THE MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] (a) Special School District No. 1 may make an additional employer contribution to the Minneapolis Teachers Retirement Fund Association. The city of Minneapolis may make a contribution to the Minneapolis Teachers Retirement Fund Association. This contribution may be made by a levy of the board of estimate and taxation of the city of Minneapolis and the levy, if made, is classified as that of a special taxing district for purposes of sections 275.065 and 276.04, and for all other property tax purposes.

(b) For every \$1,000 contributed in equal proportion by Special School District No. 1 and by the city of Minneapolis to the Minneapolis teachers retirement fund association under paragraph (a), the state shall pay to the Minneapolis Teachers Retirement Fund Association \$1,000, but not to exceed \$2,500,000 in total in fiscal year 1994. The superintendent of Special School District No. 1, the mayor of the city of Minneapolis, and the executive director of the Minneapolis Teachers Retirement Fund Association shall jointly certify to the commissioner of finance the total amount that has been contributed by Special School District No. 1 and by the city of Minneapolis to the Minneapolis Teachers Retirement Fund Association. Any certification to the commissioner of education must be made quarterly. If the total certifications for a fiscal year exceed the maximum annual direct state matching aid amount in any quarter, the amount of direct state matching aid payable to the Minneapolis Teachers Retirement Fund Association must be limited to the balance of the maximum annual direct state matching aid amount available. The amount required under this paragraph, subject to the maximum direct state matching aid amount, is appropriated annually to the commissioner of finance. The state matching aid is governed by section 354A.121.

(c) The commissioner of finance may prescribe the form of the certifications required under paragraph (b).

Sec. 34. Minnesota Statutes 2002, section 354A.12, subdivision 3d, is amended to read:

Subd. 3d. [MTRFA AND SPTRFA SUPPLEMENTAL ADMINISTRATIVE EXPENSE ASSESSMENT.] (a) The active and retired membership of the Minneapolis Teachers Retirement Fund Association and of the St. Paul Teachers Retirement Fund Association is responsible for defraying supplemental administrative expenses other than investment expenses of the respective teacher retirement fund association.

(b) Investment expenses of the teachers retirement fund association are those expenses incurred by or on behalf of the retirement fund in connection with the investment of the assets of the retirement fund other than investment security transaction costs. Other administrative expenses are all expenses incurred by or on behalf of the retirement fund for all other retirement fund functions other than the investment of retirement fund assets. Investment and other administrative expenses must be accounted for using generally accepted accounting principles and in a manner consistent with the comprehensive annual financial report of the teachers retirement fund association for the immediately previous fiscal year under section 356.20.

(c) Supplemental administrative expenses other than investment expenses of a first class city teacher retirement fund association are those expenses for the fiscal year that:

(1) exceed, for the St. Paul Teachers Retirement Fund Association \$443,745, or for the Minneapolis Teacher Retirement Fund Association ~~\$671,513~~ \$428,381, plus, in each case, an additional amount derived by applying the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers All Items Index published by the Bureau of Labor Statistics of the United States Department of Labor since July 1, ~~2001~~ 2004, to the applicable dollar amount; and

(2) for the St. Paul Teachers Retirement Fund Association only, exceed the amount computed by applying the most recent percentage of pay administrative expense amount, other than investment expenses, for the teachers retirement association governed by chapter 354 to the covered payroll of the respective teachers retirement fund association for the fiscal year.

(d) The board of trustees of each first class city teachers retirement fund association shall allocate the total dollar amount of supplemental administrative expenses other than investment expenses determined under paragraph (c); ~~clause (2)~~, among the various active and retired membership groups of the teachers retirement fund association and shall assess the various membership groups their respective share of the supplemental administrative expenses other than investment expenses, in amounts determined by the board of trustees. The supplemental administrative expense assessments must be paid by the membership group in a manner determined by the board of trustees of the respective teachers retirement association. Supplemental administrative expenses payable by the active members of the pension plan must be picked up by the employer in accordance with section 356.62.

(e) With respect to the St. Paul Teachers Retirement Fund Association, the supplemental administrative expense assessment must be fully disclosed to the various active and retired membership groups of the teachers retirement fund association. The chief administrative officer of the St. Paul Teachers Retirement Fund Association shall prepare a supplemental administrative expense assessment disclosure notice, which must include the following:

(1) the total amount of administrative expenses of the St. Paul Teachers Retirement Fund Association, the amount of the investment expenses of the St. Paul Teachers Retirement Fund Association, and the net remaining amount of administrative expenses of the St. Paul Teachers Retirement Fund Association;

(2) the amount of administrative expenses for the St. Paul Teachers Retirement Fund Association that would be equivalent to the teachers retirement association noninvestment administrative expense level described in paragraph (c);

(3) the total amount of supplemental administrative expenses required for assessment calculated under paragraph (c);

(4) the portion of the total amount of the supplemental administrative expense assessment allocated to each membership group and the rationale for that allocation;

(5) the manner of collecting the supplemental administrative expense assessment from each membership group, the number of assessment payments required during the year, and the amount of each payment or the procedure used to determine each payment; and

(6) any other information that the chief administrative officer determines is necessary to fairly portray the manner in which the supplemental administrative expense assessment was determined and allocated.

(f) The disclosure notice must be provided annually in the annual report of the association.

(g) The supplemental administrative expense assessments must be deposited in the applicable teachers retirement fund upon receipt.

(h) Any omitted active membership group assessments that remain undeducted and unpaid to the teachers retirement fund association for 90 days must be paid by the respective school district. The school district may recover any omitted active membership group assessment amounts that it has previously paid. The teachers retirement fund association shall deduct any omitted retired membership group assessment amounts from the benefits next payable after the discovery of the omitted amounts.

Sec. 35. [354A.121] [INVESTMENT PROCEDURES FOR STATE AID TO MINNEAPOLIS TEACHERS RETIREMENT PLAN.]

(a) Notwithstanding any provision of law to the contrary, special direct state aid to the Minneapolis Teachers Retirement Fund Association under section 354A.12, subdivision 3a or 3b, and amortization or supplementary amortization state aid reallocated to the Minneapolis Teachers Retirement Fund Association, must be transferred and invested as provided in this section.

(b) State aid for the Minneapolis Teachers Retirement Fund Association referenced in paragraph (a) must be transferred to the executive director of the State Board of Investment for investment in the Minnesota supplemental investment fund. The Minneapolis Teachers Retirement Fund Association state aid amounts and any investment return obtained on those amounts must be invested in the income share account unless the executive director of the State Board of Investment, after appropriate consultation with the board of trustees of the Minneapolis Teachers Retirement Fund Association, determines that the amount should be invested in a different account. The executive director of the State Board of Investment, after appropriate consultation with the board, may transfer amounts between accounts in the Minnesota supplemental investment fund.

(c) If the assets of the Minneapolis teachers retirement fund other than the assets to the credit of the Minneapolis teachers retirement fund in the Minnesota supplemental investment fund are insufficient to pay retirement annuities and benefits that are due and payable or the reasonable and necessary administrative expenses of the retirement plan that are due and payable, the executive director of the State Board of Investment shall transfer the required amount to meet that insufficiency to the chief administrative officer of the Minneapolis Teachers Retirement Fund Association.

(d) For purposes of annual actuarial valuations and annual financial reports, the shares in the Minnesota supplemental investment fund owned by the Minneapolis teachers retirement fund must be considered an asset of the Minneapolis teachers retirement fund.

Sec. 36. Minnesota Statutes 2002, section 354A.28, subdivision 9, is amended to read:

Subd. 9. [ADDITIONAL INCREASE.] (a) In addition to the postretirement increases granted under subdivision 8, ~~paragraph (b), an additional percentage increase must be computed and paid is payable~~ under this subdivision.

(b) The board of trustees shall determine the number of ~~annuities~~ annuitants or benefit recipients who have been receiving an annuity or benefit for at least 12 months as of the current June 30 in total, for the coordinated program, and for the basic program. These recipients are entitled to receive the ~~surplus investment earnings~~ additional postretirement increase.

(c) ~~Annually, on June 30, the board of trustees of the teachers retirement fund association shall determine the amount of reserves in the annuity reserve fund as specified in subdivision 6.~~

~~(d) Annually, on June 30, the board of trustees of the Minneapolis Teachers Retirement Fund Association shall determine the five year annualized rate of return attributable to the assets in the annuity reserve fund under the formula or formulas specified in section 11A.04, clause (11) percentage increase granted to eligible retirees of the teachers retirement association on the prior January 1, under section 11A.18, subdivision 9, paragraph (c).~~

~~(e)~~ The board of trustees shall determine the amount of excess five year annualized rate of return over the preretirement interest assumption as specified in section 356.215.

~~(f)~~ ~~(d)~~ The additional increase must be determined by multiplying the quantity one minus the rate of contribution deficiency, as specified in the most recent actuarial report of the actuary retained by the legislative commission on pensions and retirement, times the rate of return excess as determined in paragraph (e) for annuitants or benefit recipients of the coordinated program is the percentage rate determined under paragraph (c) and, if the Minneapolis Teachers Retirement Fund Association has a funding ratio of at least 100 percent, the additional increase for annuitants or benefit recipients of the basic program is the percentage rate determined under paragraph (c).

~~(g)~~ ~~(e)~~ The additional increase is payable to all eligible annuitants or benefit recipients on January 1 following the June 30 determination date under paragraphs (c) and (d).

Sec. 37. [STATE LOTTERY; UNCLAIMED PRIZE MONEY; TRANSFER.]

The director of the state lottery, in consultation with the commissioner of finance, shall determine how much money is still available of the prize money that was considered unclaimed under Minnesota Statutes, section 349A.08, subdivision 5, and that was not committed to the prize of a lottery game under that section before the 2004 fiscal year. The director of the state lottery shall transfer all available prize money to the general fund.

Sec. 38. [SALE OF STATE LAND.]

Subdivision 1. [STATE LAND SALES.] The commissioner of administration shall coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$6,075,000 of state-owned land before June 30, 2005, and an additional \$6,000,000 by June 30, 2007. Sales should be completed according to law and as provided in this section. Sales required by this section are in addition to sales required by laws enacted in 2003. Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land for public sale by only providing notice of lands or an offer of sale of lands to state departments or agencies, the University of Minnesota, cities, counties, towns, school districts, or other public entities.

Subd. 2. [ANTICIPATED SAVINGS.] Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the sale of land under this section that exceeds the actual expenses of selling the land must be deposited in the general fund, except as otherwise provided by the commissioner of finance. Notwithstanding Minnesota Statutes, section 94.11, the commissioner of finance may establish the timing of payments for land purchased under this section. If the total of all money deposited into the general fund from the proceeds of the sale of land under this section is anticipated to be less than \$6,075,000 in fiscal year 2005 and \$6,000,000 in fiscal years 2006 and 2007, the governor must allocate the amount of the difference as reductions to general fund operating expenditures for other executive agencies.

Subd. 3. [REVOLVING LOAN FUND.] \$192,200 is appropriated from the general fund in fiscal year 2005 and an additional \$200,000 for the period ending June 30, 2007, to the commissioner of administration for purposes of paying the actual expenses of selling state-owned lands to achieve the anticipated savings required in this section. From the gross proceeds of land sales under this section, the commissioner of administration must cancel the amount of the appropriation in this subdivision to the general fund by June 30, 2005.

Sec. 39. [BUILDING RENTAL.]

(a) By July 1, 2004, the commissioner of administration must issue a request for proposal seeking a person or entity to lease the state-owned building at 168 Aurora Avenue in the city of St. Paul. The request for proposal and the resulting lease must specify that:

(1) the tenant will use the building to operate a day care and after-school activity center;

(2) the tenant will make and pay for any improvements needed to allow the building to be used as a day care and after-school activity center; and

(3) the state may terminate the lease as required by law, or within 60 days after passage of a new law requiring the state to terminate the lease.

(b) The commissioner of administration must enter into a lease with a person or entity responding to the request for proposal who demonstrates willingness and ability to meet the conditions in paragraph (a), clauses (1) to (3). The lease may specify terms under which the state will reimburse the tenant for a portion of the improvements the tenant makes to the property at the conclusion of the lease.

Sec. 40. [REPAYMENT.]

If the commissioner of administration is required to repay the energy assessment account in the special revenue fund because certain expenditures from the account did not comply with law, the commissioner must make the repayment from previous general fund appropriations to the Department of Administration. Any reductions in complement resulting from this repayment must come from unclassified management positions.

Sec. 41. [RESTRICTIONS ON DEMOLITION.]

No state money may be used for demolition of the Ford Building at 117 University Avenue, Saint Paul, unless:

(1) the commissioner of administration makes reasonable efforts to attempt to lease or transfer ownership of the building to a person or entity that will preserve the historic features of the building at no cost to the state; and

(2) the commissioner reports to the chairs of the senate Finance Committee and the house Capital Investment Committee on what efforts were made to lease or transfer ownership and why these efforts were not successful.

Sec. 42. [COMMISSIONER'S RECOMMENDATIONS ON FEE ACCOUNTS.]

By January 2, 2005, the commissioner of finance must report to the Finance Committee of the senate and the Ways and Means Committee of the house of representatives on the different procedures for accounting for and appropriating licensing fee revenue, and must make recommendations for consistent treatment of that fee revenue.

Sec. 43. [APPROPRIATION FOR ASSISTIVE TECHNOLOGY.]

\$200,000 is appropriated from the general fund to the commissioner of administration for a grant to Assistive Technology of Minnesota as follows:

(1) \$150,000 to administer a microloan program to support the purchase of equipment and devices for people with disabilities and their families and employers; and

(2) \$50,000 to develop the access to telework program.

The appropriation is available until July 1, 2005.

Sec. 44. [REPEALER.]

Minnesota Statutes 2003 Supplement, section 16A.151, subdivision 5, is repealed.

Sec. 45. [EFFECTIVE DATE.]

(a) Unless otherwise specified, sections 1 to 29 and 37 to 44 are effective the day following final enactment.

(b) Sections 30 to 36 are effective July 1, 2004.

ARTICLE 2

STATE BUDGET PROCESS

Section 1. Minnesota Statutes 2002, section 3.23, is amended to read:

3.23 [APPROPRIATIONS.]

A ~~standing~~ statutory appropriation, within the meaning of this section and section 3.24, is one which sets apart a specified or unspecified and open amount of public money or funds of the state general fund for expenditure for a purpose and makes the amount, or a part of it, available for use continuously ~~and at a time more distant than~~ for a period of time beyond the end of the second fiscal year after the session of the legislature at which the appropriation is made.

Every appropriation stated to be an "annual appropriation," "payable annually," "appropriated annually," or "annually appropriated," and every appropriation described by equivalent terms or language is a ~~standing~~ statutory appropriation as defined in this section.

Sec. 2. Minnesota Statutes 2002, section 3.98, subdivision 3, is amended to read:

Subd. 3. [DISTRIBUTION.] A copy of the fiscal note shall be delivered to the chair of the ~~Appropriations Ways~~ and Means Committee of the house of representatives, the chair of the Finance Committee of the senate, the chair of the standing committee to which the bill has been referred, to the chief author of the bill and to the commissioner of finance.

Sec. 3. Minnesota Statutes 2002, section 15.16, subdivision 5, is amended to read:

Subd. 5. [OBTAINING RECOMMENDATION.] No control of state-owned lands may be transferred between state departments or agencies without the departments or agencies first consulting the chairs of the senate Finance Committee and house of representatives ~~Appropriations Ways and Means~~ Ways and Means Committee and obtaining their recommendations. The recommendations are advisory only. Failure to obtain a prompt recommendation is deemed a negative recommendation.

Sec. 4. Minnesota Statutes 2003 Supplement, section 16A.102, subdivision 1, is amended to read:

Subdivision 1. [GOVERNOR'S RECOMMENDATION.] (a) By the date specified in section 16A.11, subdivision 1, for submission of parts one and two of the governor's budget, the governor shall submit to the legislature a recommended revenue target for the next two bienniums.

(b) The recommended revenue target must specify:

(1) the maximum share of Minnesota personal income to be collected in taxes and other revenues to pay for state and local government services; and

(2) the division of the share between state and local government revenues; ~~and~~

~~(3) the mix and rates of income, sales, and other state and local taxes including property taxes and other revenues.~~

(c) The recommendations must be based on the November forecast prepared under section 16A.103.

Sec. 5. Minnesota Statutes 2002, section 16A.102, subdivision 2, is amended to read:

Subd. 2. [LEGISLATIVE BUDGET RESOLUTION.] (a) By March 15 of each odd-numbered year, the legislature shall by concurrent resolution adopt revenue targets for the next two bienniums.

(b) The resolution must specify:

(1) the maximum share of Minnesota personal income to be collected in taxes and other revenues to pay for state and local government services; and

(2) the division of the share between state and local government services; ~~and~~

~~(3) the mix and rates of income, sales, and other state and local taxes including property taxes and other revenues.~~

(c) The resolution must be based on the February forecast prepared under section 16A.103 and take into consideration the revenue targets recommended by the governor under subdivision 1.

Sec. 6. Minnesota Statutes 2002, section 16A.102, is amended by adding a subdivision to read:

Subd. 4. [REPORTING INFORMATION.] When updated information is available at the time of a state revenue and expenditure forecast as specified in section 16A.103, subdivision 1, and after the completion of a legislative session, the Department of Finance must report on revenue relative to personal income as specified in subdivision 1.

Sec. 7. Minnesota Statutes 2002, section 16A.641, subdivision 2, is amended to read:

Subd. 2. [REPORT.] Before a sale of general obligation bonds, the commissioner shall report the amount of bonds to be issued and a detailed list of the projects or a statement of the program to be financed to the chairs of the house ~~Appropriations Ways and Means~~ and Tax Committees and of the senate Finance and Tax Committees, and the minority leaders of the house and senate, for their advisory recommendation. The recommendation is positive if not received within ten days.

Sec. 8. Minnesota Statutes 2002, section 16B.24, subdivision 3, is amended to read:

Subd. 3. [DISPOSAL OF OLD BUILDINGS.] The commissioner, upon request of the head of an agency which has control of a state-owned building which is no longer used or which is a fire or safety hazard, shall, after obtaining approval of the chairs of the senate Finance Committee and house of representatives ~~Appropriations Ways and Means~~ Committee, sell, wreck, or otherwise dispose of the building. In the event a sale is made the proceeds shall be deposited in the proper account or in the general fund.

Sec. 9. Minnesota Statutes 2002, section 16B.31, subdivision 3, is amended to read:

Subd. 3. [FEDERAL AID.] (a) [APPLICATION FOR AID.] The commissioner, or any other agency to whom an appropriation is made for a capital improvement, shall apply for the maximum federal share for each project.

(b) [ACCEPTANCE OF AID.] The commissioner is the state agency empowered to accept money provided for or made available to this state by the United States of America or any federal department or agency for the construction and equipping of any building for state purposes not otherwise provided for by law, other than University of Minnesota buildings, in accordance with the provisions of federal law and any rules or regulations promulgated under federal law. The commissioner may do whatever is required of this state by federal law, rules, and regulations in order to obtain the federal money.

(c) [FEDERAL FUNDS CONSIDERED PART OF APPROPRIATION.] The commissioner may after consultation with the chairs of the senate Finance Committee and house of representatives ~~Appropriations~~ Ways and Means Committee, adopt a plan, provide for an improvement, or construct a building that contemplates expenditure for its completion of more money than the appropriation for it, if the excess money is provided by the United States government and granted to the state of Minnesota under federal law or any rule or regulation promulgated under federal law. This federal money, for the purpose of this section, is a part of the appropriation for the project.

(d) [DELAYED FEDERAL MONEY.] If an amount is payable to a creditor of the state from a project account which is financed partly with federal money and the project is included in appropriations made to the commissioner for public buildings and equipment, and the amount cannot be paid on time because of a deficiency of money in the project account caused by a delay in the receipt of federal money, the commissioner may provide money needed to pay the amount by temporarily transferring the sum to the project account from any other appropriation made to the commissioner in the same act. Required money for a payment is appropriated for that purpose. When the delayed federal money is received, the commissioner shall have the amount of money transferred returned to the account from which it came.

Sec. 10. Minnesota Statutes 2003 Supplement, section 84.026, is amended to read:

84.026 [CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.]

The commissioner of natural resources is authorized to enter into contractual or grant agreements with any public or private entity for the provision of statutorily prescribed natural resources services by or for the department. The contracts or grants shall specify the services to be provided and the amount and method of reimbursement. Funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. All contractual and grant agreements shall be processed in accordance with the provisions of section 16C.05. The commissioner shall report revenues collected and expenditures made under this section to the chairs of the Committees on ~~Appropriations~~ Ways and Means in the house and Finance in the senate by January 1 of each odd-numbered year.

Sec. 11. Minnesota Statutes 2002, section 85A.02, subdivision 5a, is amended to read:

Subd. 5a. [EMPLOYEES.] (a) The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, shall operate the Minnesota Zoological Garden and enforce all rules and policy decisions of the board. The administrator must be chosen solely on the basis of training, experience, and other qualifications appropriate to the field of zoo management and development. The board shall set the salary of the administrator. The salary of the administrator may not exceed 130 percent of the salary of the governor; however, any amount exceeding 95 percent of the salary of the governor must consist of nonstate funds. The administrator shall perform duties assigned by the board and serves in the unclassified service at the pleasure of the board. The administrator, with the participation of the board, shall appoint a development director in the unclassified service or contract with a development consultant to establish mechanisms to foster community participation in and community support for the Minnesota Zoological Garden. The board may employ other necessary professional, technical, and clerical personnel. Employees of the zoological garden are eligible for salary supplement in the same manner as employees of other state agencies. The commissioner of finance shall determine the amount of salary supplement based on available funds.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment. The board may also contract for the construction and operation of entertainment facilities on the zoo grounds that are not directly connected to ordinary functions of the zoological garden. The zoo board may not enter into a final agreement for construction of an entertainment facility that is not directly connected to the ordinary functions of the zoo until after final construction plans have been submitted to the chairs of the senate Finance and house ~~Appropriations~~ Ways and Means Committees for their recommendations.

The zoo may not contract for entertainment during the period of the Minnesota State Fair that would directly compete with entertainment at the Minnesota State Fair.

Sec. 12. Minnesota Statutes 2002, section 115A.557, subdivision 4, is amended to read:

Subd. 4. [REPORT.] By July 1 of each odd-numbered year, the director shall report on how the money was spent and the resulting statewide improvements in solid waste management to the house of representatives and senate ~~Appropriations~~ Ways and Means, Finance, and Environment and Natural Resources Committees, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance. The report shall be included in the report required under section 115A.411.

Sec. 13. Minnesota Statutes 2003 Supplement, section 116J.966, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

- (1) locate, develop, and promote international markets for Minnesota products and services;
- (2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;
- (3) promote Minnesota products and services at domestic and international trade shows;
- (4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;
- (5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;
- (6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;
- (7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;
- (8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;
- (9) locate, attract, and promote foreign direct investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to section 16C.06; and

(12) market trade-related materials to businesses and organizations, and the proceeds of which must be placed in a special revolving account and are appropriated to the commissioner to prepare and distribute trade-related materials.

(b) The programs and activities of the commissioner of employment and economic development and the Minnesota Trade Division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota World Trade Center.

(c) The commissioner shall notify the chairs of the senate Finance and house ~~Appropriations~~ Ways and Means Committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

Sec. 14. Minnesota Statutes 2002, section 116O.071, subdivision 3, is amended to read:

Subd. 3. [AUTHORITY TO PERFORM REQUESTED EVALUATIONS.] The governor, speaker of the house of representatives, house of representatives minority leader, senate majority leader, senate minority leader, chair of the house of representatives ~~Appropriations~~ Ways and Means Committee, chair of the senate Finance Committee, director, or a member of the legislature considering the introduction or approval of legislation containing funding for scientifically and technologically related research and development may request the corporation to evaluate a loan or grant made or to be made or the proposed legislation for funding scientifically and technologically related research and development to determine (1) whether it complies with the guidelines required by subdivision 1, clause (1), item (ii); (2) whether it is technically feasible; and (3) for development proposals, whether the proposal appears to have the potential for economic development. Ad hoc committees may be appointed by the corporation.

Sec. 15. Minnesota Statutes 2002, section 116P.08, subdivision 3, is amended to read:

Subd. 3. [STRATEGIC PLAN REQUIRED.] (a) The commission shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The strategic plan must be updated every two years. The plan is advisory only. The commission shall submit the plan, as a recommendation, to the house of representatives ~~Appropriations~~ Ways and Means and senate Finance Committees by January 1 of each odd-numbered year.

(b) The commission may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption.

Sec. 16. Minnesota Statutes 2002, section 144.701, subdivision 4, is amended to read:

Subd. 4. [FILING FEES.] Each report which is required to be submitted to the commissioner of health under sections 144.695 to 144.703 and which is not submitted to a voluntary, nonprofit reporting organization in accordance with section 144.702 shall be accompanied by a filing fee in an amount prescribed by rule of the commissioner of health. Upon the withdrawal of approval of a reporting organization, or the decision of the commissioner to not renew a reporting organization, fees collected under section 144.702 shall be submitted to the commissioner. Fees received under this subdivision shall be deposited in a revolving fund and are appropriated to

the commissioner of health for the purposes of sections 144.695 to 144.703. The commissioner shall report the termination or nonrenewal of the voluntary reporting organization to the chair of the Health and Human Services ~~Subdivision of the Appropriations~~ Finance Committee of the house of representatives, to the chair of the Health and Human Services Division of the Finance Committee of the senate, and the commissioner of finance.

Sec. 17. Minnesota Statutes 2002, section 245.90, is amended to read:

245.90 [COURT AWARDED FUNDS, DISPOSITION.]

The commissioner of human services shall notify the house ~~Appropriations~~ Ways and Means and senate Finance Committees of the terms of any contractual arrangement entered into by the commissioner and the attorney general, pursuant to an order of any court of law, which provides for the receipt of funds by the commissioner.

Any funds recovered or received by the commissioner pursuant to an order of any court of law shall be placed in the general fund.

Sec. 18. Minnesota Statutes 2002, section 270.063, subdivision 1, is amended to read:

Subdivision 1. [APPROPRIATION.] For the purpose of collecting delinquent state tax liabilities or debts as defined in section 16D.02, subdivision 3, there is appropriated to the commissioner of revenue an amount representing the cost of collection by contract with collection agencies, revenue departments of other states, or attorneys to enable the commissioner to reimburse these agencies, departments, or attorneys for this service. The commissioner shall report quarterly on the status of this program to the chair of the house Tax and ~~Appropriation~~ Ways and Means Committees and senate Tax and Finance Committees.

Sec. 19. Minnesota Statutes 2002, section 270.71, is amended to read:

270.71 [ACQUISITION AND RESALE OF SEIZED PROPERTY.]

For the purpose of enabling the commissioner of revenue to purchase or redeem seized property in which the state of Minnesota has an interest arising from a lien for unpaid taxes, or to provide for the operating costs of collection activities of the Department of Revenue, there is appropriated to the commissioner an amount representing the cost of such purchases, redemptions, or collection activities. Seized property acquired by the state of Minnesota to satisfy unpaid taxes shall be resold by the commissioner. The commissioner shall preserve the value of seized property while controlling it, including but not limited to the procurement of insurance. For the purpose of refunding the proceeds from the sale of levied or redeemed property which are in excess of the actual tax liability plus costs of acquiring the property, there is hereby created a levied and redeemed property refund account in the agency fund. All amounts deposited into this account are appropriated to the commissioner of revenue. The commissioner shall report quarterly on the status of this program to the chairs of the house Taxes and ~~Appropriations~~ Ways and Means Committees and senate Taxes and Tax Laws and Finance Committees.

ARTICLE 3

FAIR CAMPAIGN REFORM ACT

Section 1. [CITATION.]

This article may be cited as the Fair Campaign Reform Act.

Sec. 2. Minnesota Statutes 2002, section 10A.02, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Campaign Finance and Public Disclosure Board is composed of ~~six~~ nine members. The governor must appoint the members with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment or by adjournment sine die, whichever occurs first, the appointment terminates on the day following the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. Two members must be former members of the legislature who support different political parties; ~~two~~ three members must be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other ~~two~~ four members must support different political parties. No more than three of the members of the board may support the same political party. No member of the board may currently serve as a lobbyist.

Sec. 3. Minnesota Statutes 2002, section 10A.02, subdivision 2, is amended to read:

Subd. 2. [VACANCY; TERMS.] An appointment to fill a vacancy is made only for the unexpired term of a member who is being replaced and the appointee must meet the same stated qualifications as the member being replaced. The membership terms, compensation, and removal of members on the board are as provided in section 15.0575, except that the extension of terms and the filling of vacancies are subject to the advice and consent of the legislature in the same manner as provided in subdivision 1, and that the compensation for a member attending an expedited hearing under section 10A.63 is \$100 per day.

Sec. 4. Minnesota Statutes 2002, section 10A.02, subdivision 3, is amended to read:

Subd. 3. [VOTE REQUIRED.] The concurring vote of ~~four~~ six members of the board is required to decide any matter before the board.

Sec. 5. Minnesota Statutes 2002, section 10A.02, subdivision 7, is amended to read:

Subd. 7. [POLITICAL ACTIVITY.] (a) All members and employees of the board are subject to any provisions of law regulating political activity by state employees. In addition, no member or employee of the board may be a candidate for, or holder of, (1) a national, state, congressional district, legislative district, county, or precinct office in a political party, or (2) an elected public office ~~for which party designation is required by statute.~~

(b) A member or employee of the board must not serve on a committee supporting or opposing a candidate or ballot question and must not make a contribution to or solicit a contribution on behalf of a candidate, political committee, political fund, party unit, or ballot question. For purposes of this paragraph, "candidate" includes a state candidate, as defined in section 10A.01, subdivision 10, and a local candidate, as defined in section 211A.01, subdivision 3.

Sec. 6. Minnesota Statutes 2002, section 10A.02, subdivision 12, is amended to read:

Subd. 12. [ADVISORY OPINIONS.] (a) The board may issue and publish advisory opinions on the requirements of this chapter or chapter 211A or 211B based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board must issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit.

(b) A written advisory opinion issued by the board is binding on the board in a subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion;

(2) the request has omitted or misstated material facts; or

(3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

(c) A request for an opinion and the opinion itself are nonpublic data. The board, however, may publish an opinion or a summary of an opinion, but may not include in the publication the name of the requester, the name of a person covered by a request from an agency or political subdivision, or any other information that might identify the requester, unless the person consents to the inclusion.

Sec. 7. [10A.61] [COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES.]

Subdivision 1. [ADMINISTRATIVE REMEDY; EXHAUSTION.] A complaint alleging a violation of chapter 211A or 211B or sections 383B.041 to 383B.058 must be filed with the board. The complaint must be finally disposed of by the board, or a panel of the board, before the alleged violation may be prosecuted by a county attorney.

Subd. 2. [LIMITATION ON FILING.] The complaint must be filed within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed within one year after the fraud, concealment, or misrepresentation was discovered.

Subd. 3. [FORM OF COMPLAINT.] The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The board may prescribe the form of a complaint.

Subd. 4. [PROOF OF CLAIM.] The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section 211B.06, relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter 211A or 211B or sections 383B.041 to 383B.058 is a preponderance of the evidence.

Subd. 5. [FILING FEE; WAIVER.] (a) The complaint must be accompanied by a filing fee of \$50, unless filed by a filing officer under section 211A.05, subdivision 2.

(b) The board may waive the payment of the filing fee. An individual seeking a waiver of the fee must file with the board an affidavit stating that the individual is financially unable to pay the fee because the individual is receiving public assistance or has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), or because of another good and sufficient reason.

Subd. 6. [REQUEST TO EXPEDITE.] If the complaint is filed within 60 days before the primary or special election, or within 90 days before the general election to which the complaint relates, the complainant may file with the board a request for an expedited hearing under section 10A.63.

Subd. 7. [SERVICE ON RESPONDENT.] Upon receipt of the filed complaint, the board must serve a copy of the complaint on the respondent.

Sec. 8. [10A.62] [REVIEW BY EXECUTIVE DIRECTOR.]

Subdivision 1. [TIME FOR REVIEW.] When practicable, within one business day after the complaint was filed with the board, but not longer than three business days, the executive director must review the complaint and make a recommendation to the board for its disposition.

Subd. 2. [RECOMMENDATION.] (a) If the executive director determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B or sections 383B.041 to 383B.058, the recommendation must be to dismiss the complaint. The board may dismiss the complaint without a hearing, as provided in section 10A.65, subdivision 2.

(b) If the executive director determines that the complaint sets forth a prima facie violation of section 211B.06 and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the recommendation must be that the complaint receive an expedited hearing under section 10A.63.

(c) If the executive director determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, or sections 383B.041 to 383B.058, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the executive director may recommend that the complaint receive an expedited hearing under section 10A.63. If the complaint was accompanied by a request from the complainant for an expedited hearing, the executive director must note the request along with the recommendation. In making the recommendation for an expedited hearing, the executive director must consider the gravity and urgency of the complaint and the number of complaints pending before panels of the board.

(d) If the complaint is not disposed of under paragraphs (a) to (c), the executive director must recommend that it be heard by the board under section 10A.64.

Subd. 3. [NOTICE TO PARTIES.] The board must notify all parties to the complaint of the recommendation made under subdivision 2 and that the respondent may submit evidence for consideration by the board or a panel of the board.

Subd. 4. [JOINDER AND SEPARATION OF COMPLAINTS.] The executive director may join two or more complaints if the executive director determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the executive director may separate the allegations if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the executive director separates the allegations in a complaint, the executive director may make separate recommendations under subdivision 2 for each allegation.

Sec. 9. [10A.63] [EXPEDITED HEARING.]

Subdivision 1. [ACTION ON RECOMMENDATION.] If the executive director has recommended under section 10A.62, subdivision 2, paragraph (b), that the complaint receive an expedited hearing, the board chair must schedule it for an expedited hearing. If the executive director has recommended under section 10A.62, subdivision 2, paragraph (c), that the complaint receive an expedited hearing, or if the executive director has recommended under section 10A.62, subdivision 2, paragraph (d), that the complaint be heard by the board without an expedited hearing, the recommendation must be submitted to all the members of the board. The board chair, or any three other members of the board, may instruct the executive director to schedule it for an expedited hearing.

Subd. 2. [APPOINTMENT OF PANEL.] The board chair must select by lot a panel of at least three members of the board, no more than half of whom support the same political party, to hear the complaint and determine whether there is probable cause to refer the complaint to the full board for a hearing under section 10A.64.

Subd. 3. [HEARING.] The panel must hold one expedited public hearing on the complaint no later than two business days after the executive director made the recommendation for an expedited hearing, except that for good cause the panel may hold the hearing no later than seven days after the executive director made the recommendation. This deadline may be extended by agreement of all parties to the complaint, but the hearing must be held not later than 90 days after the complaint was filed. The hearing may be conducted by a conference telephone call that meets all the requirements of section 13D.02 for public meetings by interactive television, except that it need not meet the requirement that participants be able to see each other. All members of the panel must be present, either in person or by electronic means, before any official action may be taken. The respondent may submit a response, including supporting affidavits and documentation, for consideration by the panel. A vote of a majority of all members of the panel is required for any official action.

Subd. 4. [DISPOSITION.] At the expedited hearing, the panel must make only one of the following determinations:

(a) There is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the panel so determines by a unanimous vote of all the members, it must dismiss the complaint. If the vote to dismiss is not unanimous, the panel must forward the complaint to the board for dismissal under section 10A.65, subdivision 2.

(b) There is probable cause to believe that the violation of law alleged in the complaint has occurred. If the panel so determines, it must refer the complaint to the board. The board must hear the complaint under section 10A.64 within ten days after the panel referred the complaint to it.

(c) The evidence is insufficient for the panel to make a determination under paragraph (a) or (b) and further investigation of the complaint is necessary. If the panel requests an investigation, it may consider the results of the investigation or it may refer the complaint to the board and the board must hold a hearing under section 10A.64.

Subd. 5. [RECONSIDERATION BY ENTIRE BOARD.] (a) If the panel dismisses the complaint, the panel shall provide to the complainant written notice of: (i) the right to seek reconsideration of the panel's decision by the entire board, under section 10A.64; and (ii) the cost-shifting and fee-shifting provisions of paragraph (c).

(b) A petition for reconsideration must be filed within two business days after the dismissal. The board must render its decision on the petition within three business days after receiving the petition. If the petition for reconsideration is granted, the board must hear the complaint under section 10A.64 within five business days after granting the petition.

(c) If the petition for reconsideration is not granted, the board may order the complainant who filed the petition to pay: (i) to the respondent, reasonable attorney fees for legal costs incurred following the panel's decision; and (ii) to the general fund, the costs of the panel that dismissed the complaint as determined by the board.

Sec. 10. [10A.64] [HEARING BY BOARD.]

Subdivision 1. [REVIEW BY BOARD.] The board must review each complaint referred to it by the executive director under section 10A.62 or by a panel under section 10A.63. The board may dismiss the complaint under section 10A.65, subdivision 2. If the board decides that the evidence is insufficient for it to determine whether the violation alleged in the complaint has occurred, the board may request an investigation.

Subd. 2. [DEADLINE FOR HEARING.] Unless dismissed, or expedited under section 10A.63, the board must hold its first hearing on each complaint within the following times:

(1) 30 days after the complaint was filed, if the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates; or

(2) 90 days after the complaint was filed, if it was filed at any other time.

For good cause shown, the board may extend either of these deadlines by 60 days.

Subd. 3. [HEARING.] The hearing must be conducted in public. The respondent may submit a response, including supporting affidavits and documentation, for consideration by the board.

Subd. 4. [DISPOSITION OF COMPLAINT.] At or within 14 days after the hearing, the board must determine whether the violation alleged in the complaint occurred and must do one or more of the following:

(a) The board may dismiss the complaint under section 10A.65, subdivision 2.

(b) The board may determine that the evidence is insufficient for it to determine whether the violation alleged in the complaint occurred and request that an investigation be conducted as provided in subdivision 1.

(c) The board may issue a reprimand.

(d) The board may find that a statement made in a paid advertisement or campaign material violated section 211B.06.

(e) The board may impose a civil penalty for any violation of chapter 211A or 211B or sections 383B.041 to 383B.058. The amount of the civil penalty imposed by the board may be up to \$3,000.

(f) The board may refer the complaint to the appropriate county attorney for prosecution.

Subd. 5. [FILING FEE.] If the board finds under subdivision 4, paragraph (d), that a statement violated section 211B.06, or if the board imposes a civil penalty under subdivision 4, paragraph (e), the board must refund the filing fee to the complainant and assess the amount of the filing fee against the respondent. If the complaint was filed by a filing officer under section 211A.05, subdivision 2, the board must impose a filing fee on a respondent found in violation of chapter 211A.

Sec. 11. [10A.65] [PROCEDURES.]

Subdivision 1. [WITHDRAWAL OF COMPLAINT.] At any time before the hearing, a complainant may withdraw a complaint filed under section 10A.61. After the hearing begins, a complaint filed under section 10A.61 may only be withdrawn with the permission of the board.

Subd. 2. [DISMISSAL OF COMPLAINT.] The board may at any time dismiss a complaint filed under section 10A.61 that is pending before it or before a panel of the board. If the board determines that the complaint was frivolous, the board may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the board as determined by the board.

Subd. 3. [OPEN MEETINGS.] While a complaint filed under section 10A.61 is pending before the board or a panel of the board, the members of the board must not discuss the complaint with a party to the complaint, an attorney representing a party to the complaint, or an investigator for the board except at a meeting of the board

subject to the Open Meeting Law, chapter 13D. The board, but not a panel of the board, may close a meeting to deliberate on a complaint under section 10A.64, subdivision 4. All votes must be made a part of the public record and all proceedings on the complaint, except as provided in this subdivision, must be open.

Sec. 12. Minnesota Statutes 2002, section 201.275, is amended to read:

201.275 [INVESTIGATIONS; PROSECUTIONS.]

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. ~~A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office.~~ The county attorney, ~~under the penalty of forfeiture of office,~~ shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution. The provisions of section 201.27, subdivision 3, do not apply to this section.

Sec. 13. Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

- ~~(a)~~ (1) for the office of governor; ~~and~~ lieutenant governor, \$300, plus a fair campaign fee of \$50;
- (2) for the office of attorney general, \$300, plus a fair campaign fee of \$50;
- (3) for the office of state auditor; ~~or~~ secretary of state, \$300, plus a fair campaign fee of \$50;
- (4) for the office of representative in Congress, \$300, plus a fair campaign fee of \$50;
- (5) for the office of judge of the Supreme Court; ~~or~~ judge of the Court of Appeals, ~~or~~ \$300, plus a fair campaign fee of \$50;
- (6) for judge of the district court, \$300, plus a fair campaign fee of \$50;
- ~~(b)~~ (7) for the office of senator in Congress, \$400, plus a fair campaign fee of \$50;
- ~~(c)~~ (8) for the office of senator ~~or~~ representative in the legislature, \$100, plus a fair campaign fee of \$50;
- (9) for the office of representative in the legislature, \$100, plus a fair campaign fee of \$50;
- ~~(d)~~ (10) for a county office, \$50, plus a fair campaign fee of \$50; and
- ~~(e)~~ (11) for the office of soil and water conservation district supervisor, \$20;
- (12) for the office of school board member, a fair campaign fee of \$5; and
- (13) for city office, a fair campaign fee of \$10.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees and fair campaign fees received by the secretary of state, and any fair campaign fees received by a county auditor or municipal or school district clerk, shall immediately be paid to the commissioner of finance.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 604.113. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 14. Minnesota Statutes 2002, section 211A.04, is amended to read:

211A.04 [~~SECRETARY OF STATE'S~~ CAMPAIGN FINANCE BOARD DUTIES.]

Subdivision 1. [REPORT FORMS.] The ~~secretary of state~~ Campaign Finance and Public Disclosure Board shall prepare blanks for reports required by section 211A.02. Copies must be furnished through the county auditor or otherwise, as the ~~secretary of state~~ board finds expedient, to a committee upon request or to a candidate upon filing for office.

Sec. 15. Minnesota Statutes 2002, section 211A.05, is amended to read:

211A.05 [FAILURE TO FILE STATEMENT.]

Subdivision 1. [PENALTY.] A candidate who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. The treasurer of a committee formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The ~~secretary of state~~ Campaign Finance and Public Disclosure Board shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor.

Subd. 2. [NOTICE OF FAILURE TO FILE.] If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the ~~county attorney of the county where the candidate resides or where the committee headquarters is located~~ Campaign Finance and Public Disclosure Board. The ~~county attorney~~ board shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the ~~county attorney~~ filing officer shall ~~proceed~~ file a complaint with the board under section ~~211A.08~~ 10A.61.

Sec. 16. [211A.085] [COUNTY ATTORNEY AUTHORITY.]

A county attorney may prosecute any violation of this chapter.

Sec. 17. Minnesota Statutes 2002, section 211B.14, is amended to read:

211B.14 [DIGEST OF LAWS.]

The ~~secretary of state~~ Campaign Finance and Public Disclosure Board, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the ~~secretary of state~~ board.

The ~~secretary of state~~ board shall distribute the digest to candidates and committees through the county auditor or otherwise as the ~~secretary of state~~ board considers expedient. A copy of the digest and, if appropriate, a financial reporting form and a certification of filing form must be distributed to each candidate by the filing officer at the time that the candidate's affidavit of candidacy is filed.

Sec. 18. Minnesota Statutes 2002, section 211B.15, subdivision 12, is amended to read:

Subd. 12. [REPORTS REQUIRED.] The total amount of an expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the ~~secretary of state~~ Campaign Finance and Public Disclosure Board. The reports must be filed on forms provided by the ~~secretary of state~~ board on the dates required for committees under section 211A.02. Failure to file is a misdemeanor.

Sec. 19. [211B.165] [COUNTY ATTORNEY AUTHORITY.]

A county attorney may prosecute any violation of this chapter.

Sec. 20. Minnesota Statutes 2002, section 383B.055, subdivision 2, is amended to read:

Subd. 2. The ~~county filing officer of Hennepin County~~ Campaign Finance and Public Disclosure Board shall develop forms for all statements and reports required to be filed under sections 383B.041 to 383B.054. The ~~filing officer~~ board shall furnish sufficient copies of the forms to all officers with whom candidates file affidavits or applications of candidacy and nominating petitions.

Sec. 21. [APPROPRIATION.]

\$82,500 is appropriated from the general fund to the Campaign Finance and Public Disclosure Board for the purposes of sections 1 to 24. This sum is available until June 30, 2005.

Sec. 22. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes, section 211B.11, subdivision 1, as section 204C.06, subdivision 8.

Sec. 23. [REPEALER.]

Minnesota Statutes 2002, sections 211A.08, subdivisions 1 and 2; and 211B.16, subdivisions 1 and 2, are repealed.

Sec. 24. [EFFECTIVE DATE.]

Sections 2 and 4 are effective January 1, 2006. Section 6 is effective January 1, 2005. Sections 3, 5, 12 to 20, 22, and 23 are effective July 1, 2004. Sections 7 to 11 are effective July 1, 2004, for complaints regarding candidates for legislative office and July 1, 2005, for all other matters. Section 21 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; establishing the Fair Campaign Reform Act; modifying fair campaign practices; modifying teachers retirement provisions; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 10A.02, subdivisions 1, 2, 3, 7, 12; 10A.31, subdivision 4; 11A.24, subdivision 6; 13.635, by adding a subdivision; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.103, subdivision 1a; 16A.53, subdivision 1, by adding subdivisions; 16A.531, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31, subdivision 3; 16B.55, subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 144.701, subdivision 4; 193.29, subdivision 3; 193.30; 193.31; 201.275; 211A.04; 211A.05; 211B.14; 211B.15, subdivisions 1, 12; 245.90; 270.063, subdivision 1; 270.71; 354A.08; 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivision 9; 383B.055, subdivision 2; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 16A.11, subdivision 3; 84.026; 116J.966, subdivision 1; 192.501, subdivision 2; 204B.11, subdivision 1; 354A.12, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapters 10A; 211A; 211B; 354A; repealing Minnesota Statutes 2002, sections 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2; Minnesota Statutes 2003 Supplement, section 16A.151, subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3061, A bill for an act relating to the State Board of Investment; authorizing increased State Board of Investment participation in venture capital investments; classifying data related to certain venture capital investments; appropriating money in the event of certain venture capital investment shortfalls; amending Minnesota Statutes 2002, sections 11A.24, subdivision 6, by adding a subdivision; 13.635, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 19, delete the new language

Page 3, delete lines 4 to 15

Pages 3 and 4, delete section 2

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to the State Board of Investment; classifying data related to certain venture capital investments; amending Minnesota Statutes 2002, sections 11A.24, subdivision 6; 13.635, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3089, A bill for an act relating to sports stadiums; providing for a process to build stadiums for the use of the Minnesota Twins and the Minnesota Vikings; establishing the Minnesota Stadium Authority; authorizing revenue bonds; authorizing certain local tax and revenues in certain communities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2002, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Reported the same back with the following amendments:

Page 2, line 18, after "authority" insert "or authorities"

Page 2, line 35, delete "and"

Page 2, after line 35, insert:

"(2) one member appointed by and serving at the pleasure of each of the following: the speaker of the house of representatives; the majority leader of the senate; and the minority leaders of the house of representatives and the senate; and"

Page 2, line 36, delete "(2)" and insert "(3)"

Page 3, line 1, after "members" insert "appointed under paragraph (a), clauses (1) and (3)"

Page 3, line 11, after the period, insert "Except to the extent otherwise explicitly provided in sections 473.75 to 473.758, the authority is a metropolitan agency and is governed by the laws applicable to metropolitan agencies. The authority is not a state agency."

Page 3, line 15, delete "gift" and insert "monetary or land contribution"

Page 4, line 27, delete "gifts of money" and insert "monetary contributions"

Page 4, line 32, delete "gift" and insert "monetary contributions"

Page 4, line 33, delete "gifts" and insert "monetary contributions"

Page 4, line 35, delete "council" and insert "authority"

Page 6, line 23, after the comma, insert "and"

Page 6, line 24, delete everything after "licenses" and insert a period

Page 6, line 25, delete everything before "Each"

Page 7, line 35, delete "Metropolitan" and insert "Minnesota"

Page 8, line 11, before "The" insert "In making determinations about the location of the stadiums, the authority must determine and consider the estimated cost to the public in constructing necessary public infrastructure for each location under consideration."

Page 8, line 22, delete everything after the headnote and insert "(a) The lease or use agreements must provide that if the franchise is sold during the term of the agreement, then any portion of the sale price that is attributable to enactment of this act or to public money spent to develop the stadium used by the franchise's team must be returned to the public for deposit in a reserve fund for improvements to the stadium."

(b) The lease or use agreement must provide that the franchise cannot be sold during the term of the agreement without approval of the authority unless:

(1) the franchise owner agrees with the authority on the portion of the sales price that will be returned to the public under paragraph (a); or

(2) the franchise owner agrees that the amount that will be returned to the public under paragraph (a) will be determined by a neutral party, selected by a method specified in the lease or use agreement.

Subd. 13. [ACCESS TO BOOKS AND RECORDS.] The authority must seek a provision in the lease or use agreements that provides the authority access to those financial books and records of the franchise that the authority deems necessary to carry out its duties under this act and to enforce the terms of any lease or use agreements entered into under this section. Any financial information obtained by the authority under this subdivision is nonpublic data under section 13.02, subdivision 9."

Page 8, delete lines 23 to 28

Renumber the remaining subdivisions in sequence

Page 9, after line 20, insert:

"Subd. 21. [SITE SELECTION COSTS.] To cover the authority's startup and site selection costs, the authority may assess each professional team up to \$400,000. The Metropolitan Sports Facilities Commission may provide staff and other assistance to the authority."

Page 10, line 25, after "at" insert "professional"

Page 10, line 29, before "baseball" insert "professional"

Page 11, line 3, after "to" insert "professional"

Page 11, line 5, after the first "at" insert "professional"

Page 11, line 8, before "football" insert "professional"

Page 11, line 16, delete "473.557" and insert "473.757"

Page 16, line 35, delete "473.558" and insert "473.758"

Delete the title and insert:

"A bill for an act relating to sports stadiums; providing for a process to build stadiums for the use of the Minnesota Twins and the Minnesota Vikings; establishing the Minnesota Stadium Authority; authorizing revenue bonds; authorizing certain taxes and revenues; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2002, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13."

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2684 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Cornish, Gunther and Finstad introduced:

H. F. No. 3152, A bill for an act relating to taxation; sales and use; exempting sales of stoves that burn certain biomass fuels; amending Minnesota Statutes 2002, section 297A.67, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Samuelson introduced:

H. F. No. 3153, A bill for an act relating to the city of New Brighton; changing certain requirements relating to a tax increment financing district; amending Laws 1998, chapter 389, article 11, section 24, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben introduced:

H. F. No. 3154, A bill for an act relating to taxation; providing an exemption from sales and use taxation of purchases for certain electric general facilities; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben and McNamara introduced:

H. F. No. 3155, A bill for an act relating to taxation; providing that certain personal property of an electric generation facility is exempt from property taxation; amending Minnesota Statutes 2002, section 272.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Wagenius introduced:

H. F. No. 3156, A bill for an act relating to taxation; income; modifying the electronic filing requirement; amending Minnesota Statutes 2003 Supplement, section 289A.08, subdivision 16.

The bill was read for the first time and referred to the Committee on Taxes.

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Abrams was excused between the hours of 11:50 a.m. and 1:10 p.m.

Pugh was excused between the hours of 11:55 a.m. and 4:25 p.m.

CERTIFICATION PURSUANT TO RULE 4.03
ON FINANCE AND REVENUE BILLS

March 31, 2004

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 1793, the Omnibus Education Finance bill and H. F. No. 2028, the Omnibus Judiciary Finance bill, reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE JIM KNOBLACH
Chair, House Ways and Means Committee

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day for Wednesday, March 31, 2004:

S. F. No. 58.

CALENDAR FOR THE DAY

The Speaker called Boudreau to the Chair.

S. F. No. 58 was reported to the House.

Jaros offered an amendment to S. F. No. 58, the third unofficial engrossment.

POINT OF ORDER

Paulsen raised a point of order pursuant to rule 3.21 that the Jaros amendment was not in order. Speaker pro tempore Boudreau ruled the point of order well taken and the Jaros amendment out of order.

Cox moved to amend S. F. No. 58, the third unofficial engrossment, as follows:

Page 19, line 36, delete "September 1, 2007" and insert "August 1, 2004"

A roll call was requested and properly seconded.

The question was taken on the Cox amendment and the roll was called. There were 44 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Bernardy	Eastlund	Hornstein	Lenczewski	Paulsen	Sykora
Biernat	Entenza	Huntley	Mahoney	Paymar	Thao
Brod	Erhardt	Johnson, S.	Mariani	Rhodes	Tingelstad
Carlson	Gerlach	Kahn	Meslow	Seagren	Wagenius
Cornish	Greiling	Kelliher	Murphy	Sieben	
Cox	Harder	Knoblach	Opatz	Slawik	
Davnie	Hausman	Larson	Otto	Soderstrom	
Dorman	Hilstrom	Latz	Ozment	Strachan	

Those who voted in the negative were:

Abeler	Demmer	Hoppe	Lindner	Pelowski	Swenson
Adolphson	Dempsey	Howes	Lipman	Penas	Thissen
Anderson, B.	Dill	Jacobson	Magnus	Peterson	Urdahl
Anderson, I.	Dorn	Jaros	Marquart	Powell	Vandever
Anderson, J.	Eken	Johnson, J.	McNamara	Rukavina	Walker
Atkins	Ellison	Klinzing	Mullery	Ruth	Walz
Beard	Erickson	Koenen	Nelson, C.	Samuelson	Wardlow
Blaine	Finstad	Kohls	Nelson, P.	Seifert	Wasiluk
Borrell	Fuller	Krinkie	Newman	Sertich	Westerberg
Boudreau	Goodwin	Kuisle	Nornes	Severson	Westrom
Bradley	Hackbarth	Lanning	Olsen, S.	Simpson	Wilkin
Buesgens	Heidgerken	Lesch	Olson, M.	Smith	Zellers
Davids	Hilty	Lieder	Osterman	Solberg	Spk. Sviggum
DeLaForest	Holberg	Lindgren	Otremba	Stang	

The motion did not prevail and the amendment was not adopted.

Rukavina offered an amendment to S. F. No. 58, the third unofficial engrossment.

POINT OF ORDER

Kohls raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. Speaker pro tempore Boudreau ruled the point of order well taken and the Rukavina amendment out of order.

S. F. No. 58, A bill for an act relating to crimes; reducing from 0.10 to 0.08 the per se alcohol concentration level for impairment offenses involving driving a motor vehicle, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, or operating military vehicles while impaired; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169A.20, subdivision 1; 169A.51, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.54, subdivision 7; 169A.76; 192A.555; 609.21; Minnesota Statutes 2003 Supplement, section 169A.53, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hoppe	Lindner	Ozment	Strachan
Adolphson	Dempsey	Hornstein	Lipman	Paulsen	Swenson
Anderson, B.	Dorman	Howes	Magnus	Paymar	Sykora
Anderson, J.	Dorn	Huntley	Mahoney	Pelowski	Thao
Atkins	Eastlund	Johnson, J.	Mariani	Penas	Thissen
Beard	Eken	Johnson, S.	Marquart	Peterson	Tingelstad
Bernardy	Ellison	Juhnke	McNamara	Powell	Urdahl
Biernat	Entenza	Kahn	Meslow	Rhodes	Vandever
Blaine	Erhardt	Kelliher	Murphy	Ruth	Wagenius
Borrell	Erickson	Klinzing	Nelson, C.	Samuelson	Walker
Boudreau	Finstad	Knoblach	Nelson, P.	Seagren	Walz
Bradley	Gerlach	Kohls	Newman	Seifert	Wardlow
Brod	Goodwin	Kuisle	Nornes	Severson	Wasiluk
Carlson	Greiling	Lanning	Olsen, S.	Sieben	Westerberg
Cornish	Harder	Larson	Olson, M.	Simpson	Westrom
Cox	Hausman	Latz	Opatz	Slawik	Wilkin
Davids	Hilstrom	Lenczewski	Osterman	Smith	Zellers
Davnie	Hilty	Lesch	Otremba	Soderstrom	Spk. Sviggum
DeLaForest	Holberg	Lieder	Otto	Stang	

Those who voted in the negative were:

Anderson, I.	Fuller	Jacobson	Krinkie	Rukavina
Buesgens	Hackbarth	Jaros	Lindgren	Sertich
Dill	Heidgerken	Koenen	Mullery	Solberg

The bill was passed and its title agreed to.

Paulsen moved that the remaining bill on the Calendar for the Day be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2028.

H. F. No. 2028 was reported to the House.

The Speaker resumed the Chair.

Vandever; Westerberg; Holberg; Otremba; Heidgerken; Anderson, I.; Klinzing; Gerlach; Boudreau; Krinkie; Abeler; Magnus; Zellers; Anderson, B.; Dill; Powell; Lindner; Olson, M., and Harder moved to amend H. F. No. 2028, the second engrossment, as follows:

Page 131, after line 9, insert:

"Sec. 3. Minnesota Statutes 2002, section 204B.36, is amended to read:

204B.36 [BALLOTS; FORM.]

Subdivision 1. [TYPE.] All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color. When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Subd. 2. [CANDIDATES AND OFFICES.] The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate a vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Subd. 3. [QUESTION; FORM OF BALLOT.] When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, "YES" and "NO" shall be printed to the left of this statement, with a square to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the question, or to put an (X) before the word "NO" if the voter desires to vote against the question.

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the Supreme Court:

"Chief justice - Supreme Court";

"Associate justice (number) - Supreme Court"

(b) In the case of the Court of Appeals:

"Judge (number) - Court of Appeals"; or

(c) In the case of the district court:

"Judge (number) - (number) district court."

~~Subd. 5. [DESIGNATION OF INCUMBENT; JUDICIAL OFFICES.] If a chief justice, associate justice, or judge is a candidate to succeed again, the word "incumbent" shall be printed after that judge's name as a candidate."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Entenza raised a point of order pursuant to rule 3.21 that the Vandever et al amendment was not in order. The Speaker ruled the point of order not well taken and the Vandever et al amendment in order.

The question recurred on the Vandever et al amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Holberg	Lindner	Otremba	Urdahl
Adolphson	Davids	Hoppe	Lipman	Penas	Vandever
Anderson, B.	DeLaForest	Howes	Magnus	Powell	Walz
Anderson, I.	Dill	Jacobson	Marquart	Rukavina	Wasiluk
Anderson, J.	Erickson	Johnson, J.	McNamara	Samuelson	Westerberg
Beard	Finstad	Klinzing	Nelson, C.	Seifert	Westrom
Blaine	Fuller	Kohls	Nelson, P.	Severson	Wilkin
Borrell	Gerlach	Krinkie	Nornes	Simpson	Zellers
Bradley	Harder	Kuisle	Olsen, S.	Soderstrom	Spk. Sviggum
Brod	Heidgerken	Lindgren	Olson, M.	Stang	

Those who voted in the negative were:

Abrams	Dorman	Hilty	Latz	Otto	Solberg
Atkins	Dorn	Hornstein	Lenczewski	Paulsen	Strachan
Bernardy	Eastlund	Huntley	Lesch	Paymar	Swenson
Biernat	Eken	Jaros	Lieder	Pelowski	Sykora
Boudreau	Ellison	Johnson, S.	Mahoney	Peterson	Thao
Carlson	Entenza	Juhnke	Mariani	Rhodes	Thissen
Clark	Erhardt	Kahn	Meslow	Ruth	Tingelstad
Cornish	Goodwin	Kelliher	Mullery	Seagren	Wagenius
Cox	Greiling	Knoblach	Murphy	Sertich	Walker
Davnie	Hackbarth	Koenen	Newman	Sieben	Wardlow
Demmer	Hausman	Lanning	Opatz	Slawik	
Dempsey	Hilstrom	Larson	Osterman	Smith	

The motion did not prevail and the amendment was not adopted.

Lesch offered an amendment to H. F. No. 2028, the second engrossment.

POINT OF ORDER

Mullery raised a point of order pursuant to rule 3.21 that the Lesch amendment was not in order. The Speaker ruled the point of order well taken and the Lesch amendment out of order.

Hilstrom offered an amendment to H. F. No. 2028, the second engrossment.

POINT OF ORDER

Paulsen raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Hilstrom amendment was not in order. The Speaker ruled the point of order well taken and the Hilstrom amendment out of order.

Hilstrom appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 79 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Holberg	Magnus	Rhodes	Urdahl
Abrams	DeLaForest	Hoppe	McNamara	Ruth	Vandevier
Adolphson	Demmer	Howes	Meslow	Samuelson	Walz
Anderson, B.	Dempsey	Jacobson	Nelson, C.	Seagren	Wardlow
Anderson, J.	Dorman	Johnson, J.	Nelson, P.	Seifert	Westerberg
Beard	Eastlund	Klinzing	Newman	Severson	Westrom
Blaine	Erhardt	Knoblach	Nornes	Simpson	Wilkin
Borrell	Erickson	Kohls	Olsen, S.	Smith	Zellers
Boudreau	Finstad	Krinkie	Olson, M.	Soderstrom	Spk. Sviggum
Bradley	Fuller	Kuisle	Osterman	Stang	
Brod	Gerlach	Lanning	Ozment	Strachan	
Buesgens	Hackbarth	Lindgren	Paulsen	Swenson	
Cornish	Harder	Lindner	Penas	Sykora	
Cox	Heidgerken	Lipman	Powell	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Davnie	Goodwin	Huntley	Koenen	Mahoney
Atkins	Dill	Greiling	Jaros	Larson	Mariani
Bernardy	Dorn	Hausman	Johnson, S.	Latz	Marquart
Biernat	Eken	Hilstrom	Juhnke	Lenczewski	Mullery
Carlson	Ellison	Hilty	Kahn	Lesch	Murphy
Clark	Entenza	Hornstein	Kelliher	Lieder	Opatz

Otto	Peterson	Sieben	Thao	Walker
Paymar	Rukavina	Slawik	Thissen	
Pelowski	Sertich	Solberg	Wagenius	

So it was the judgment of the House that the decision of the Speaker should stand.

Mullery moved to amend H. F. No. 2028, the second engrossment, as follows:

Page 65, after line 21, insert:

"Subd. 5a. [CONDITIONAL RELEASE.] (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court convicts a person who is a level III sex offender under section 244.052, subdivision 3, paragraph (e), for a violation of subdivision 5, the court shall provide that after the person has completed the sentence imposed, the commissioner of corrections shall place the person on conditional release for the remainder of the person's life.

(b) The conditions of release may include satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in prison.

Conditional release under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision or section 244.05."

Page 70, line 5, after "section" insert ", except for subdivision 5a."

Page 70, line 9, after the period, insert "Subdivision 5a is effective August 1, 2004, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Meslow raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Mullery amendment was not in order. The Speaker ruled the point of order not well taken and the Mullery amendment in order.

The question recurred on the Mullery amendment and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, B.	Atkins	Biernat	Boudreau	Buesgens
Abrams	Anderson, I.	Beard	Blaine	Bradley	Carlson
Adolphson	Anderson, J.	Bernardy	Borrell	Brod	Clark

Cornish	Goodwin	Kelliher	Marquart	Penas	Swenson
Cox	Greiling	Klinzing	McNamara	Peterson	Sykora
Davids	Hackbarth	Knoblach	Meslow	Powell	Thao
Davnie	Harder	Koenen	Mullery	Rhodes	Thissen
DeLaForest	Hausman	Kohls	Murphy	Rukavina	Tingelstad
Demmer	Heidgerken	Krinkie	Nelson, C.	Ruth	Urdahl
Dempsey	Hilstrom	Kuisle	Nelson, P.	Samuelson	Vandever
Dill	Hilty	Lanning	Newman	Seagren	Wagenius
Dorman	Holberg	Larson	Nornes	Seifert	Walker
Dorn	Hoppe	Latz	Olsen, S.	Sertich	Walz
Eastlund	Hornstein	Lenczewski	Olson, M.	Severson	Wardlow
Eken	Howes	Lesch	Opatz	Sieben	Wasiluk
Ellison	Huntley	Lieder	Osterman	Simpson	Westerberg
Entenza	Jacobson	Lindgren	Otremba	Slawik	Westrom
Erhardt	Jaros	Lindner	Otto	Smith	Wilkin
Erickson	Johnson, J.	Lipman	Ozment	Soderstrom	Zellers
Finstad	Johnson, S.	Magnus	Paulsen	Solberg	Spk. Sviggum
Fuller	Juhnke	Mahoney	Paymar	Stang	
Gerlach	Kahn	Mariani	Pelowski	Strachan	

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Hilstrom moved to amend H. F. No. 2028, the second engrossment, as amended, as follows:

Page 20, after line 16, insert:

"Sec. 6. Minnesota Statutes 2002, section 253B.185, is amended by adding a subdivision to read:

Subd. 7. [REPORT.] The commissioner of corrections must prepare a report each fiscal year that identifies and describes each circumstance where the commissioner:

(1) received a person for incarceration with at least 12 months remaining in the person's term of imprisonment and the commissioner did not notify the county attorney of the county where the person was convicted at least 12 months before the person's release date that a petition for civil commitment may be appropriate; or

(2) received a person for incarceration with less than 12 months remaining in the person's term of imprisonment and the commissioner did not notify the county attorney of the county where the person was convicted prior to the person's release date that a petition for civil commitment may be appropriate.

The report is due to the ranking members of the house and senate committees having jurisdiction over judiciary finance and health and human services finance by October 1 of each year.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Walker, Thao, Ellison, Mariani and Clark moved to amend H. F. No. 2028, the second engrossment, as amended, as follows:

Page 151, line 35, after "(12)" delete the remainder of the line and insert "four members who are licensed peace officers, one each of whom is selected by the Council on Black Minnesotans, the Council on Asian-Pacific Minnesotans, the Council on Affairs of Chicano/Latino People of Minnesota, and the Indian Affairs Council"

Page 151, line 36, delete everything before the period

The motion prevailed and the amendment was adopted.

Paymar moved to amend H. F. No. 2028, the second engrossment, as amended, as follows:

Page 8, line 1, delete "(1,572,000)" and insert "(572,000)"

Page 8, line 44, delete "4,136,000" and insert "3,136,000"

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar amendment and the roll was called. There were 26 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Atkins	Ellison	Huntley	Latz	Paymar	Wagenius
Biernat	Entenza	Jaros	Lesch	Rukavina	
Clark	Hausman	Johnson, S.	Mahoney	Sertich	
Davnie	Hilstrom	Kahn	Mariani	Thao	
Dill	Hornstein	Kelliher	Mullery	Thissen	

Those who voted in the negative were:

Abeler	Blaine	Cox	Eken	Hackbarth	Johnson, J.
Abrams	Borrell	Davids	Erhardt	Harder	Juhnke
Adolphson	Boudreau	DeLaForest	Erickson	Heidgerken	Klinzing
Anderson, B.	Bradley	Demmer	Finstad	Hilty	Knoblach
Anderson, I.	Brod	Dempsey	Fuller	Holberg	Koenen
Anderson, J.	Buesgens	Dorman	Gerlach	Hoppe	Kohls
Beard	Carlson	Dorn	Goodwin	Howes	Krinkie
Bernardy	Cornish	Eastlund	Greiling	Jacobson	Kuisle

Lanning	Meslow	Otremba	Samuelson	Stang	Wasiluk
Larson	Murphy	Otto	Seagren	Strachan	Westerberg
Lenczewski	Nelson, C.	Ozment	Seifert	Swenson	Westrom
Lieder	Nelson, P.	Paulsen	Severson	Sykora	Wilkin
Lindgren	Newman	Pelowski	Sieben	Tingelstad	Zellers
Lindner	Nornes	Penas	Simpson	Urdahl	Spk. Sviggum
Lipman	Olsen, S.	Peterson	Slawik	Vandever	
Magnus	Olson, M.	Powell	Smith	Walker	
Marquart	Opatz	Rhodes	Soderstrom	Walz	
McNamara	Osterman	Ruth	Solberg	Wardlow	

The motion did not prevail and the amendment was not adopted.

Paymar moved to amend H. F. No. 2028, the second engrossment, as amended, as follows:

Pages 151 to 154, delete section 8

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar amendment and the roll was called. There were 33 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Biernat	Greiling	Kahn	Lesch	Samuelson	Wagenius
Carlson	Hausman	Kelliher	Mahoney	Seagren	Walker
Clark	Hilstrom	Krinkie	Mariani	Sieben	Wasiluk
Davnie	Hornstein	Larson	Mullery	Sykora	
Ellison	Jacobson	Latz	Paymar	Thao	
Gerlach	Johnson, S.	Lenczewski	Rhodes	Thissen	

Those who voted in the negative were:

Abeler	Brod	Erhardt	Jaros	Magnus	Otremba
Abrams	Buesgens	Erickson	Johnson, J.	Marquart	Otto
Adolphson	Cornish	Finstad	Juhnke	McNamara	Ozment
Anderson, B.	Cox	Fuller	Klinzing	Meslow	Paulsen
Anderson, I.	Dauids	Goodwin	Knoblach	Murphy	Pelowski
Anderson, J.	DeLaForest	Hackbarth	Koenen	Nelson, C.	Penas
Atkins	Demmer	Harder	Kohls	Nelson, P.	Peterson
Beard	Dempsey	Heidgerken	Kuisle	Newman	Powell
Bernardy	Dill	Hilty	Lanning	Nornes	Rukavina
Blaine	Dorman	Holberg	Lieder	Olsen, S.	Ruth
Borrell	Dorn	Hoppe	Lindgren	Olson, M.	Seifert
Boudreau	Eastlund	Howes	Lindner	Opatz	Sertich
Bradley	Eken	Huntley	Lipman	Osterman	Severson

Simpson	Stang	Tingelstad	Walz	Westrom	Spk. Sviggum
Smith	Strachan	Urdahl	Wardlow	Wilkin	
Soderstrom	Swenson	Vandever	Westerberg	Zellers	

The motion did not prevail and the amendment was not adopted.

Anderson, I., moved to amend H. F. No. 2028, the second engrossment, as amended, as follows:

Page 148, after line 6, insert:

"Sec. 4. Minnesota Statutes 2002, section 171.12, subdivision 3, is amended to read:

Subd. 3. [APPLICATION AND RECORD, WHEN DESTROYED.] The department may cause applications for drivers' licenses, provisional licenses, and instruction permits, and related records, to be destroyed immediately after the period for which issued, except that:

(1) the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents ~~shall be~~ are cumulative and must be kept for a period of at least five years; and

(2) the driver's record pertaining to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections 169A.31 and 171.24, subdivision 5, ~~shall be~~ are cumulative and must be kept for a period of at least 15 years, except as provided in clause (3); and

(3) the driver's record pertaining to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of section 169A.31 must be purged after seven years of any reference to an offense or action if the driver has incurred no other alcohol-related offenses or licensing actions under those sections during the seven-year period.

[EFFECTIVE DATE.] This section is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2028, A bill for an act relating to public safety; appropriating money for the courts, public safety, corrections, the Sentencing Guidelines Commission, public defenders, and other agencies and programs; providing a life penalty without the possibility of release for certain first degree criminal sexual conduct crimes; creating indeterminate sentences and mandatory life sentences for certain first through fourth degree criminal sexual conduct crimes; creating a new criminal sexual predatory conduct crime; establishing the Minnesota Sex Offender Review Board; providing procedures for operation of the review board; specifying when an offender may petition for conditional release; directing the Sentencing Guidelines Commission to designate presumptive sentences for certain offenses; requiring the commissioner of corrections to establish criteria and procedures for reviewing offenders' petitions for release; allowing the Minnesota Sex Offender Review Board and the commissioner of corrections to proceed with expedited rulemaking; exempting the review board from contested case proceedings; granting the review board access to certain data; specifying that the Open Meeting Law does not apply to meetings and hearings of the Minnesota Sex Offender Review Board; providing a registration procedure when a person lacks a primary

address; expanding the scope of the predatory offender registration law; requiring the commissioner of corrections to convene an end-of-confinement review committee to assess the risk level of certain offenders coming into Minnesota from another state and released from federal facilities; allowing community notification pursuant to a risk level assigned in another state; requiring the Bureau of Criminal Apprehension to forward registration and notification information on certain offenders to the Department of Corrections; regulating the sale of methamphetamine precursor drugs; authorizing reporting of suspicious transactions involving these drugs and providing civil immunity for so doing; requiring a methamphetamine educational program for retailers and consumers; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine; establishing new methamphetamine-related crimes; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that vehicles and other property used to manufacture methamphetamine indicate this in the title or deed; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; expanding the crime of causing death while committing child abuse; treating probation officers the same as correctional employees for purposes of certain assaults; specifically including conduct involving sex trafficking in the promoting prostitution crime; modifying the distribution formula for prostitution and sex trafficking-related forfeiture proceeds; prohibiting nonvehicular evasive flight from a peace officer; establishing a crime for interfering with ambulance service personnel who are providing emergency care; increasing the criminal penalties for interfering with privacy; increasing the age of protected minor victims for enhanced penalties for this crime; providing for representation by the public defender; providing public defender access to government data; requiring the public defense co-payment to be deposited in the general fund; increasing the appropriation for fiscal year 2005; permitting Ramsey County to collect and receive a \$1 criminal surcharge in order to fund Ramsey County's petty misdemeanor diversion program; providing that when a person is arrested for driving while impaired, the arresting officer must invalidate and return the person's driver's license card for use as an identification card during the period of license suspension, revocation, or cancellation; clarifying DWI plate impoundment law; establishing an expedited process for the nonconsensual collection of a blood sample from an inmate when a corrections employee is significantly exposed to the potential transfer of a bloodborne pathogen; providing for the safety of emergency workers on highways; defining "appropriate reduced speed" when approaching or passing stopped emergency vehicle in certain circumstances; authorizing citation within four hours of offense; proscribing a penalty on owner or lessee of vehicle when driver fails to drive at appropriate reduced speed at the scene of an emergency; requiring certain information to be included in driver education curriculum and driver's manual; providing procedures for retention of DNA evidence; authorizing retired court commissioners to be appointed to perform judicial duties in the district court; providing increased reimbursement for bullet-resistant vests; prohibiting falsely reporting police misconduct; imposing criminal penalties; providing for the rights of victims of sexual assault; instructing the revisor to recodify and renumber statutes; making various technical and conforming changes; amending Minnesota Statutes 2002, sections 2.722, subdivision 1; 2.724, subdivision 3; 13.851, by adding a subdivision; 13D.01, subdivision 2; 152.135, subdivision 2; 168A.05, subdivision 3; 169.14, subdivision 3, by adding subdivisions; 169A.52, subdivision 7; 169A.60, subdivision 11; 169A.63, subdivision 8; 171.12, subdivision 3; 171.13, by adding a subdivision; 241.336, by adding a subdivision; 241.67, subdivision 3; 243.166, as amended; 243.167; 243.24, subdivision 2; 243.55, subdivision 1; 244.05, subdivisions 1, 3, 4, 5, 6, 7; 244.052, subdivisions 3, 4, by adding a subdivision; 244.195, subdivision 1; 253B.02, by adding a subdivision; 253B.07, subdivisions 1, 4; 253B.08, subdivisions 2, 5a; 253B.16, subdivision 2; 253B.18, subdivisions 4a, 4b, 4c, 5; 253B.185, subdivision 2, by adding a subdivision; 253B.19, subdivision 2; 253B.20, subdivision 3; 260C.163, subdivision 3; 299A.38, subdivisions 2, 2a; 357.021, by adding a subdivision; 401.01, subdivision 2; 489.01, by adding a subdivision; 604.15, by adding a subdivision; 609.1095, subdivision 1; 609.117, subdivisions 1, 2; 609.1351; 609.185; 609.2231, subdivision 1; 609.321, subdivision 7, by adding a subdivision; 609.341, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3452, subdivision 4; 609.347; 609.3471; 609.348; 609.353; 609.487, by adding a subdivision; 609.50, subdivision 1; 609.505; 609.5315, subdivision 1, by adding a subdivision; 609.746, subdivision 1; 609.748, subdivisions 2, 3a; 609.749, subdivisions 1, 2; 611.16; 611.215, subdivision 1; 611A.02, subdivision 2; 631.045; Minnesota Statutes 2003 Supplement, sections 152.021, subdivisions 2a, 3; 270A.03, subdivision 5; 357.021, subdivisions 6, 7; 609.2231, subdivision 3; 611.14; 611.17, subdivision 1; 611.25, subdivision 1; 611.26, subdivision 6; 611.272; proposing

coding for new law in Minnesota Statutes, chapters 152; 244; 299A; 446A; 590; 609; proposing coding for new law as Minnesota Statutes, chapter 545A; repealing Minnesota Statutes 2002, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5; 243.166, subdivisions 1, 8; 299A.64; 299A.65; 299A.66; 486.055; 609.108; 609.109; Minnesota Statutes 2003 Supplement, section 611.18.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Holberg	Lieder	Otto	Stang
Abrams	Demmer	Hoppe	Lindgren	Ozment	Strachan
Adolphson	Dempsey	Hornstein	Lindner	Paulsen	Swenson
Anderson, B.	Dill	Howes	Lipman	Pelowski	Sykora
Anderson, I.	Dorman	Huntley	Magnus	Penas	Thissen
Anderson, J.	Dorn	Jacobson	Mahoney	Peterson	Tingelstad
Atkins	Eastlund	Johnson, J.	Marquart	Powell	Urdahl
Beard	Eken	Juhnke	McNamara	Rhodes	Vandevveer
Bernardy	Entenza	Kelliher	Meslow	Ruth	Wagenius
Blaine	Erhardt	Klinzing	Mullery	Samuelson	Walz
Borrell	Erickson	Knoblach	Murphy	Seagren	Wardlow
Boudreau	Finstad	Koenen	Nelson, C.	Seifert	Wasiluk
Bradley	Fuller	Kohls	Nelson, P.	Sertich	Westerberg
Brod	Gerlach	Krinkie	Newman	Severson	Westrom
Buesgens	Greiling	Kuisle	Nornes	Sieben	Wilkin
Carlson	Hackbarth	Lanning	Olsen, S.	Simpson	Zellers
Cornish	Harder	Larson	Olson, M.	Slawik	Spk. Sviggum
Cox	Heidgerken	Latz	Opatz	Smith	
Davids	Hilstrom	Lenczewski	Osterman	Soderstrom	
Davnie	Hilty	Lesch	Otremba	Solberg	

Those who voted in the negative were:

Biernat	Goodwin	Johnson, S.	Paymar	Walker
Clark	Hausman	Kahn	Rukavina	
Ellison	Jaros	Mariani	Thao	

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1793.

H. F. No. 1793 was reported to the House.

The Speaker called Abrams to the Chair.

Carlson moved that H. F. No. 1793 be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Carlson motion and the roll was called. There were 53 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hornstein	Latz	Olson, M.	Sieben
Atkins	Eken	Huntley	Lenczewski	Opatz	Slawik
Bernardy	Ellison	Jaros	Lesch	Otremba	Solberg
Biernat	Entenza	Johnson, S.	Lieder	Otto	Thao
Borrell	Goodwin	Juhnke	Mahoney	Paymar	Thissen
Carlson	Greiling	Kahn	Mariani	Pelowski	Wagenius
Clark	Hausman	Kelliher	Marquart	Peterson	Walker
Davnie	Hilstrom	Koenen	Mullery	Rukavina	Wasiluk
Dill	Hilty	Larson	Murphy	Sertich	

Those who voted in the negative were:

Abeler	Davids	Heidgerken	Lindner	Penas	Swenson
Abrams	DeLaForest	Holberg	Lipman	Powell	Sykora
Adolphson	Demmer	Hoppe	Magnus	Rhodes	Tingelstad
Anderson, B.	Dempsey	Howes	McNamara	Ruth	Urdahl
Anderson, J.	Dorman	Jacobson	Meslow	Samuelson	Vandever
Beard	Eastlund	Johnson, J.	Nelson, C.	Seagren	Walz
Blaine	Erhardt	Klinzing	Nelson, P.	Seifert	Wardlow
Boudreau	Erickson	Knoblach	Newman	Severson	Westerberg
Bradley	Finstad	Kohls	Nornes	Simpson	Westrom
Brod	Fuller	Krinkie	Olsen, S.	Smith	Wilkin
Buesgens	Gerlach	Kuisle	Osterman	Soderstrom	Zellers
Cornish	Hackbarth	Lanning	Ozment	Stang	Spk. Sviggum
Cox	Harder	Lindgren	Paulsen	Strachan	

The motion did not prevail.

POINT OF ORDER

Carlson raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that H. F. No. 1793 was not in order. Speaker pro tempore Abrams ruled the point of order not well taken and H. F. No. 1793 in order.

Entenza appealed the ruling of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Abrams stand as the judgment of the House?" and the roll was called. There were 78 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Harder	Lindgren	Paulsen	Strachan
Abrams	Dauids	Heidgerken	Lindner	Penas	Swenson
Adolphson	DeLaForest	Holberg	Lipman	Powell	Sykora
Anderson, B.	Demmer	Hoppe	Magnus	Rhodes	Tingelstad
Anderson, J.	Dempsey	Howes	McNamara	Ruth	Urdahl
Beard	Dorman	Jacobson	Meslow	Samuelson	Vandever
Blaine	Eastlund	Johnson, J.	Nelson, C.	Seagren	Walz
Borrell	Erhardt	Klinzing	Nelson, P.	Seifert	Wardlow
Boudreau	Erickson	Knobloch	Newman	Severson	Westerberg
Bradley	Finstad	Kohls	Nornes	Simpson	Westrom
Brod	Fuller	Krinkie	Olsen, S.	Smith	Wilkin
Buesgens	Gerlach	Kuisle	Osterman	Soderstrom	Zellers
Cornish	Hackbarth	Lanning	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Eken	Jaros	Lesch	Otremba	Slawik
Atkins	Ellison	Johnson, S.	Lieder	Otto	Solberg
Bernardy	Entenza	Juhnke	Mahoney	Paymar	Thao
Biernat	Goodwin	Kahn	Mariani	Pelowski	Thissen
Carlson	Greiling	Kelliher	Marquart	Peterson	Wagenius
Clark	Hausman	Koenen	Mullery	Pugh	Walker
Davnie	Hilty	Larson	Murphy	Rukavina	Wasiluk
Dill	Hornstein	Latz	Olson, M.	Sertich	
Dorn	Huntley	Lenzewski	Opatz	Sieben	

So it was the judgment of the House that the decision of Speaker pro tempore Abrams should stand.

Cornish moved to amend H. F. No. 1793, the second engrossment, as follows:

Page 45, after line 19, insert:

"Sec. 17. Minnesota Statutes 2003 Supplement, section 121A.64, is amended to read:

121A.64 [NOTIFICATION; TEACHERS' LEGITIMATE EDUCATIONAL INTEREST.]

(a) A classroom teacher has a legitimate educational interest in knowing which students placed in the teacher's classroom have a history of violent behavior and must be notified before such students are placed in the teacher's classroom.

(b) Representatives of the school board and the exclusive representative of the teachers shall discuss issues related to the model policy on student records adopted under Laws 1999, chapter 241, article 9, section 50, and any modifications adopted under Laws 2003, First Special Session chapter 9, for notifying classroom teachers and other school district employees having a legitimate educational interest in knowing about students with a history of violent

behavior placed in classrooms. The representatives of the school board and the exclusive representative of the teachers also may discuss the need for intervention services or conflict resolution or training for staff related to placing students with a history of violent behavior in teachers' classrooms.

(c) A school district or employee of a school district is immune from liability in any civil, administrative, or criminal action relating to this section if a good faith effort has been made to comply with the notification requirement. A school district is required to adopt a policy that implements this section.

Sec. 18. Minnesota Statutes 2002, section 121A.75, is amended by adding a subdivision to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] A school district or employee of a school district is immune from liability in any civil, administrative, or criminal action relating to this section if a good faith effort has been made to comply with the notification requirements. A school district is required to adopt a policy that implements this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Johnson, S., was excused for the remainder of today's session.

Seifert moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 14, after line 34, insert:

"Sec. 12. Minnesota Statutes 2002, section 126C.10, subdivision 2, is amended to read:

Subd. 2. [BASIC REVENUE.] The basic revenue for each district equals the formula allowance times the adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 2001 is \$3,964. The formula allowance for fiscal year 2002 is \$4,068. The formula allowance for fiscal year 2003 and ~~subsequent years~~ fiscal year 2004 is \$4,601. The formula allowance for fiscal year 2005 and later is \$4,630."

Page 32, line 27, delete "\$5,017,204,000" and insert "\$5,039,797,000"

Page 32, line 32, delete "\$4,007,382,000" and insert "\$4,029,975,000"

Page 78, after line 10, insert:

"Sec. 40. Minnesota Statutes 2003 Supplement, section 124D.86, subdivision 3, is amended to read:

Subd. 3. [INTEGRATION REVENUE.] Integration revenue equals the sum of \$67 in state aid times the adjusted pupil units for the school plus the following levy amounts:

(1) for Independent School District No. 709, Duluth, ~~\$206~~ \$61.80 times the adjusted pupil units for the school year;

(2) for Independent School District No. 625, St. Paul, ~~\$445~~ \$133.50 times the adjusted pupil units for the school year;

(3) for Special School District No. 1, Minneapolis, the sum of ~~\$445~~ \$168.50 times the adjusted pupil units for the school year ~~and an additional \$35 times the adjusted pupil units for the school year that is provided entirely through a local levy;~~

(4) for a district not listed in clause (1), (2), or (3), that must implement a plan under Minnesota Rules, parts 3535.0100 to 3535.0180, where the district's enrollment of protected students, as defined under Minnesota Rules, part 3535.0110, exceeds 15 percent, the lesser of (i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or (ii) ~~\$129~~ \$37.50 times the adjusted pupil units for the school year;

(5) for a district not listed in clause (1), (2), (3), or (4), that is required to implement a plan according to the requirements of Minnesota Rules, parts 3535.0100 to 3535.0180, the lesser of

(i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or

(ii) ~~\$92~~ \$28.50 times the adjusted pupil units for the school year.

Any money received by districts in clauses (1) to (3) which exceeds the amount received in fiscal year 2000 shall be subject to the budget requirements in subdivision 1a; and

(6) for a member district of a multidistrict integration collaborative that files a plan with the commissioner, but is not contiguous to a racially isolated district, integration revenue equals the amount defined in clause (5).

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2005.

Sec. 41. Minnesota Statutes 2003 Supplement, section 124D.86, subdivision 4, is amended to read:

Subd. 4. [INTEGRATION LEVY.] A district may levy an ~~the~~ amount ~~equal to 37 percent for fiscal year 2003, 23 percent for fiscal year 2004, and 30 percent for fiscal year 2005 and thereafter of the district's integration revenue as defined specified in subdivision 3 1.~~

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2005."

Page 90, line 29, delete "\$55,899,000" and insert "\$33,306,000"

Page 90, line 33, delete "\$44,029,000" and insert "\$21,436,000"

Page 102, after line 15, insert:

"(c) Minnesota Statutes 2003 Supplement, section 124D.86, subdivision 5 is repealed for revenue for fiscal year 2005."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Davnie moved to amend the Seifert amendment to H. F. No. 1793, the second engrossment, as amended, as follows:

Page 1, delete lines 3 to 24

Page 2, delete lines 1 to 31

Page 2, line 34 before "the" insert "30 percent of"

Page 3, line 2, after "1." insert "For purposes of this section, "materials" excludes art work and other materials not directly related to instructional curriculum. A school district must ensure that as much of its integration revenue as possible is spent on direct classroom instruction."

Page 3, delete lines 5 to 11

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 50 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Huntley	Lenczewski	Paymar	Thao
Abrams	Ellison	Jaros	Lesch	Peterson	Thissen
Atkins	Entenza	Juhnke	Mahoney	Pugh	Wagenius
Bernardy	Goodwin	Kahn	Mariani	Rhodes	Walker
Biernat	Greiling	Kelliher	Mullery	Seagren	Wasiluk
Brod	Hausman	Koenen	Murphy	Sieben	
Carlson	Hilstrom	Lanning	Osterman	Slawik	
Clark	Hilty	Larson	Otremba	Smith	
Davnie	Hornstein	Latz	Ozment	Sykora	

Those who voted in the negative were:

Adolphson	Demmer	Holberg	Magnus	Powell	Urdahl
Anderson, B.	Dill	Hoppe	Marquart	Rukavina	Vandever
Anderson, I.	Dorman	Howes	McNamara	Ruth	Walz
Anderson, J.	Dorn	Jacobson	Meslow	Samuelson	Wardlow
Beard	Eastlund	Johnson, J.	Nelson, C.	Seifert	Westerberg
Blaine	Eken	Klinzing	Nelson, P.	Sertich	Westrom
Borrell	Erhardt	Knoblach	Newman	Severson	Wilkin
Boudreau	Erickson	Kohls	Nornes	Simpson	Zellers
Bradley	Finstad	Krinkie	Olsen, S.	Soderstrom	Spk. Sviggum
Buesgens	Fuller	Kuisle	Olson, M.	Solberg	
Cornish	Gerlach	Lieder	Opatz	Stang	
Cox	Hackbarth	Lindgren	Paulsen	Strachan	
Davids	Harder	Lindner	Pelowski	Swenson	
DeLaForest	Heidgerken	Lipman	Penas	Tingelstad	

The motion did not prevail and the amendment to the amendment was not adopted.

The Speaker resumed the Chair.

CALL OF THE HOUSE

On the motion of Paulsen and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	DeLaForest	Hilty	Lieder	Ozment	Stang
Abrams	Demmer	Hoppe	Lindgren	Paulsen	Strachan
Adolphson	Dempsey	Hornstein	Lindner	Paymar	Swenson
Anderson, B.	Dill	Howes	Lipman	Pelowski	Sykora
Anderson, I.	Dorman	Huntley	Magnus	Penas	Thao
Anderson, J.	Dorn	Jacobson	Mahoney	Peterson	Thissen
Atkins	Eastlund	Jaros	Mariani	Powell	Tingelstad
Beard	Eken	Johnson, J.	Marquart	Pugh	Urdahl
Bernardy	Ellison	Juhnke	McNamara	Rhodes	Vandev eer
Biernat	Entenza	Kahn	Meslow	Rukavina	Wagenius
Blaine	Erhardt	Kelliher	Mullery	Ruth	Walker
Borrell	Erickson	Klinzing	Murphy	Samuelson	Walz
Boudreau	Finstad	Knoblach	Nelson, C.	Seagren	Wardlow
Bradley	Fuller	Koenen	Nelson, P.	Seifert	Westerberg
Brod	Gerlach	Kohls	Newman	Sertich	Westrom
Buesgens	Goodwin	Krinkie	Nornes	Severson	Wilkin
Carlson	Greiling	Kuisle	Olsen, S.	Sieben	Zellers
Clark	Hackbarth	Lanning	Olson, M.	Simpson	Spk. Sviggum
Cornish	Harder	Larson	Opatz	Slawik	
Cox	Hausman	Latz	Osterman	Smith	
Davids	Heidgerken	Lenczewski	Otremba	Soderstrom	
Davnie	Hilstrom	Lesch	Otto	Solberg	

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Seifert amendment and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 85 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Adolphson	Cornish	Finstad	Koenen	Nelson, C.	Peterson
Anderson, B.	Cox	Fuller	Kohls	Nelson, P.	Powell
Anderson, I.	Davids	Gerlach	Krinkie	Newman	Rukavina
Anderson, J.	DeLaForest	Hackbarth	Kuisle	Nornes	Ruth
Atkins	Demmer	Harder	Lieder	Olsen, S.	Samuelson
Beard	Dempsey	Heidgerken	Lindgren	Olson, M.	Seifert
Blaine	Dill	Holberg	Lindner	Opatz	Sertich
Borrell	Dorman	Hoppe	Lipman	Otremba	Severson
Boudreau	Dorn	Howes	Magnus	Otto	Simpson
Bradley	Eastlund	Jacobson	Marquart	Paulsen	Smith
Brod	Eken	Johnson, J.	McNamara	Pelowski	Soderstrom
Buesgens	Erickson	Knoblach	Meslow	Penas	Solberg

Stang	Tingelstad	Walz	Westrom	Spk. Sviggum
Strachan	Urdahl	Wardlow	Wilkin	
Swenson	Vandev eer	Westerberg	Zellers	

Those who voted in the negative were:

Abeler	Entenza	Huntley	Latz	Ozment	Thao
Abrams	Erhardt	Jaros	Lenczewski	Paymar	Thissen
Bernardy	Goodwin	Juhnke	Lesch	Pugh	Wagenius
Biernat	Greiling	Kahn	Mahoney	Rhodes	Walker
Carlson	Hausman	Kelliher	Mariani	Seagren	
Clark	Hilstrom	Klinzing	Mullery	Sieben	
Davnie	Hilty	Lanning	Murphy	Slawik	
Ellison	Hornstein	Larson	Osterman	Sykora	

The motion prevailed and the amendment was adopted.

Klinzing moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 54, line 10, after "school" insert "at all times during the school day"

Page 54, line 12, after "including" insert "recognizing anaphylaxis and"

Page 55, line 1, after "school" insert "at all times during the school day"

Page 55, after line 4, insert:

"(e) Additional nonsyringe injectors of epinephrine may be made available in school first aid kits."

The motion prevailed and the amendment was adopted.

Anderson, J., moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 192, after line 32, insert:

"Sec. 7. Minnesota Statutes 2003 Supplement, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [AWARDS.] An undergraduate student who meets the office's requirements is eligible to apply for and receive a grant in any year of undergraduate study unless the student has obtained a baccalaureate degree or previously has been enrolled full time or the equivalent for eight semesters or the equivalent, excluding courses taken from a Minnesota school or postsecondary institution which is not participating in the state grant program and from which a student transferred no credit. A student who withdraws from enrollment for active military service is entitled to an additional semester of grant eligibility. A student enrolled in a two-year program at a four-year institution is only eligible for the tuition and fee maximums established by law for two-year institutions."

Page 193, after line 31, insert:

"A student who withdraws from enrollment for active military service is entitled to an additional semester of grant eligibility."

Page 195, after line 28, insert:

"Sec. 13. Minnesota Statutes 2002, section 299A.45, subdivision 4, is amended to read:

Subd. 4. [RENEWAL.] Each award must be given for one academic year and is renewable for a maximum of eight semesters or the equivalent. A student who withdraws from enrollment for active military service is entitled to an additional semester of eligibility for an award. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year."

Page 196, after line 14, insert:

"Sec. 15. [APPLICATION OF ELIGIBILITY.]

The additional semester of grant eligibility under sections 7, 8, and 13 applies to any student with a state grant who withdrew from enrollment in a postsecondary institution beginning January 1, 2003, because the student was ordered to active military service as defined in Minnesota Statutes, section 190.05, subdivision 5b or 5c."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Anderson, J., amendment and the roll was called.

Paulsen moved that those not voting be excused from voting. The motion prevailed.

There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Greiling	Knoblach	Meslow	Powell
Abrams	Davids	Hackbarth	Koenen	Mullery	Pugh
Adolphson	Davnie	Harder	Kohls	Murphy	Rhodes
Anderson, B.	DeLaForest	Hausman	Krinkie	Nelson, C.	Rukavina
Anderson, I.	Demmer	Heidgerken	Kuisle	Nelson, P.	Ruth
Anderson, J.	Dempsey	Hilstrom	Lanning	Newman	Samuelson
Atkins	Dill	Hilty	Larson	Nornes	Seagren
Beard	Dorman	Holberg	Latz	Olsen, S.	Seifert
Bernardy	Dorn	Hoppe	Lenczewski	Olson, M.	Sertich
Biernat	Eastlund	Hornstein	Lesch	Opatz	Severson
Blaine	Eken	Howes	Lieder	Osterman	Sieben
Borrell	Ellison	Huntley	Lindgren	Otremba	Simpson
Boudreau	Entenza	Jacobson	Lindner	Otto	Slawik
Bradley	Erhardt	Jaros	Lipman	Ozment	Smith
Brod	Erickson	Johnson, J.	Magnus	Paulsen	Soderstrom
Buesgens	Finstad	Juhnke	Mahoney	Paymar	Solberg
Carlson	Fuller	Kahn	Mariani	Pelowski	Stang
Clark	Gerlach	Kelliher	Marquart	Penas	Strachan
Cornish	Goodwin	Klinzing	McNamara	Peterson	Swenson

Sykora	Tingelstad	Wagenius	Wardlow	Wilkin
Thao	Urdahl	Walker	Westerberg	Zellers
Thissen	Vandevveer	Walz	Westrom	Spk. Sviggum

The motion prevailed and the amendment was adopted.

Meslow, Seagren, Sykora and Abeler moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 57, after line 11, insert:

"Sec. 26. [123B.061] [IMPROVING STUDENT ACCESS TO SERVICES SUPPORTING ACADEMIC SUCCESS.]

(a) School districts and the Department of Education shall work to improve students' educational achievement, to provide for student safety, and to enhance student physical and emotional and social well-being by providing access to licensed student support services, including licensed school chemical health specialists, licensed school counselors, licensed school nurses, licensed school psychologists, and licensed school social workers.

(b) Districts and the department shall explore opportunities for obtaining additional funds to improve students' access to needed licensed student support services including, but not limited to, medical assistance reimbursements, local collaborative time study funds, federal funds, public health funds, and specifically designated funds.

(c) Districts and the department must consider nationally recommended licensed staff to student ratios when working to improve student access to needed student services:

(1) one licensed school nurse to 750 students;

(2) one licensed school social worker to 400 students;

(3) one licensed school psychologist to 1,000 students;

(4) one licensed school counselor to 250 secondary school students and one licensed school counselor to 400 elementary school students; and

(5) one or more school chemical health counselors who may be one of the professionals listed in this paragraph if the staff to student ratios are adjusted.

School districts shall develop their student services team according to the needs of their respective districts.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

CALL OF THE HOUSE LIFTED

Paulsen moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Howes and Dill moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 135, after line 9, insert:

"Sec. 13. [2004-2005 SCHOOL YEAR START DATE.]

Notwithstanding Minnesota Statutes, section 120A.40, for the 2006 school year and beyond, a school district must not commence an elementary or secondary school before the first Tuesday after Labor Day in September.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to the 2006 school year and beyond."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Nelson, C., moved to amend the Howes and Dill amendment to H. F. No. 1793, the second engrossment, as amended, as follows:

Page 1, line 6, delete "and beyond" and insert "and later" and delete "must not" and insert "may, by school board approval"

Page 1, line 7, delete "before the first"

Page 1, line 8, delete "Tuesday after Labor day in September" and insert "at any time"

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Howes and Dill amendment and the roll was called. There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Entenza	Hilty	Knoblach	Nornes
Anderson, I.	Clark	Finstad	Howes	Lieder	Otremba
Atkins	Davids	Fuller	Jacobson	Lindgren	Pelowski
Blaine	Dill	Gerlach	Jaros	Lindner	Penas
Boudreau	Eken	Hackbarth	Juhnke	Marquart	Peterson
Brod	Ellison	Heidgerken	Kelliher	Murphy	Pugh

Rukavina	Severson	Soderstrom	Thissen	Walz
Seifert	Simpson	Solberg	Urdahl	Westrom
Sertich	Slawik	Stang	Vanderveer	Spk. Sviggum

Those who voted in the negative were:

Abrams	DeLaForest	Hoppe	Lenczewski	Olson, M.	Smith
Adolphson	Demmer	Hornstein	Lesch	Opatz	Strachan
Anderson, B.	Dempsey	Huntley	Lipman	Osterman	Swenson
Anderson, J.	Dorman	Johnson, J.	Magnus	Otto	Sykora
Beard	Dorn	Kahn	Mahoney	Ozment	Thao
Bernardy	Eastlund	Klinzing	Mariani	Paulsen	Tingelstad
Biernat	Erhardt	Koenen	McNamara	Paymar	Wagenius
Borrell	Erickson	Kohls	Meslow	Powell	Walker
Bradley	Greiling	Krinkie	Mullery	Rhodes	Wardlow
Carlson	Harder	Kuisle	Nelson, C.	Ruth	Wasiluk
Cornish	Hausman	Lanning	Nelson, P.	Samuelson	Westerberg
Cox	Hilstrom	Larson	Newman	Seagren	Wilkin
Davnie	Holberg	Latz	Olsen, S.	Sieben	Zellers

The motion did not prevail and the amendment was not adopted.

Sertich and Bernardy moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 36, after line 9, insert:

"Sec. 6. Minnesota Statutes 2003 Supplement, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The following subject areas are required for statewide accountability:

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship; ~~and~~
- (5) health and physical education, for which statewide or locally developed academic standards apply, as determined by the school district; and
- (6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards.

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

[EFFECTIVE DATE.] This section is effective for the 2005-2006 school year and later.

Sec. 7. Minnesota Statutes 2003 Supplement, section 120B.021, subdivision 2, is amended to read:

Subd. 2. [STANDARDS DEVELOPMENT.] (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, health and physical education, and the arts:

(1) parents of school-age children and members of the public throughout the state;

(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, health and physical education, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;

(3) currently serving members of local school boards and charter school boards throughout the state;

(4) faculty teaching core subjects at postsecondary institutions in Minnesota; and

(5) representatives of the Minnesota business community.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;

(2) not require a specific teaching methodology or curriculum; and

(3) be consistent with the Constitutions of the United States and the state of Minnesota.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2003 Supplement, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. [ELECTIVE STANDARDS.] A district must establish its own standards in the following subject areas:

(1) ~~health and physical education;~~

(2) vocational and technical education; and

(3) (2) world languages.

A school district must offer courses in all elective subject areas.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Page 93, after line 21, insert:

"Sec. 55. [PROPOSED ACADEMIC STANDARDS.]

The commissioner of education must submit proposed academic standards in health and physical education to the legislature by February 1, 2005.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sertich and Bernardy amendment and the roll was called. There were 94 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilstrom	Mahoney	Paymar	Stang
Abrams	Dill	Hilty	Mariani	Pelowski	Strachan
Anderson, I.	Dorman	Hornstein	Marquart	Penas	Thao
Anderson, J.	Dorn	Howes	McNamara	Peterson	Thissen
Atkins	Eken	Huntley	Meslow	Pugh	Tingelstad
Beard	Ellison	Jaros	Mullery	Rhodes	Urdahl
Bernardy	Entenza	Juhnke	Murphy	Rukavina	Wagenius
Biernat	Erhardt	Kahn	Nelson, C.	Ruth	Walker
Blaine	Finstad	Kelliher	Nelson, P.	Samuelson	Walz
Brod	Fuller	Koenen	Olson, M.	Seifert	Wardlow
Carlson	Gerlach	Larson	Opatz	Sertich	Wasiluk
Clark	Goodwin	Latz	Osterman	Sieben	Westerberg
Cornish	Greiling	Lenczewski	Otremba	Simpson	Westrom
Cox	Hackbarth	Lesch	Otto	Slawik	Zellers
Davids	Hausman	Lieder	Ozment	Smith	
Davnie	Heidgerken	Magnus	Paulsen	Solberg	

Those who voted in the negative were:

Adolphson	DeLaForest	Hoppe	Krinkie	Newman	Soderstrom
Anderson, B.	Demmer	Jacobson	Kuisle	Nornes	Swenson
Borrell	Eastlund	Johnson, J.	Lanning	Olsen, S.	Sykora
Boudreau	Erickson	Klinzing	Lindgren	Powell	Vandever
Bradley	Harder	Knoblach	Lindner	Seagren	Wilkin
Buesgens	Holberg	Kohls	Lipman	Severson	Spk. Sviggum

The motion prevailed and the amendment was adopted.

Olson, M.; Erickson; Eken; Otremba; Holberg; Lindner; Eastlund; Marquart; Buesgens; Seagren; Severson; Vandaveer; Lieder; Soderstrom; Johnson, J.; Anderson, B.; Ozment; Harder and Hackbarth moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 41, after line 19, insert:

"Sec. 11. [120B.225] [CHARACTER DEVELOPMENT EDUCATION.]

Subdivision 1. [POLICY.] As stated by Alexis de Tocqueville, "America is great because America is good, and if America ever ceases to be good, America will cease to be great." The legislature recognizes the foundational principles of freedom based on individual self-governance. Citizens with positive and constructive character qualities are necessary to maintain American liberties and character development is an important part of school curriculum.

Subd. 2. [CHARACTER DEVELOPMENT EDUCATION.] The legislature encourages districts to integrate or offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-control, forgiveness, generosity, orderliness, tolerance, loyalty, sensitivity, patience, virtue, and resourcefulness. Districts are encouraged to use programs such as Character First and Character Counts. Instruction should be integrated into a district's existing programs, curriculum, or the general school environment. The commissioner shall provide assistance at the request of a district to develop character education curriculum and programs.

Subd. 3. [FUNDING SOURCES.] The commissioner must first use federal funds for character development education programs to the extent available under United States Code, title 20, section 7247. Districts may accept funds from private and other public sources for character development education programs developed and implemented under this section.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 12. Minnesota Statutes 2002, section 120B.23, as amended by Laws 2003, chapter 150, section 12, is amended to read:

120B.23 [VIOLENCE PREVENTION AND CHARACTER DEVELOPMENT EDUCATION GRANTS.]

Subdivision 1. [GRANT PROGRAM ESTABLISHED.] The commissioner of education, after consulting with the assistant commissioner of the Office of Drug Policy and Violence Prevention, shall establish a violence prevention education and character development education grant program to enable a school district, an education district, or a group of districts that cooperate for a particular purpose to develop and implement or to continue a violence prevention program, character development program, or both, for students in kindergarten through grade 12 that can be integrated into existing curriculum or the school environment. A district or group of districts that elects to develop and implement or to continue a violence prevention program under section 120B.22, a character development program under section 120B.225, or both, is eligible to apply for a grant under this section.

Subd. 2. [GRANT APPLICATION.] To be eligible to receive a grant, a school district, an education district, a service cooperative, or a group of districts that cooperate for a particular purpose must submit an application to the commissioner in the form and manner and according to the timeline established by the commissioner. The application must describe how the applicant will: (1) continue or integrate into its existing K-12 curriculum and on the school environment a program for violence prevention that contains the program components listed in section ~~120B.22~~, character development, or both; (2) collaborate with local organizations involved in violence prevention and intervention, character development, or both; and (3) structure the program to reflect the characteristics of the children, their families and the community involved in the program. The commissioner may require additional information from the applicant. When reviewing the applications, the commissioner shall determine whether the applicant has met the requirements of this subdivision.

Subd. 3. [GRANT AWARDS.] The commissioner may award grants for a violence prevention education program, character development education program, or both, to eligible applicants as defined in subdivision 2. Grant amounts may not exceed \$3 per resident pupil unit in the district or group of districts in the prior school year. Grant recipients should be geographically distributed throughout the state.

Subd. 4. [GRANT PROCEEDS.] A successful applicant must use the grant money to develop and implement or to continue a violence prevention program, character development program, or both, according to the terms of the grant application.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Kahn moved to amend the Olson, M., et al amendment to H. F. No. 1793, the second engrossment, as amended, as follows:

Page 2 of the Olson, M., et al amendment, after line 7, insert:

"Subd. 4. [LEGISLATORS TO ATTEND.] A member of the legislature from any legislative district in which a school district has established a character development education program under this section must take and pass a character development education class that is offered by the school district."

The motion did not prevail and the amendment to the amendment was not adopted.

Buesgens moved to amend the Olson, M., et al amendment to H. F. No. 1793, the second engrossment, as amended, as follows:

Page 1, delete lines 5 to 12

Renumber the subdivisions in sequence

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Olson, M., et al amendment, as amended, and the roll was called. There were 104 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Blaine	Brod	Cornish	Demmer
Adolphson	Beard	Borrell	Buesgens	Cox	Dempsey
Anderson, B.	Bernardy	Boudreau	Carlson	Davnie	Dorn
Anderson, J.	Biernat	Bradley	Clark	DeLaForest	Eastlund

Eken	Howes	Latz	Nornes	Samuelson	Tingelstad
Ellison	Huntley	Lenczewski	Olsen, S.	Seagren	Urdahl
Entenza	Jacobson	Lieder	Olson, M.	Seifert	Vanderveer
Erickson	Johnson, J.	Lindgren	Opatz	Severson	Walz
Finstad	Juhnke	Lindner	Osterman	Sieben	Wardlow
Fuller	Kelliher	Lipman	Otremba	Simpson	Wasiluk
Gerlach	Klinzing	Magnus	Otto	Slawik	Westerberg
Goodwin	Knoblach	Marquart	Ozment	Smith	Westrom
Greiling	Koenen	Meslow	Paulsen	Soderstrom	Wilkin
Hackbarth	Kohls	Mullery	Pelowski	Solberg	Zellers
Harder	Krinkie	Murphy	Peterson	Stang	
Heidgerken	Kuisle	Nelson, C.	Powell	Strachan	
Holberg	Lanning	Nelson, P.	Pugh	Sykora	
Hoppe	Larson	Newman	Ruth	Thissen	

Those who voted in the negative were:

Abrams	Dorman	Hornstein	Mahoney	Penas	Swenson
Anderson, I.	Erhardt	Jaros	Mariani	Rhodes	Thao
Davids	Hilstrom	Kahn	McNamara	Rukavina	Walker
Dill	Hilty	Lesch	Paymar	Sertich	Spk. Sviggum

The motion prevailed and the amendment, as amended, was adopted.

The Speaker called Abrams to the Chair.

Dorman, Carlson, Greiling, Davids, Sieben, Kelliher and Bernardy moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 19, after line 15, insert:

"Sec. 17. [126C.165] [DISCRETIONARY LEVY.]

Subdivision 1. [LEVY AMOUNT.] A school board, after holding a public hearing, may adopt a written resolution authorizing a discretionary levy subject to subdivision 2. The amount of the referendum must not exceed four percent of the formula allowance for that year times the adjusted marginal cost pupil units of the district for that year. The resolution must be adopted before June 30 of that year.

Subd. 2. [REVERSE REFERENDUM.] The levy authority authorized under subdivision 1 becomes effective unless within 60 days of the adoption of the resolution a petition signed by a number of qualified voters in excess of 10 percent of the registered voters of the district on the day the petition is filed with the school clerk in which case a referendum on the question approving the discretionary levy must be called by the board.

Subd. 3. [REFERENDUM ELECTION.] A referendum required under subdivision 2 must be held on the first Tuesday after the first Monday in November. The ballot must designate the specific number of years, not to exceed five, for which the discretionary levy authorization applies. The notice required under section 275.60 may be modified to read, in cases of renewing existing levies:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY BE VOTING FOR A PROPERTY TAX INCREASE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of School District No. ... be approved?"

If approved, an amount equal to the approved revenue per adjusted marginal cost pupil unit times the adjusted marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved.

The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

Subd. 4. [NOTICE.] The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes."

At least 15 days before the day of the referendum, the district must submit a copy of the notice required under this subdivision to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

Subd. 5. [TAX BASE.] A referendum approved under this section must be spread against the net tax capacity of the school district.

[EFFECTIVE DATE.] This section is effective the day following final enactment for taxes payable in 2005."

Page 34, after line 34, insert:

"Sec. 33. [ADDITIONAL GENERAL EDUCATION AID.]

The basic formula allowance under Minnesota Statutes, section 126C.10, subdivision 2, is increased by \$80 per adjusted marginal cost pupil unit for fiscal year 2005 only."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dorman et al amendment and the roll was called. There were 43 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Atkins	Dorman	Hornstein	Lesch	Peterson	Thissen
Bernardy	Ellison	Huntley	Mahoney	Pugh	Wagenius
Biernat	Entenza	Jaros	Mariani	Rhodes	Walker
Carlson	Goodwin	Juhnke	Mullery	Rukavina	
Clark	Greiling	Kahn	Murphy	Sertich	
Dauids	Heidgerken	Kelliher	Osterman	Slawik	
Davnie	Hilstrom	Koenen	Otremba	Solberg	
Dill	Hilty	Latz	Pelowski	Thao	

Those who voted in the negative were:

Abeler	Demmer	Jacobson	Marquart	Powell	Urdahl
Abrams	Dempsey	Johnson, J.	McNamara	Ruth	Vandever
Adolphson	Dorn	Klinzing	Meslow	Samuelson	Walz
Anderson, B.	Eastlund	Knoblach	Nelson, C.	Seagren	Wardlow
Anderson, J.	Eken	Kohls	Nelson, P.	Seifert	Wasiluk
Beard	Erhardt	Krinkie	Newman	Severson	Westerberg
Blaine	Erickson	Kuisle	Nornes	Sieben	Westrom
Borrell	Finstad	Lanning	Olsen, S.	Simpson	Wilkin
Boudreau	Fuller	Larson	Olson, M.	Smith	Zellers
Bradley	Gerlach	Lenczewski	Opatz	Soderstrom	Spk. Sviggum
Brod	Hackbarth	Lieder	Otto	Stang	
Buesgens	Harder	Lindgren	Ozment	Strachan	
Cornish	Holberg	Lindner	Paulsen	Swenson	
Cox	Hoppe	Lipman	Paymar	Sykora	
DeLaForest	Howes	Magnus	Penas	Tingelstad	

The motion did not prevail and the amendment was not adopted.

Jacobson moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 124, line 4, delete "ten" and insert "four"

The motion prevailed and the amendment was adopted.

Thissen was excused for the remainder of today's session.

Olson, M.; Buesgens; Lindner; Holberg; Johnson, J.; Anderson, B.; Abeler; Marquart; Eken; Vandever; Lieder; Borrell; Eastlund and Hackbarth moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 90, after line 23, insert:

"Sec. 49. [471B.01] [ALLOWING SCHOOL DISTRICTS TO OPT OUT OF STATE MANDATES.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "School district" means a common, independent, or special school district and excludes charter schools.

(c) "State mandate" means a state law or rule specifically directed at or related to the structure, operation, services, programs, or financing of a school district that:

(1) imposes a cost on the district, whether or not the state appropriates money to the district to cover the costs, or authorizes the district to impose a tax or fee to cover the costs;

(2) decreases revenue available to the district without a commensurate decrease in services and programs;

(3) restricts the ability of the district to raise revenue or finance its services, programs, policies, plans, or goals; or

(4) implements or interprets federal law and, by its implementation or interpretation, increases or decreases program, service, or funding levels beyond or below the level required by federal law.

Subd. 2. [OPT OUT RESOLUTION AND PROCEDURES.] (a) A school district may, by written resolution of the school board after public notice and hearing, propose that a state mandate imposed on all districts, except a state mandate under section 471B.03, should not apply to it. A district also may include in a resolution recommendations for reforming a mandate. A district must adopt a separate resolution for each mandate that it proposes should not apply to it. The resolution must:

(1) specifically cite the state law or rule that imposes the mandate on the district;

(2) identify any costs of complying with the mandate and the total amount of federal and state funds available for complying with the mandate;

(3) state the reasons the district wants to opt out of the state mandate and any recommendations for reforming the mandate to achieve greater efficiencies; and

(4) indicate how the district will otherwise meet the objectives of the mandate or why the objectives do not apply to the district.

(b) Before voting on the resolution, the school board must give adequate public notice of the proposed resolution, including notice on whether state or federal funding for the district might be adversely affected. The school board must hold at least one public hearing on the proposed resolution and allow for public comment. The school board must encourage the public to participate in the hearing in order to determine the extent of public support for the proposed resolution.

(c) The proponent of the proposed resolution at least must identify at the hearing:

(1) the costs of complying with the mandate that exceed the state and federal funds allocated to the district for complying with the mandate and recommend reforms for achieving greater efficiencies;

(2) any potential loss of state or federal revenue that might result from opting out of the state mandate;

(3) other policy issues or effects that might result;

(4) the purposes for which the mandate was imposed;

(5) those persons and categories of person adversely affected if the district does not comply with the mandate; and

(6) the costs and benefits of complying with the mandate compared to the costs and benefits of inaction.

(d) A district that adopts a resolution must file the resolution with the state auditor. At the time of filing, the district must pay the state auditor a fee to cover costs the state auditor incurs in performing the duties under this section. The amount of the fee is as follows:

(1) for each resolution filed by a district with more than 2,200 enrolled students, \$500;

(2) for each resolution filed by a district with more than 1,000 enrolled students and not more than 2,200, \$350;

(3) for each resolution filed by a district with more than 501 enrolled students and not more than 1,000, \$200; and

(4) for each resolution filed by a district with not more than 500 enrolled students, \$50.

All fees collected under this section are appropriated to the state auditor for the purposes of this section. On July 1, 2003, and each July 1 thereafter, using the powers granted under chapter 6, the auditor must determine the actual cost of performing the duties under this section and adjust the amount of the fee to reflect the auditor's actual costs.

Subd. 3. [STATE PROCEDURE.] (a) The state auditor must:

(1) list on the state auditor's Web site all state mandates cited in a resolution filed with the state auditor, identifying for each mandate the districts that have adopted and filed a resolution to opt out of a mandate, and whether the threshold under subdivision 3 for opting out has been met;

(2) keep a running total of the number and percent of districts that have filed a resolution to opt out;

(3) notify the legislature when the threshold under subdivision 3 for opting out has been met; and

(4) each year before the Minnesota Statutes or Minnesota Statutes Supplement is published, at a time determined by the revisor of statutes, provide to the revisor of statutes and the districts that have filed resolutions to opt out of a mandate a list of all laws and rules from which districts may opt out, consistent with legislative action under subdivision 3.

(b) The revisor must:

(1) publish a list of the affected laws, rules and local governments; and

(2) provide appropriate means, including cross-references, for the public to use the statutes and rules in the context of the list in clause (1).

Subd. 4. [THRESHOLD AND CERTIFICATION FOR OPTING OUT; LEGISLATIVE OVERSIGHT.] (a) The state auditor must notify the house and senate when the auditor certifies that ten percent or more of districts have filed resolutions under this section. The opt out resolutions referred to in a notice delivered by the auditor to the legislature before the regular session convenes in any year must be considered and are accepted for implementation if approved by the legislature under this subdivision.

(b) The house of representatives and senate must adopt rules ensuring that bills responding to the resolutions or to amend the mandate to which they refer are given a priority status and are presented to the house and to the senate for consideration and action by the body in a timely manner during the regular session that year.

Subd. 5. [OPT OUT IMPLEMENTATION AND LATER OPTING OUT.] After initial opt out resolutions are approved by the legislature and take effect, other districts may file resolutions to opt out of the same mandate. Each of these takes effect 30 days after the auditor accepts the filing.

Subd. 6. [EXCEPTIONS.] (a) The state laws listed in this subdivision are not subject to section 471B.02 and the state auditor must not accept resolutions to address concerns related to these laws.

(b) A district may not opt out of Minnesota election law, as defined in section 200.01, and any other law governing school district elections.

(c) A district may not opt out of any laws related to the property tax system under chapters 270, 272, 273, 274, 275, 276, 276A, 277, 278, and 473F, and any other property tax-related provisions in law.

(d) A district may not opt out of any law governing the accounting, financial management, and audit requirements of school districts, including accounting, expenditures, and budgeting under sections 123B.76 and 123B.77. However, a school district may opt out of a state-mandated account or fund restriction, consistent this section.

(e) A district may not opt out of sections 123B.40 to 123B.48 governing the rights of nonpublic school students and other law related to nonpublic schools or students.

(f) A district may not opt out of any provision of chapter 6, or any other law that gives the state auditor authority to require or receive information from a district.

[EFFECTIVE DATE.] This section is effective for the 2004-2005 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson, M., et al amendment and the roll was called. There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Lindner	Powell	Vandever
Adolphson	Eastlund	Hoppe	Lipman	Pugh	Westerberg
Anderson, B.	Eken	Jacobson	Marquart	Seifert	Westrom
Anderson, J.	Erickson	Johnson, J.	Nornes	Severson	Wilkin
Beard	Fuller	Klinzing	Olson, M.	Simpson	
Blaine	Gerlach	Kohls	Otremba	Smith	
Borrell	Hackbarth	Krinkie	Ozment	Soderstrom	
Buesgens	Harder	Lieder	Paulsen	Tingelstad	
Dempsey	Heidgerken	Lindgren	Pelowski	Urdahl	

Those who voted in the negative were:

Abrams	DeLaForest	Howes	Magnus	Paymar	Swenson
Anderson, I.	Demmer	Huntley	Mahoney	Penas	Sykora
Atkins	Dill	Jaros	Mariani	Peterson	Thao
Bernardy	Dorman	Juhnke	McNamara	Rhodes	Wagenius
Biernat	Ellison	Kahn	Meslow	Rukavina	Walker
Boudreau	Entenza	Kelliher	Mullery	Ruth	Walz
Bradley	Erhardt	Knoblach	Murphy	Samuelson	Wardlow
Brod	Finstad	Koenen	Nelson, C.	Seagren	Wasiluk
Carlson	Goodwin	Kuisle	Nelson, P.	Sertich	Zellers
Clark	Greiling	Lanning	Newman	Sieben	Spk. Sviggum
Cornish	Hausman	Larson	Olsen, S.	Slawik	
Cox	Hilstrom	Latz	Opatz	Solberg	
Dauids	Hilty	Lenczewski	Osterman	Stang	
Davnie	Hornstein	Lesch	Otto	Strachan	

The motion did not prevail and the amendment was not adopted.

Seagren and Sykora moved to amend H. F. No. 1793, the second engrossment, as amended by the Sertich and Bernardy amendment, as follows:

Page 1, line 14, delete "statewide or"

Page 1, line 15, delete everything after "apply"

Page 1, line 16, delete "school district"

Pages 2 and 3, delete section 7

Page 3, delete lines 29 to 35

A roll call was requested and properly seconded.

The question was taken on the Seagren and Sykora amendment and the roll was called. There were 78 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	Erickson	Johnson, J.	Lindner	Olson, M.
Abrams	Buesgens	Finstad	Klinzing	Lipman	Osterman
Adolphson	Cornish	Fuller	Knoblach	Magnus	Ozment
Anderson, B.	Cox	Gerlach	Kohls	McNamara	Paulsen
Anderson, J.	Dauids	Hackbarth	Krinkie	Meslow	Penas
Beard	DeLaForest	Harder	Kuisle	Nelson, C.	Powell
Blaine	Demmer	Holberg	Lanning	Nelson, P.	Rhodes
Borrell	Dempsey	Hoppe	Larson	Newman	Ruth
Boudreau	Eastlund	Howes	Lenczewski	Nornes	Samuelson
Bradley	Erhardt	Jacobson	Lindgren	Olsen, S.	Seagren

Seifert	Smith	Strachan	Tingelstad	Wardlow	Wilkin
Severson	Soderstrom	Swenson	Vanderveer	Westerberg	Zellers
Simpson	Stang	Sykora	Walz	Westrom	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Dorn	Hilty	Lesch	Otto	Solberg
Atkins	Eken	Hornstein	Lieder	Paymar	Thao
Bernardy	Ellison	Huntley	Mahoney	Pelowski	Urdahl
Biernat	Entenza	Jaros	Mariani	Peterson	Wagenius
Carlson	Goodwin	Juhnke	Marquart	Pugh	Walker
Clark	Greiling	Kahn	Mullery	Rukavina	Wasiluk
Davnie	Hausman	Kelliher	Murphy	Sertich	
Dill	Heidgerken	Koenen	Opatz	Sieben	
Dorman	Hilstrom	Latz	Otremba	Slawik	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Nelson, C.; Anderson, J.; Wilkin; Cox; Lindgren; Fuller; Stang and Bradley moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 191, after line 26, insert:

"Sec. 5. [135A.157] [PENALTIES FOR RIOTING.]

If a student enrolled in a postsecondary institution is convicted of a felony or gross misdemeanor crime as a direct consequence of participating in a riot, the student is not eligible for a state grant award under section 136A.121 after conviction and must pay the highest applicable tuition rate, including the nonresident tuition rate, to attend a public postsecondary institution in subsequent enrollment periods. The penalties under this section shall continue for a period of one year following the date of conviction. At the time of sentencing, the court must determine whether the conviction was a direct consequence of participating in a riot.

For the purposes of this section, "riot" means an incident in which three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Page 196, after line 14, insert:

"Sec. 15. [APPLICATION INFORMATION.]

The Higher Education Services Office must collect information necessary to administer section 5 on application forms for student aid. The Minnesota State Colleges and Universities must collect information to administer section 5. The University of Minnesota is requested to collect information necessary to administer section 5.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Hilstrom moved to amend the Nelson, C., et al amendment to H. F. No. 1793, the second engrossment, as amended, as follows:

Page 1, lines 7 and 15, after "riot" insert "or criminal sexual conduct"

The motion prevailed and the amendment to the amendment was adopted.

The Speaker called Olson, M., to the Chair.

The question recurred on the Nelson, C., et al amendment, as amended, and the roll was called. There were 109 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Holberg	Lipman	Pelowski	Swenson
Abrams	DeLaForest	Hornstein	Magnus	Penas	Sykora
Adolphson	Demmer	Howes	Mahoney	Peterson	Tingelstad
Anderson, B.	Dempsey	Jacobson	Marquart	Powell	Urdahl
Anderson, I.	Dill	Johnson, J.	McNamara	Pugh	Vandever
Anderson, J.	Dorman	Juhnke	Meslow	Rhodes	Wagenius
Atkins	Dorn	Kelliher	Nelson, C.	Ruth	Walz
Beard	Eastlund	Klinzing	Nelson, P.	Samuelson	Wardlow
Bernardy	Eken	Knoblach	Newman	Seagren	Wasiluk
Biernat	Entenza	Koenen	Nornes	Seifert	Westerberg
Blaine	Erhardt	Kohls	Olsen, S.	Severson	Westrom
Boudreau	Erickson	Krinkie	Olson, M.	Sieben	Wilkin
Bradley	Finstad	Kuisle	Opatz	Simpson	Zellers
Brod	Fuller	Lanning	Osterman	Slawik	Spk. Sviggum
Buesgens	Gerlach	Larson	Otremba	Smith	
Carlson	Greiling	Lenczewski	Otto	Soderstrom	
Clark	Hackbarth	Lieder	Ozment	Solberg	
Cornish	Harder	Lindgren	Paulsen	Stang	
Cox	Hilstrom	Lindner	Paymar	Strachan	

Those who voted in the negative were:

Borrell	Heidgerken	Jaros	Lesch	Murphy	Thao
Ellison	Hoppe	Kahn	Mariani	Rukavina	Walker
Hausman	Huntley	Latz	Mullery	Sertich	

The motion prevailed and the amendment, as amended, was adopted.

Slawik, Sykora, Carlson, Rhodes, Dill, Greiling, Seagren and Wardlow moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 141, line 35, delete "evidence-based curriculum" and insert "a comprehensive curriculum based on early childhood developmental research and professional practice that prepares children for kindergarten"

Page 142, after line 29, insert:

"Sec. 5. Minnesota Statutes 2002, section 124D.15, subdivision 8, is amended to read:

Subd. 8. [PRIORITIZING SERVICES.] The district must give greatest priority to providing services to eligible children identified, ~~through a means such as the early childhood screening process,~~ as being developmentally disadvantaged or experiencing risk factors that could impede their school readiness.

Sec. 6. Minnesota Statutes 2002, section 124D.15, subdivision 9, is amended to read:

Subd. 9. [CHILD RECORDS.] (a) A record of a child's progress and development must be maintained in the child's cumulative record ~~while enrolled in the school readiness program. The cumulative record must be used for the purpose of planning activities to suit individual needs and shall become part of the child's permanent record. The cumulative record is private data under chapter 13. Information in the record may be disseminated to an educator or service provider only to the extent that that person has a need to know the information.~~

(b) An educator or service provider may transmit information in the child's cumulative record to an educator or service provider in another program for young children when the child applies to enroll in that other program."

Page 144, line 14, delete "8, 9,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Greiling, Dill, Juhnke, Dorn, Mahoney, Carlson, Davnie, Goodwin, Slawik, Bernardy, Hausman, Eken and Biernat moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 14, after line 34, insert:

"Sec. 12. Minnesota Statutes 2002, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. [PUPIL UNIT.] Pupil units for each Minnesota resident pupil in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68; in a charter school under section 124D.10; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individual education plan is counted as the ratio of the number of hours of assessment and education service to 825 times 1.25 with a minimum average daily membership of 0.28, but not more than 1.25 pupil units.

(b) A prekindergarten pupil who is assessed but determined not to be handicapped is counted as the ratio of the number of hours of assessment service to 825 times 1.25.

(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(d) A kindergarten pupil who is not included in paragraph (c) is counted as ~~.557 of a 1.115 pupil unit for fiscal year 2000 and thereafter~~ units times the lesser of one, or the ratio of the number of hours attended to 875.

(e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal year 2000 and thereafter.

(f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the postsecondary enrollment options program is counted as 1.3 pupil units.

[EFFECTIVE DATE.] This section is effective July 1, 2005 for revenue for fiscal year 2006."

Page 93, delete lines 15 to 21

Page 117, line 11, delete "and later"

Page 117, line 16, after the period, insert "For fiscal year 2006 and later, a district or charter school's Internet access equity aid equals 90 percent of the district or charter school's approved costs for the previous fiscal year according to subdivision 1 exceeding \$10 times the district's adjusted marginal cost pupil units for the previous year."

Page 140, after line 23, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 124D.135, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] The revenue for early childhood family education programs for a school district equals \$120 for fiscal years 2003 and 2004 ~~and \$96,~~ \$101.70 for fiscal year 2005 and \$120 for fiscal year 2006 and later, times the greater of:

(1) 150; or

(2) the number of people under five years of age residing in the district on October 1 of the previous school year."

Page 161, line 25, delete "\$14,407,000" and insert "\$15,907,000"

Page 161, line 29, delete "\$10,448,000" and insert "\$11,948,000"

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Greiling et al amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Jaros	Mahoney	Pelowski	Tingelstad
Atkins	Ellison	Juhnke	Mariani	Peterson	Urdahl
Bernardy	Entenza	Kahn	Marquart	Pugh	Wagenius
Biernat	Goodwin	Kelliher	Mullery	Rhodes	Walker
Carlson	Greiling	Koenen	Murphy	Rukavina	Wardlow
Clark	Hausman	Larson	Opatz	Sertich	Wasiluk
Davnie	Hilstrom	Latz	Osterman	Sieben	
Dill	Hilty	Lenczewski	Otremba	Slawik	
Dorman	Hornstein	Lesch	Otto	Solberg	
Dorn	Huntley	Lieder	Paymar	Thao	

Those who voted in the negative were:

Abeler	Cox	Heidgerken	Lindner	Penas	Sykora
Abrams	Dauids	Holberg	Lipman	Powell	Vandever
Adolphson	DeLaForest	Hoppe	Magnus	Ruth	Walz
Anderson, B.	Demmer	Howes	McNamara	Samuelson	Westerberg
Anderson, J.	Dempsey	Jacobson	Meslow	Seagren	Westrom
Beard	Eastlund	Johnson, J.	Nelson, C.	Seifert	Wilkin
Blaine	Erhardt	Klinzing	Nelson, P.	Severson	Zellers
Borrell	Erickson	Knoblach	Newman	Simpson	Spk. Sviggum
Boudreau	Finstad	Kohls	Nornes	Smith	
Bradley	Fuller	Krinkie	Olsen, S.	Soderstrom	
Brod	Gerlach	Kuisle	Olson, M.	Stang	
Buesgens	Hackbarth	Lanning	Ozment	Strachan	
Cornish	Harder	Lindgren	Paulsen	Swenson	

The motion did not prevail and the amendment was not adopted.

Slawik moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Pages 1 and 2 of the Slawik et al amendment, delete section 6

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kahn, Carlson, Kelliher, Hornstein, Huntley and Greiling offered an amendment to H. F. No. 1793, the second engrossment, as amended.

POINT OF ORDER

Opatz raised a point of order pursuant to rule 3.21 that the Kahn et al amendment was not in order. The Speaker ruled the point of order well taken and the Kahn et al amendment out of order.

Carlson, Pelowski, Dorn and Latz moved to amend H. F. No. 1793, the second engrossment, as amended, as follows:

Page 184, after line 24, insert:

"Up to \$15,000,000 of any surplus in the state grant appropriation for fiscal years 2004 and 2005 must be used to restore eligibility as provided in this article."

Page 193, after line 2, insert:

"Sec. 8. Minnesota Statutes 2003 Supplement, section 136A.121, subdivision 6, is amended to read:

Subd. 6. [COST OF ATTENDANCE.] (a) The recognized cost of attendance consists of allowances specified in law for living and miscellaneous expenses, and an allowance for tuition and fees equal to the lesser of the ~~average~~ actual tuition and fees charged by the institution, or the tuition and fee maximums established in law.

(b) For a student registering for less than full time, the office shall prorate the cost of attendance to the actual number of credits for which the student is enrolled.

The recognized cost of attendance for a student who is confined to a Minnesota correctional institution shall consist of the tuition and fee component in paragraph (a), with no allowance for living and miscellaneous expenses.

For the purpose of this subdivision, "fees" include only those fees that are mandatory and charged to full-time resident students attending the institution.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2003 Supplement, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [AWARDS.] An undergraduate student who meets the office's requirements is eligible to apply for and receive a grant in any year of undergraduate study unless the student has obtained a baccalaureate degree or previously has been enrolled full time or the equivalent for ~~eight ten~~ eight semesters or the equivalent, excluding courses taken from a Minnesota school or postsecondary institution which is not participating in the state grant program and from which a student transferred no credit. A student enrolled in a two-year program at a four-year institution is only eligible for the tuition and fee maximums established by law for two-year institutions.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Page 193, after line 31, insert:

"Sec. 9. Minnesota Statutes 2003 Supplement, section 136A.125, subdivision 4, is amended to read:

Subd. 4. [AMOUNT AND LENGTH OF GRANTS.] The amount of a child care grant must be based on:

- (1) the income of the applicant and the applicant's spouse;
- (2) the number in the applicant's family, as defined by the office; and
- (3) the number of eligible children in the applicant's family.

The maximum award to the applicant shall be ~~\$2,200~~ \$2,600 for each eligible child per academic year, except that the campus financial aid officer may apply to the office for approval to increase grants by up to ten percent to compensate for higher market charges for infant care in a community. The office shall develop policies to determine community market costs and review institutional requests for compensatory grant increases to ensure need and equal treatment. The office shall prepare a chart to show the amount of a grant that will be awarded per child based on the factors in this subdivision. The chart shall include a range of income and family size.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

A roll call was requested and properly seconded.

The question was taken on the Carlson et al amendment and the roll was called. There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hornstein	Lieder	Otto	Solberg
Anderson, J.	Eken	Huntley	Mahoney	Paymar	Thao
Atkins	Ellison	Juhnke	Mariani	Pelowski	Wagenius
Bernardy	Entenza	Kahn	Marquart	Peterson	Walker
Biernat	Fuller	Kelliher	Mullery	Pugh	Wasiluk
Carlson	Goodwin	Koenen	Murphy	Rhodes	
Clark	Greiling	Larson	Nelson, C.	Rukavina	
Cox	Hausman	Latz	Opatz	Sertich	
Davnie	Hilstrom	Lenczewski	Osterman	Sieben	
Dill	Hilty	Lesch	Otremba	Slawik	

Those who voted in the negative were:

Abeler	DeLaForest	Hoppe	Magnus	Samuelson	Vandev eer
Abrams	Demmer	Howes	McNamara	Seagren	Walz
Adolphson	Dempsey	Jacobson	Meslow	Seifert	Wardlow
Anderson, B.	Dorman	Johnson, J.	Nelson, P.	Severson	Westerberg
Beard	Eastlund	Klinzing	Newman	Simpson	Westrom
Blaine	Erhardt	Knoblach	Nornes	Smith	Wilkin
Borrell	Erickson	Kohls	Olsen, S.	Soderstrom	Zellers
Boudreau	Finstad	Krinkie	Olson, M.	Stang	Spk. Sviggum
Bradley	Gerlach	Kuisle	Ozment	Strachan	
Brod	Hackbarth	Lanning	Paulsen	Swenson	
Buesgens	Harder	Lindgren	Penas	Sykora	
Cornish	Heidgerken	Lindner	Powell	Tingelstad	
Davids	Holberg	Lipman	Ruth	Urdahl	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1793, A bill for an act relating to education; providing for prekindergarten through grade 12 education and early childhood and family education including general education, special programs, academic excellence, facilities, nutrition, and accounting, other programs, libraries, early childhood programs, prevention, self-sufficiency and lifelong learning, state agencies, deficiencies, technical and conforming amendments, and academic standards; providing for higher education including extending sunset of education telecommunications council, requiring eligible institutions to provide certain data to the Higher Education Services Office, making changes relating to child care grants and the Minnesota College Savings Plan, modifying certain education benefits of public safety officers, making changes to tuition reciprocity, and authorizing planning for applied doctoral degrees; repealing obsolete rules; providing for rulemaking; reducing appropriations; appropriating money; amending Minnesota Statutes 2002, sections 13.321, subdivision 1, by adding subdivisions; 119A.46, subdivisions 2, 3, 8; 120A.05, by adding a subdivision; 120B.23, as amended; 120B.35, by adding a subdivision; 121A.22, subdivision 2; 121A.34, by adding subdivisions; 121A.45, subdivision 3; 121A.48; 121A.75, by adding a subdivision; 122A.06, subdivision 4; 122A.12, by adding a subdivision; 122A.16; 122A.18, subdivision 2a, by adding a subdivision; 122A.20, subdivision 2; 123A.05, subdivision 2; 123A.442, subdivision 2; 123A.443, subdivision 4; 123A.55; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.195; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.53, subdivision 6; 123B.58, subdivision 2; 123B.71, subdivision 9; 123B.75, by adding a subdivision; 123B.76, by adding a subdivision; 123B.82; 123B.92, subdivision 5; 124D.15, subdivisions 1, 3, 5, 8, 10, 12, by adding a subdivision; 124D.16, subdivision 2; 124D.19, subdivision 11; 124D.20, by adding a subdivision; 124D.59, as amended; 124D.61; 124D.68, subdivisions 3, 9; 124D.69, subdivision 1; 125A.023, subdivision 3; 125A.03; 125A.07; 125A.22; 125A.46; 125A.51; 125A.79, subdivisions 5, 7, by adding subdivisions; 125B.15; 126C.10, subdivision 2; 126C.15, subdivision 2, by adding a subdivision; 126C.21, subdivision 4; 126C.48, subdivision 8; 127A.42, subdivisions 4, 6; 127A.45, subdivision 11; 127A.47, subdivision 3; 134.31, by adding a subdivision; 134.50; 136A.08, by adding a subdivision; 136A.121, subdivision 2, by adding a subdivision; 136G.11, by adding a subdivision; 169.451; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 171.19; 260A.01; 260A.03; 260C.163, subdivision 11; 299A.45, subdivision 4; 631.40, subdivision 4; Minnesota Statutes 2003 Supplement, sections 13.46, subdivision 2; 16A.152, subdivision 2; 119A.46, subdivision 1; 120B.021, subdivisions 1, 3, by adding a subdivision; 120B.022, subdivision 1; 120B.024; 120B.36; 121A.64; 122A.09, subdivision 4; 123B.54; 123B.77, subdivision 4; 123B.92, subdivision 1; 124D.095, subdivisions 4, 7, 8; 124D.10, subdivisions 3, 4, 8; 124D.11, subdivisions 1, 2, 9; 124D.20, subdivision 11; 124D.385, subdivision 2; 124D.42, subdivision 6; 124D.454, subdivision 2; 124D.531, subdivisions 1, 4; 124D.86, subdivisions 3, 4; 125A.023, subdivision 4; 125A.091, subdivision 5; 125A.75, subdivision 8; 125A.79, subdivision 1; 125B.21, subdivision 1; 126C.10, subdivisions 3, 31; 126C.15, subdivision 1; 126C.17, subdivision 9; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.63, subdivision 8; 127A.41, subdivision 9; 127A.42, subdivision 2; 127A.47, subdivisions 7, 8; 128C.05, subdivision 1a; 136A.121, subdivision 9; 136A.125, subdivision 2; 136G.11, subdivisions 1, 3; 136G.13, subdivision 1; 275.065, subdivision 1; 475.61, subdivision 4; 626.556, subdivision 2; Laws 2003, chapter 130, section 12; Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, 3, 5, 6, 11, 12; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, 3, 4, 5, 7, 9, 12, 15, 16, 17, 19, 21, as amended; Laws 2003, First Special Session chapter 9, article 3, section 19; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 4, 5, 6, 7, 8, 9; Laws 2003, First Special Session chapter 9, article 4, section 29; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 6, section 4; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 10, section 10, subdivision 2; Laws 2003, First Special Session chapter 9, article 10, section 11; Laws 2003, First Special Session chapter 9, article 10, section 12; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 125B; 127A; 135A; 171; repealing Minnesota Statutes 2002, sections 124D.15, subdivisions 2, 4, 6, 11, 13; 124D.16, subdivisions 1, 4; 124D.41; 124D.42, subdivisions 1, 2, 4, 5, 7; 124D.43; 124D.91; 124D.92; 126C.23; 134.47, subdivision 3; Minnesota Statutes 2003 Supplement, sections 124D.15, subdivision 7; 124D.42, subdivision 3; 124D.86, subdivision 5; 136G.11, subdivision 2; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Heidgerken	Lindner	Powell	Tingelstad
Abrams	Davids	Holberg	Lipman	Ruth	Urdahl
Adolphson	DeLaForest	Hoppe	Magnus	Samuelson	Walz
Anderson, B.	Demmer	Howes	McNamara	Seagren	Wardlow
Anderson, J.	Dempsey	Jacobson	Meslow	Seifert	Westerberg
Beard	Eastlund	Johnson, J.	Nelson, C.	Severson	Westrom
Blaine	Erhardt	Klinzing	Nelson, P.	Simpson	Wilkin
Borrell	Erickson	Knoblach	Newman	Smith	Zellers
Boudreau	Finstad	Kohls	Nornes	Soderstrom	Spk. Sviggum
Bradley	Fuller	Krinkie	Olsen, S.	Stang	
Brod	Gerlach	Kuisle	Ozment	Strachan	
Buesgens	Hackbarth	Lanning	Paulsen	Swenson	
Cornish	Harder	Lindgren	Penas	Sykora	

Those who voted in the negative were:

Anderson, I.	Eken	Jaros	Mahoney	Otto	Solberg
Atkins	Ellison	Juhnke	Mariani	Paymar	Thao
Bernardy	Entenza	Kahn	Marquart	Pelowski	Vandever
Biernat	Goodwin	Kelliher	Mullery	Peterson	Wagenius
Carlson	Greiling	Koenen	Murphy	Pugh	Walker
Clark	Hausman	Larson	Nelson, M.	Rhodes	Wasiluk
Davnie	Hilstrom	Latz	Olson, M.	Rukavina	
Dill	Hilty	Lenczewski	Opatz	Sertich	
Dorman	Hornstein	Lesch	Osterman	Sieben	
Dorn	Huntley	Lieder	Otremba	Slawik	

The bill was passed, as amended, and its title agreed to.

MOTIONS AND RESOLUTIONS

Meslow moved that the names of Zellers and Severson be added as authors on H. F. No. 1961. The motion prevailed.

Paulsen moved that the names of Zellers and Severson be added as authors on H. F. No. 2048. The motion prevailed.

Brod moved that the name of Nelson, C., be added as an author on H. F. No. 2181. The motion prevailed.

Latz moved that the name of Strachan be added as an author on H. F. No. 2411. The motion prevailed.

Lanning moved that the name of Davids be added as an author on H. F. No. 2525. The motion prevailed.

Cox moved that the name of Kelliher be added as an author on H. F. No. 2602. The motion prevailed.

Abrams moved that the name of Demmer be added as an author on H. F. No. 2643. The motion prevailed.

Abrams moved that the name of Demmer be added as an author on H. F. No. 3058. The motion prevailed.

Wilkin moved that the name of Pugh be added as an author on H. F. No. 3119. The motion prevailed.

Anderson, I., moved that H. F. No. 3070 be returned to its author. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, April 1, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, April 1, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

