

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 FORTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 24, 2003

The House of Representatives convened at 10:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend John Snider, Saint Stephen's Lutheran Church, West St. Paul, Minnesota.

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

A quorum was present.

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

The Chief Clerk proceeded to read the Journal of the preceding day. Hoppe 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

Abrams from the Committee on Taxes to which was referred:

H. F. No. 627, A bill for an act relating to appropriations; appropriating money for transportation and other purposes; authorizing issuance of state bonds; modifying provisions relating to reverse auctions, wetland replacement, land appraisal, archaeological or historic sites, high-occupancy vehicle lanes, town line roads and easements, major transportation projects commission, advertisements for bids, city transit capital improvement projects in metropolitan area, bus rapid transit and other transit, local government permits, and other transportation-related activities; providing for fees, accounts, transfers, fund allocations, and expenditures; modifying provisions regulating speed limits, vehicle insurance requirements, essential employee status, the capitol complex security oversight committee, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 13.44, subdivision 3; 16C.10, subdivision 7; 103G.222, subdivisions 1, 3; 138.40, subdivisions 2, 3; 160.28, by adding a subdivision; 161.08; 161.20, subdivision 3; 164.12; 168.12, subdivision 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.14, by adding a subdivision; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 171.20, subdivision 4; 171.29, subdivision 2; 174.55, subdivision 2; 179A.03, subdivision 7; 179A.10, subdivision 2; 297B.09, subdivision 1; 299A.465, subdivision 4; 299E.03, subdivision 3; 471.345, subdivision 14; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 117; 160; 299A; 331A; 373; 414; 473; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

Reported the same back with the following amendments:

Page 13, after line 22, insert:

"Sec. 2. Minnesota Statutes 2002, section 16A.88, subdivision 1, is amended to read:

Subdivision 1. [GREATER MINNESOTA TRANSIT FUND.] The greater Minnesota transit fund is established within the state treasury. Money in the fund is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24. Beginning in fiscal year 2003, the commissioner may use up to \$400,000 each year for administration of the transit program. The commissioner shall use the fund for transit operations as provided in section 174.24 and related program administration."

Page 34, after line 21, insert:

"Sec. 25. Minnesota Statutes 2002, section 174.24, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A public transit participation program is established to carry out the objectives stated in section 174.21 by providing financial assistance from the state, including the greater Minnesota transit fund established in section 16A.88, to eligible recipients outside of the metropolitan area.

Sec. 26. Minnesota Statutes 2002, section 174.24, subdivision 3b, is amended to read:

Subd. 3b. [OPERATING ASSISTANCE.] (a) The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance ~~which that~~ may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving money under this section.

(b) Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, except as provided in an undue hardship case. The percentages must be: for urbanized area service and small urban area service, ~~40~~ 20 percent; for rural area service, ~~35~~ 15 percent; and for elderly and handicapped service, ~~35~~ 15 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means ~~payments under section 174.242 plus~~ all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost. Total operating costs of the Duluth transit authority or a successor agency ~~shall~~ does not include costs related to the Superior, Wisconsin service contract and the independent school district No. 709 service contract. For calendar years 2004 and 2005, to enable public transit systems to meet the provisions of this section the commissioner may adjust payments of financial assistance to recipients that were under a contract with the department on January 1, 2003.

(c) If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification, ~~provided that no recipient shall have its~~. However, the commissioner may not reduce or increase any recipient's percentage thus reduced or increased under this paragraph for more than two years successively. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary."

Page 36, after line 21, insert:

"Sec. 30. Minnesota Statutes 2002, section 275.71, subdivision 5, is amended to read:

Subd. 5. [PROPERTY TAX LEVY LIMIT.] Notwithstanding any other provision of a municipal charter which limits ad valorem taxes to a lesser amount, or which would require a separate voter approval for any increase, for taxes levied in 2001 and 2002, the property tax levy limit for a local governmental unit is equal to its adjusted levy limit base determined under subdivision 4 plus any additional levy authorized under section 275.73, which is levied against net tax capacity, reduced by the sum of (i) the total amount of aids and reimbursements that the local governmental unit is certified to receive under sections 477A.011 to 477A.014, except for the increases in city aid bases in calendar year 2002 under section 477A.011, subdivision 36, paragraphs (n), (p), and (q), (ii) homestead and agricultural aids it is certified to receive under section 273.1398, (iii) taconite aids under sections 298.28 and 298.282 including any aid which was required to be placed in a special fund for expenditure in the next succeeding year, and (iv) low-income housing aid under sections 477A.06 and 477A.065, ~~and (v) property tax replacement aids under section 174.242.~~"

Page 47, after line 27, insert:

"Sec. 42. Minnesota Statutes 2002, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [METROPOLITAN AREA TRANSIT TAX.] (a) For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision, the council shall levy each year upon all taxable property within the metropolitan area, defined in section 473.121, subdivision 2, a transit tax consisting of:

(1) an amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause; and

(2) an additional amount necessary to provide full and timely payment of certificates of indebtedness issued by the council, after consultation with the commissioner of finance, if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness is issued increase over those revenues in the previous fiscal year by a percentage less than the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor. The authority to levy a tax under this clause applies only to certificates issued before July 1, 2003.

(b) Indebtedness to which property taxes have been pledged under paragraph (a), clause (2), that is incurred in any fiscal year may not exceed the amount necessary to make up the difference between (1) the amount that the council received or expects to receive in that fiscal year from the metropolitan area transit fund and (2) the amount the council received from that fund in the previous fiscal year multiplied by the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

Page 57, after line 21, insert:

"(d) Minnesota Statutes 2002, section 174.242, is repealed."

Page 57, line 22, delete "(d)" and insert "(e)"

Page 57, line 23, delete "(e)" and insert "(f)"

Page 57, line 24, delete "(f)" and insert "(g)"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing transit funding, aid, and tax levy provisions;"

Page 1, line 22, after "3;" insert "16A.88, subdivision 1;"

Page 1, line 30, after "2;" insert "174.24, subdivisions 1, 3b;"

Page 1, line 32, after "2;" insert "275.71, subdivision 5;"

Page 1, line 34, after "14;" insert "473.446, subdivision 1;"

Page 1, line 40, before "Minnesota" insert "174.242;"

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. 656, A bill for an act relating to retirement; modifying the Hennepin county supplemental retirement plan to allow the county administrator to approve certain participant requests; amending Minnesota Statutes 2002, sections 383B.49; 383B.493.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE BOARD OF INVESTMENT
CHANGES

Section 1. Minnesota Statutes 2002, section 11A.17, subdivision 2, is amended to read:

Subd. 2. [ASSETS.] The assets of the supplemental investment fund shall consist of the money certified and transmitted to the state board from the participating public retirement plans and funds or from the board of the Minnesota state colleges and universities under section 136F.45. The assets must be used to purchase investment shares in the investment accounts specified by the plan or fund. These accounts must be valued at least on a monthly basis, but may be valued more frequently as determined by the state board of investment.

Sec. 2. Minnesota Statutes 2002, section 352.96, subdivision 2, is amended to read:

Subd. 2. [PURCHASE OF SHARES.] The amount of compensation so deferred may be used to purchase:

(1) shares in the Minnesota supplemental investment fund established in section 11A.17 that are selected to be offered under the plan by the state board of investment;

(2) saving accounts in federally insured financial institutions;

(3) life insurance contracts, fixed annuity and variable annuity contracts from companies that are subject to regulation by the commissioner of commerce;

(4) investment options from open-end investment companies registered under the federal Investment Company Act of 1940, United States Code, title 15, sections 80a-1 to 80a-64;

(5) investment options from a firm that is a registered investment advisor under the Investment Advisers Act of 1940, United States Code, title 15, section 80b-1 to 80b-21;

(6) investment options of a bank as defined in United States Code, title 15, section 80b-2, subsection (a), paragraph (2), or a bank holding company as defined in the Bank Holding Company Act of 1956, United States Code, title 12, section 1841, subsection (a), paragraph (1); or

(7) a combination of clause (1), (2), (3), (4), (5), or (6), as provided by the plan as specified by the participant.

All amounts contributed to the deferred compensation plan and all earnings on those amounts will be held for the exclusive benefit of the plan participants and beneficiaries. These amounts will be held in trust, in custodial accounts, or in qualifying annuity contracts as required by federal law and in accordance with section 356A.06,

subdivision 1. This subdivision does not authorize an employer contribution, except as authorized in section 356.24, subdivision 1, paragraph (a), clause (5). The state, political subdivision, or other employing unit is not responsible for any loss that may result from investment of the deferred compensation.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 2003.

ARTICLE 2

EARLY RETIREMENT INCENTIVE PROGRAMS

Section 1. [APPLICATION.]

Unless otherwise specified, this article applies to governmental subdivisions as specified in Minnesota Statutes, section 353.01, subdivision 6, and public employees providing service to the applicable employer and covered by the public employees retirement association general plan or police and fire plan under Minnesota Statutes, chapter 353, or the public employees retirement association local government correctional service retirement plan under Minnesota Statutes, chapter 353E.

Sec. 2. [EMPLOYEE EXCLUSION.]

This article does not apply to any employee who provides service to more than one governmental subdivision, or who earns service credit during the time period covered by this article in any Minnesota public employee plan other than a volunteer fire plan.

Sec. 3. [PHASED RETIREMENT.]

(a) This section applies to a public employee who:

(1) on the effective date of this section is regularly scheduled to work 1,040 or more hours a year in a position covered by an applicable retirement plan;

(2) enters into an agreement with the governmental subdivision to work a reduced schedule that is both:

(i) a reduction of at least 25 percent from the number of regularly scheduled work hours; and

(ii) 1,040 hours or less in the covered position; and

(3) at the time of entering into the agreement under clause (2), meets the age and service requirements necessary to receive a retirement benefit from the applicable plan.

(b) Notwithstanding any law to the contrary, for service under an agreement entered into under paragraph (a), an employee agrees to terminate public employment meeting requirements of Minnesota Statutes, section 353.01, subdivision 11a, except that the minimum 30-day break-in-service requirement under that subdivision shall not apply, and agrees to reemployment with the applicable governmental subdivision under terms and conditions specified in this section. If an eligible public employee commences receipt of an annuity from a plan specified in paragraph (a), the provisions of Minnesota Statutes, section 353.37, governing annuities of reemployed annuitants shall not apply for the duration of the agreement.

(c) The number of hours worked, the work schedule, and the duration of the phased retirement employment must be mutually agreed to by the employee and the governmental subdivision. The governmental subdivision may not require a person to waive any rights under a collective bargaining agreement as a condition of participation in this section. The governmental subdivision has sole discretion to determine if and the extent to which phased retirement under this section is available to an employee.

(d) Notwithstanding any law to the contrary, a person may not earn service credit in the public employees retirement association for employment covered under this section, and employer contributions and payroll deductions for the retirement fund must not be made based on earnings of a person working under this section. No change shall be made to a monthly annuity or retirement allowance based on employment under this section.

(e) A person who works under this section and meets the definition of public employee under Minnesota Statutes, section 179A.03, subdivision 14, is a member of the appropriate bargaining unit, is covered by the appropriate collective bargaining contract or personnel policy, and is eligible for health care coverage as provided in the collective bargaining contract or personnel policy.

(f) An agreement under this section may apply only to work through June 30, 2005.

Sec. 4. [VOLUNTARY HOUR REDUCTION PLAN.]

(a) This section applies to a public employee who:

(1) on the effective date of this section is regularly scheduled to work 1,040 or more hours a year in a position covered by a pension plan administered by the public employees retirement association; and

(2) enters into an agreement with a governmental subdivision to work a reduced schedule of 1,040 or less hours in the covered position.

(b) Notwithstanding any law to the contrary, for service under an agreement entered into under paragraph (a), contributions may be made to the applicable plan of the public employees retirement association as if the employee had not reduced hours. The employee must pay the employee contributions and the employer must pay employer and additional employer contributions necessary to bring the service credit and salary up to the level prior to the voluntary reduction in hours. Contributions must be made in a time and manner prescribed by the executive director of the public employees retirement association.

(c) The number of hours worked, the work schedule, and the duration of the voluntary hour reduction must be mutually agreed to by the employee and the governmental subdivision. The governmental subdivision may not require a person to waive any rights under a collective bargaining agreement as a condition of participation under this section. The governmental subdivision has sole discretion to determine if and the extent to which voluntary hour reduction under this section is available to an employee.

(d) A person who works under this section and meets the definition of public employee under Minnesota Statutes, section 179A.03, subdivision 14, is a member of an appropriate bargaining unit, is covered by an appropriate collective bargaining contract or personnel policy, and is eligible for health care coverage as provided in a collective bargaining contract or personnel policy.

(e) An agreement under this section may apply only to work through June 30, 2005.

Sec. 5. [VOLUNTARY UNPAID LEAVE OF ABSENCE.]

(a) Governmental subdivisions may allow employees to take unpaid leaves of absence between June 1, 2003, and June 30, 2005. Each governmental subdivision approving a leave shall allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue service credit and credited salary in the public employees retirement association as if the employee had actually been employed during the time of leave. If the leave of absence is for one full pay period or longer, any holiday pay shall be included in the first payroll warrant after return from the leave of absence. The governmental subdivision shall attempt to grant requests for the unpaid leaves of absence consistent with the need to continue efficient operation of the governmental subdivision. However, each governmental subdivision shall retain discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves, subject to the applicable provisions of collective bargaining agreements and personnel policy.

(b) To receive eligible service credit, the member shall pay an amount equal to the applicable employee contribution rates. If an employee pays the employee contribution for the period of the leave under this section, the governmental subdivision must pay the employer contribution and the additional employer contribution. The governmental subdivision may, at its discretion, pay employee, employer, and additional employer contributions to the public employees retirement association for the period of leave under this section. Contributions must be made in a time and manner prescribed by the executive director of the public employees retirement association.

Sec. 6. [DESIGNATION OF POSITIONS; EMPLOYER DISCRETION.]

Before agreeing to an option under this article, a governmental subdivision must designate the job classifications or positions within job classifications that qualify for each option. The governmental subdivision may modify this designation at any time. Designation of positions eligible for the options and participation of individual employees under this article are at the sole discretion of the governmental subdivision. Implementation of this article by the employer is not an unfair labor practice under Minnesota Statutes, chapter 179A, or an unfair discriminatory practice under Minnesota Statutes, chapter 363.

Sec. 7. [PROGRAM APPLICATION REQUIREMENTS.]

(a) No agreement between an eligible public employee and a governmental subdivision under this article is effective unless the employee acknowledges acceptance of the terms of the agreement in writing on a form prescribed by the public employees retirement association executive director.

(b) A copy of the signed agreement must be transmitted to the public employees retirement association executive director within 30 days after the agreement is executed.

Sec. 8. [RELATIONSHIP OF SECTIONS.]

(a) An employee covered by a phased retirement agreement under section 3 may not be covered by the voluntary hour reduction provisions of section 4 or by a voluntary unpaid leave of absence agreement under section 5 during the same time period or any later time period.

(b) An employee covered by the voluntary hour reduction provisions of section 4:

(1) may not be covered by a phased retirement agreement under section 3 during the same time period, but may be covered by a phased retirement agreement under section 3 during a later time period; and

(2) may be covered by the voluntary leave of absence provision of section 5 during an earlier or later time period.

Sec. 9. [GOVERNMENTAL SUBDIVISION LIMITATION.]

Notwithstanding Minnesota Statutes, section 353.01, subdivision 6, paragraph (b), to the contrary, for purposes of this article the public employees retirement association is not a governmental subdivision.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment.

ARTICLE 3

PUBLIC EMPLOYEES RETIREMENT
ASSOCIATION CHANGES

Section 1. Minnesota Statutes 2002, section 353.01, subdivision 2d, is amended to read:

Subd. 2d. [OPTIONAL MEMBERSHIP.] (a) Membership in the association is optional by action of the individual employee for the following public employees who meet the conditions set forth in subdivision 2a:

(1) members of the coordinated plan who are also employees of labor organizations as defined in section 353.017, subdivision 1, for their employment by the labor organization only if they elect to have membership under section 353.017, subdivision 2;

(2) persons who are elected or persons who are appointed to elected positions other than local governing body elected positions who elect to participate by filing a written election for membership;

(3) members of the association who are appointed by the governor to be a state department head and who elect not to be covered by the general state employees retirement plan of the Minnesota state retirement system under section 352.021; ~~and~~

(4) city managers as defined in section 353.028, subdivision 1, who do not elect to be excluded from membership in the association under section 353.028, subdivision 2; and

(5) employees of the port authority of the city of St. Paul who were at least age 45 on January 1, 2003, and who elect to participate by filing a written election for membership.

(b) Membership in the association is optional by action of the governmental subdivision for the employees of the following governmental subdivisions under the conditions specified:

(1) the Minnesota association of townships if the board of the association, at its option, certifies to the executive director that its employees are to be included for purposes of retirement coverage, in which case the status of the association as a participating employer is permanent; and

(2) a county historical society if the county in which the historical society is located, at its option, certifies to the executive director that the employees of the historical society are to be county employees for purposes of retirement coverage under this chapter. The status as a county employee must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society.

(c) For employees who are covered by paragraph (a), clause (1), (2), or (3), or covered by paragraph (b), if the necessary membership election is not made, the employee is excluded from retirement coverage under this chapter. For employees who are covered by paragraph (a), clause (4), if the necessary election is not made, the employee must become a member and have retirement coverage under this chapter. The option to become a member, once exercised under this subdivision, may not be withdrawn until termination of public service as defined under subdivision 11a.

Sec. 2. Minnesota Statutes 2002, section 353.01, subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] (a) "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources.

(b) Governmental subdivision also means the public employees retirement association, the league of Minnesota cities, the association of metropolitan municipalities, public hospitals owned or operated by, or an integral part of, a governmental subdivision or governmental subdivisions, the association of Minnesota counties, the metropolitan intercounty association, the Minnesota municipal utilities association, the metropolitan airports commission, the Minneapolis employees retirement fund for employment initially commenced after June 30, 1979, the range association of municipalities and schools, soil and water conservation districts, economic development authorities created or operating under sections 469.090 to 469.108, the port authority of the city of St. Paul, the Spring Lake Park fire department, incorporated, the Red Wing environmental learning center, and the Dakota county agricultural society.

(c) Governmental subdivision does not mean any municipal housing and redevelopment authority organized under the provisions of sections 469.001 to 469.047; or any port authority organized under sections 469.048 to 469.089 other than the port authority of the city of St. Paul; or any hospital district organized or reorganized prior to July 1, 1975, under sections 447.31 to 447.37 or the successor of the district, nor the Minneapolis community development agency.

Sec. 3. Minnesota Statutes 2002, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] (a) Eligibility to participate in the defined contribution plan is available to:

(1) elected local government officials of a governmental subdivision who elect to participate in the plan under section 353D.02, subdivision 1, and who, for the elected service rendered to a governmental subdivision, are not members of the public employees retirement association within the meaning of section 353.01, subdivision 7;

(2) physicians who, if they did not elect to participate in the plan under section 353D.02, subdivision 2, would meet the definition of member under section 353.01, subdivision 7;

(3) basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate under section 353D.02, subdivision 3; ~~and~~

(4) members of a municipal rescue squad associated with Litchfield in Meeker county, or of a county rescue squad associated with Kandiyohi county, if an independent nonprofit rescue squad corporation, incorporated under chapter 317A, performing emergency management services, and if not affiliated with a fire department or ambulance service and if its members are not eligible for membership in that fire department's or ambulance service's relief association or comparable pension plan; and

(5) employees of the port authority of the city of St. Paul who elect to participate in the plan under section 353D.02, subdivision 5, and who are not members of the public employees retirement association under section 353.01, subdivision 7.

(b) For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. Service as an elected local government official only includes service for the governmental subdivision for which the official was elected by the public-at-large. Service as an elected local government official ceases and eligibility to participate terminates when the person ceases to be an elected official. An elected local government official does not include an elected county sheriff.

~~(c) Elected local government officials, physicians, first response personnel and emergency medical service personnel, and rescue squad personnel~~ Individuals otherwise eligible to participate in the plan under this subdivision who are currently covered by a public or private pension plan because of their employment or provision of services are not eligible to participate in the public employees defined contribution plan.

(d) A former participant is a person who has terminated eligible employment or service and has not withdrawn the value of the person's individual account.

Sec. 4. Minnesota Statutes 2002, section 353D.02, is amended by adding a subdivision to read:

Subd. 5. [ST. PAUL PORT AUTHORITY PERSONNEL.] Employees of the port authority of the city of St. Paul who do not elect to participate in the general employees retirement plan may elect to participate in the plan by filing a membership application on a form prescribed by the executive director of the association authorizing contributions to be deducted from the employee's salary. Participation begins on the first day of the pay period for which the contributions were deducted or, if pay period coverage dates are not provided, the date on which the membership application or the contributions are received in the office of the association, whichever is received first, if the membership application is received by the association within 60 days of the receipt of the contributions. An election to participate in the plan is irrevocable.

Sec. 5. [RED WING ENVIRONMENTAL LEARNING CENTER.]

(a) The legislature finds that the Red Wing environmental learning center has a long and very close relationship with independent school district No. 256, Red Wing, that Red Wing environmental learning center employees have been treated as independent school district No. 256, Red Wing, employees for retirement coverage purposes for 33 years, and that the current learning center employees would suffer a significant loss in their pension benefit coverage if their membership in the general employees retirement plan of the public employees retirement association was disrupted.

(b) Notwithstanding the provisions of any other law to the contrary, independent school district No. 256, Red Wing, may certify to the executive director of the public employees retirement association that employees of the Red Wing environmental learning center are considered school district employees solely for purposes of retirement coverage by the general employees retirement plan under Minnesota Statutes, chapter 353. This status must be accorded to all similarly situated Red Wing environmental learning center employees.

Sec. 6. [PERA-GENERAL; PRIOR ST. PAUL PORT AUTHORITY SERVICE CREDIT PURCHASE.]

Subdivision 1. [ELIGIBILITY.] A full-time salaried employee or a permanent part-time salaried employee of the port authority of the city of St. Paul who was employed by the port authority during all or part of the period from July 1, 1993, to July 1, 2003, and who is a member of the general employees retirement plan of the public employees retirement association may purchase allowable service credit from the general employees retirement plan.

Subd. 2. [PURCHASABLE SERVICE; MAXIMUM.] (a) The service credit that is purchasable under subdivision 1 is a period or periods of employment by the port authority of the city of St. Paul that would have been eligible service for coverage by the general employees retirement plan of the public employees retirement association if the service had been rendered after July 1, 2003.

(b) The maximum period of allowable service credit in the general employees retirement plan of the public employees retirement association for purchase under this section is ten years.

Subd. 3. [PURCHASE PAYMENT REQUIREMENT.] (a) To purchase the service credit, the payment amount must be calculated under Minnesota Statutes, section 356.55.

(b) Notwithstanding any provision of Minnesota Statutes, section 356.55, to the contrary, the prior service credit purchase payment may be made in whole or in part on an institution-to-institution basis from a plan qualified under the federal Internal Revenue Code, sections 401(a), 401(k), or 414(h), or from an annuity qualified under the federal Internal Revenue Code, section 403, or from a deferred compensation plan under the federal Internal Revenue Code, section 457, to the extent permitted by the applicable federal law. In no event may a prior service credit purchase transfer be paid directly to the person purchasing the service.

Subd. 4. [DOCUMENTATION; SERVICE CREDIT GRANT.] (a) An eligible person described in subdivision 1 must provide any documentation related to eligibility to make this service credit purchase required by the executive director of the public employees retirement association.

(b) Allowable service credit for the purchase period or periods must be granted by the general employees retirement plan of the public employees retirement association on behalf of the eligible person upon receipt of the prior service credit purchase payment amount.

Subd. 5. [SUNSET.] Authority to purchase service credit under this section expires on December 31, 2004.

Sec. 7. [PRIOR SERVICE; VESTING.]

For purposes of vesting under section 353.29, subdivision 1, only, a full-time salaried employee or a permanent part-time salaried employee of the port authority of the city of St. Paul who was employed by the port authority on July 1, 2003, and who is a member of the general employees retirement plan of the public employees retirement association may use months of employment with the port authority before that date. This service may not be used to calculate a retirement annuity or a disability benefit provided for under Minnesota Statutes, chapter 353.

Sec. 8. [DEFINED CONTRIBUTION PLAN; ONETIME ELECTION.]

Employees of the port authority of the city of St. Paul who do not exercise the right to become members of the general employees retirement plan of the public employees retirement association under section 1 may, by onetime election, choose to participate in the public employees retirement association's defined contribution plan under Minnesota Statutes, sections 353D.01 to 353D.12. The election is irrevocable.

Sec. 9. [EFFECTIVE DATE.]

(a) Section 2 with respect to the Red Wing environmental learning center, and section 5 are effective the day after the school board of independent school district No. 256, Red Wing, and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3, and certification to the executive director of the public employees retirement association.

(b) Section 2, with respect to the port authority of the city of St. Paul, is effective the day following final enactment.

(c) Sections 1, 3, 4, 5, 7, and 8 are effective the day following final enactment.

(d) Coverage by the general employees retirement plan of the public employees retirement association under sections 1 and 2 commences July 1, 2003.

ARTICLE 4

PRIOR SERVICE CREDIT PURCHASE PROVISIONS

Section 1. Minnesota Statutes 2002, section 356.55, subdivision 7, is amended to read:

Subd. 7. [EXPIRATION OF PURCHASE PAYMENT DETERMINATION PROCEDURE.] (a) This section expires and is repealed on July 1, ~~2003~~ 2004.

(b) Authority for any public pension plan to accept a prior service credit payment that is calculated in a timely fashion under this section expires on October 1, ~~2003~~ 2004.

Sec. 2. Laws 1999, chapter 222, article 16, section 16, as amended by Laws 2002, chapter 392, article 7, section 1, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 13 are repealed on May 16, ~~2003~~ 2004.

Sec. 3. Laws 2000, chapter 461, article 4, section 4, is amended to read:

Sec. 4. [EFFECTIVE DATE; SUNSET REPEALER.]

(a) Sections 1, 2, and 3 are effective on the day following final enactment.

(b) Sections 1, 2, and 3 are repealed on May 16, ~~2003~~ 2004.

Sec. 4. Laws 2000, chapter 461, article 12, section 20, as amended by Laws 2002, chapter 392, article 7, section 2, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

(a) Sections 4, 5, and 11 to 20 are effective on the day following final enactment.

(b) Sections 1, 2, 3, and 6 to 10 are effective on the day following final enactment and apply retroactively to a faculty member of the Lake Superior College who was granted an extended leave of absence under article 19, section 4, of the united technical college educators master agreement for the 1999-2000 academic year prior to March 20, 2000.

(c) Sections 5, 11, and 14, paragraph (c), expire on May 16, ~~2003~~ 2004.

Sec. 5. Laws 2001, First Special Session chapter 10, article 6, section 21, as amended by Laws 2002, chapter 392, article 7, section 3, is amended to read:

Sec. 21. [EXPIRATION DATE.]

(a) The amendments in sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 19, and 20 expire May 16, ~~2003~~ 2004.

(b) Sections 9 and 15 expire May 16, ~~2003~~ 2004.

Sec. 6. [PERA-GENERAL; SERVICE CREDIT PURCHASE AUTHORIZED.]

(a) Notwithstanding any provision of law to the contrary, an eligible person described in paragraph (b), (c), or (d) is authorized to purchase allowable service credit from the general employees retirement plan of the public employees retirement association under Minnesota Statutes, section 356.55 or 356.551, for the applicable period of prior employment as a council member of the city of St. Louis Park which was not credited by the general employees retirement plan of the public employees retirement association as indicated in paragraph (e).

(b) An eligible person is a person who:

(1) is a current member of the St. Louis Park city council and is a current member of the general employees retirement plan of the public employees retirement association;

(2) was born on September 26, 1941;

(3) became a St. Louis Park city council member on January 1, 1996; and

(4) was not a member of the general employees retirement plan of the public employees retirement association for the period January 1, 1996, to January 29, 2000.

(c) An eligible person is a person who:

(1) is a current member of the St. Louis Park city council and is a current member of the general employees retirement plan of the public employees retirement association;

(2) was born on October 8, 1949;

(3) became a St. Louis Park city council member on June 8, 1999; and

(4) was not a member of the general employees retirement plan of the public employees retirement association for the period June 8, 1999, to January 12, 2002.

(d) An eligible person is a person who:

(1) is a current member of the St. Louis Park city council and is a current member of the general employees retirement plan of the public employees retirement association;

(2) was born on June 4, 1964;

(3) became a St. Louis Park city council member on November 18, 1997; and

(4) was not a member of the general employees retirement plan of the public employees retirement association for the period November 18, 1997, to March 9, 2002.

(e) The allowable service credit purchase period is limited to the period of St. Louis Park city council service that was not covered by the general employees retirement plan of the public employees retirement association.

(f) The eligible person must provide all relevant documentation of the applicability of the requirements set forth in paragraph (b), (c), or (d) and any other applicable information that the executive director of the public employees retirement association may request.

(g) Allowable service credit for the purchase period must be granted by the general employees retirement plan of the public employees retirement association to the eligible person upon receipt of the prior service credit purchase payment amount.

(h) Notwithstanding Minnesota Statutes, section 356.55, subdivision 5, or 356.551, subdivision 2, whichever applies, the city of St. Louis Park is not permitted to pay any portion of the service credit purchase payment amount.

(i) The prior service credit purchase authority expires on July 1, 2004, or on the date of the termination of active St. Louis Park city council service by the eligible person, whichever occurs earlier.

Sec. 7. [REPEALER.]

Minnesota Statutes 2002, sections 354.541 and 354A.109, are repealed May 16, 2004.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.

ARTICLE 5

GENERAL RETIREMENT CHANGES

Section 1. Minnesota Statutes 2002, section 356B.05, is amended to read:

356B.05 [PUBLIC PENSION ADMINISTRATION LEGISLATION.]

(a) Proposed administrative legislation recommended by or on behalf of the Minnesota state retirement system, the public employees retirement association, the teachers retirement association, the Minneapolis employees retirement fund, ~~or a first class city teachers retirement fund association,~~ or the Minnesota state colleges and universities system must be presented to the legislative commission on pensions and retirement, the state and local governmental operations committee of the senate, and the governmental operations and veterans affairs policy committee of the house of representatives on or before October 1 of each year in order for the proposed administrative legislation to be acted upon during the upcoming legislative session. The executive director or the deputy executive director of the legislative commission on pensions and retirement shall provide written comments on the proposed administrative provisions to the public pension plans by November 15 of each year.

(b) Proposed administrative legislation recommended by or on behalf of a public employee pension plan or system under paragraph (a) must address provisions:

(1) authorizing allowable service credit for leaves of absence and related circumstances;

- (2) governing offsets or deductions from the amount of disability benefits;
- (3) authorizing the purchase of allowable service credit for prior uncredited periods;
- (4) governing subsequent employment earnings by reemployed annuitants; and
- (5) authorizing retroactive effect for retirement annuity or benefit applications.

(c) Where possible and desirable, taking into account the differences among the public pension plans in existing law and the unique characteristics of the individual public pension fund memberships, uniform provisions relating to paragraph (b) for all applicable public pension plans must be presented for consideration during the legislative session. Supporting documentation setting forth the policy rationale for each set of uniform provisions must accompany the proposed administrative legislation.

Sec. 2. [ACTUARIAL STUDY OF COSTS TO RESTRUCTURE TEACHER PLANS.]

Subdivision 1. [STUDY MANDATED.] The actuary retained by the legislative commission on pensions and retirement shall prepare an additional actuarial valuation report, using the results of the 2003 actuarial valuation reports prepared under Minnesota Statutes, section 356.215, that considers the feasibility of restructuring the Minnesota teachers retirement association, the Minneapolis teachers retirement fund association, the St. Paul teachers retirement fund association, and the Duluth teachers retirement plan and fund association into a new restructured fund.

Subd. 2. [CONTENTS OF STUDY.] The actuarial valuation report must be based on the proposals put forth in the report mandated by the legislature in Laws 2001, First Special Session chapter 10, article 11, section 20, and filed February 15, 2002, including changes to the postretirement adjustment, benefits, and restructuring administrative costs and including asset transfers.

Subd. 3. [INFORMATION PROVIDED.] The executive director of the teachers retirement association, the executive secretary of the Duluth teachers retirement fund association, the executive director of the St. Paul teachers retirement fund association, and the executive director of the Minneapolis teachers retirement fund association must consult with the task force established under Laws 2001, First Special Session chapter 10, article 11, section 20, and must provide the commission-retained actuary with all necessary information requested for the preparation of this report.

Subd. 4. [COSTS.] The cost of the actuarial valuation report mandated in this section will be paid by the pension funds named in this legislation. The cost must be allocated equally between the four pension funds. The executive director of the Minneapolis teachers retirement fund association shall serve as the fiscal agent for this study, shall pay its cost, and shall be reimbursed by the other three retirement funds for their appropriate share.

Subd. 5. [FILING DATE.] The report must be filed by January 15, 2004, with the chair of the legislative commission on pensions and retirement, the chair of the senate committee on state and local government operations, and the chair of the house committee on government operations and veterans affairs policy.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 6

MINNEAPOLIS FIREFIGHTERS RELIEF
ASSOCIATION CHANGES

Section 1. Minnesota Statutes 2002, section 423C.08, is amended to read:

423C.08 [MEMBER CONTRIBUTION REFUND TO BENEFICIARY UPON DEATH.]

If an active, deferred, or retired member of the association dies and no survivor benefit is payable, the designated beneficiary of the decedent or, if none, the legal representative of the estate of the decedent is entitled, upon application, to a refund. The refund shall be an amount equal to the member contributions to the credit of the decedent, plus interest on those contributions at an annual compounded rate of five percent from the first day of the month following the date of the contribution to the first day of the month following the date of death of the decedent, reduced by the sum of any service pension or disability benefit previously paid by the fund to the decedent.

Sec. 2. [INTENT.]

Section 1 is intended to bring the Minneapolis firefighters relief association's statutory provision which provides for a refund of member contributions where the decedent does not leave a surviving spouse or children in conformance with Minnesota Statutes 2002, section 423A.18.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective retroactively from September 25, 2001. Section 2 is effective the day following final enactment.

ARTICLE 7

PLYMOUTH VOLUNTEER FIREFIGHTER RELIEF
ASSOCIATION CHANGES

Section 1. Laws 1978, chapter 685, section 1, as amended by Laws 1979, chapter 201, section 41, is amended to read:

Section 1. [PLYMOUTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.]

The bylaws of the Plymouth firefighter's relief association may be amended to provide for payment of a disability pension in an amount ~~equal to \$8.50 per month per year of service, to a maximum of \$255 per month~~ consistent with the ancillary benefit requirements specified in Minnesota Statutes, section 424A.02, subdivision 9, to a firefighter qualified pursuant to determined to be disabled, as defined in the bylaws of the association and under procedures specified in those bylaws. No member shall be entitled to draw both a disability pension and a service pension.

Sec. 2. Laws 1978, chapter 685, section 2, is amended to read:

Sec. 2. The Plymouth firefighter's relief association may provide for a benefit to the surviving spouse of a volunteer firefighter who died, providing that the surviving spouse qualifies under the terms of the bylaws, ~~such benefit to be paid as the bylaws of the association may provide, except that the bylaws may not provide for a spouse's benefit of more than \$127.50 per month, and provided the benefit shall cease as of the date of the spouse's remarriage and the benefit is consistent with ancillary benefit requirements specified in Minnesota Statutes, section 424A.02, subdivision 9.~~

Sec. 3. Laws 1978, chapter 685, section 3, is amended to read:

Sec. 3. The Plymouth firefighter's relief association may pay a pension for the children of deceased members, as the association's bylaws may provide, consistent with ancillary benefit requirements specified in Minnesota Statutes, section 424A.02, subdivision 9.

Sec. 4. Laws 1978, chapter 685, section 6, is amended to read:

Sec. 6. (a) The bylaws of the Plymouth firefighter's relief association may further provide that when any active or deferred member of the association or any ~~pensioner who is a former member~~ disabilitant or service pension recipient dies, there may be paid a death or funeral benefit to defray or assist the family of the deceased with funeral expenses.

(b) A benefit paid under this section due to the death of an active or deferred member must conform to Minnesota Statutes, section 424A.02, subdivision 9.

(c) A death or funeral benefit may be paid under this section to the family of a deceased disabilitant or service pensioner notwithstanding Minnesota Statutes, section 424A.02, subdivision 9, providing that liabilities relating to this benefit are recognized in determinations of actuarial condition and funding costs, as determined under section 69.772 or 69.773, whichever is applicable. Notwithstanding any law to the contrary, the association is authorized to use a load factor or factors to recognize liabilities relating to funeral or death benefits paid to the family of a deceased disabilitant or service pensioner. Benefits are not payable under this paragraph if the city council does not approve the load factor or factors used in determinations of actuarial conditions and funding costs.

Sec. 5. [REPEALER.]

Laws 1978, chapter 685, section 5, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective on the day after the date on which the Plymouth city council and the chief clerical officer of the city of Plymouth complete in a timely manner their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

ARTICLE 8

VOLUNTEER FIREFIGHTER RELIEF ASSOCIATION CHANGES

Section 1. Minnesota Statutes 2002, section 424A.02, subdivision 3, is amended to read:

Subd. 3. [FLEXIBLE SERVICE PENSION MAXIMUMS.] (a) Annually on or before August 1 ~~of each year~~ as part of the certification of the financial requirements and minimum municipal obligation ~~made pursuant to determined under~~ section 69.772, subdivision 4, or 69.773, subdivision 5, as applicable, the secretary or some other official of the relief association designated in the bylaws of each relief association shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three-year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association, any amounts of municipal contributions to the relief association raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association calculated ~~pursuant to sections under~~ section 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any.

(b) The maximum service pension which the relief association has authority to provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met must be determined using the table in paragraph (c) or (d), whichever applies.

(c) For a relief association where the governing bylaws provide for a monthly service pension to a retiring member, the maximum monthly service pension amount per month for each year of service credited that may be provided for in the bylaws is the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

Minimum Average Amount of Available Financing per Firefighter	Maximum Service Pension Amount Payable per Month for Each Year of Service
\$...	\$.25
42	.50
84	1.00
126	1.50
168	2.00
209	2.50
252	3.00
294	3.50
335	4.00
378	4.50
420	5.00
503	6.00
587	7.00
672	8.00
755	9.00
839	10.00
923	11.00
1007	12.00
1090	13.00

1175	14.00
1259	15.00
1342	16.00
1427	17.00
1510	18.00
1594	19.00
1677	20.00
1762	21.00
1845	22.00
1888	22.50
1929	23.00
2014	24.00
2098	25.00
2183	26.00
2267	27.00
2351	28.00
2436	29.00
2520	30.00
2604	31.00
2689	32.00
2773	33.00
2857	34.00
2942	35.00
3026	36.00
3110	37.00
3963 <u>3194</u>	38.00
4047 <u>3278</u>	39.00
4137 <u>3362</u>	40.00

~~Effective beginning December 31, 2000:~~

4227 <u>3446</u>	41.00
4317 <u>3530</u>	42.00
4407 <u>3614</u>	43.00
4497 <u>3698</u>	44.00

~~Effective beginning December 31, 2001:~~

4587 <u>3782</u>	45.00
4677 <u>3866</u>	46.00
4767 <u>3950</u>	47.00
4857 <u>4034</u>	48.00

~~Effective beginning December 31, 2002:~~

4947 <u>4118</u>	49.00
5037 <u>4202</u>	50.00
5127 <u>4286</u>	51.00
5217 <u>4370</u>	52.00

Effective beginning December 31, 2003:

5307 <u>4454</u>	53.00
5397 <u>4538</u>	54.00
5487 <u>4622</u>	55.00
5577 <u>4706</u>	56.00

(d) For a relief association in which the governing bylaws provide for a lump sum service pension to a retiring member, the maximum lump sum service pension amount for each year of service credited that may be provided for in the bylaws is the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter for the applicable specified period:

Minimum Average Amount of Available Financing per Firefighter	Maximum Lump Sum Service Pension Amount Payable for Each Year of Service
\$..	\$10
11	20

16	30
23	40
27	50
32	60
43	80
54	100
65	120
77	140
86	160
97	180
108	200
131	240
151	280
173	320
194	360
216	400
239	440
259	480
281	520
302	560
324	600
347	640
367	680
389	720
410	760
432	800
486	900
540	1000

594	1100
648	1200
702	1300
756	1400
810	1500
864	1600
918	1700
972	1800
1026	1900
1080	2000
1134	2100
1188	2200
1242	2300
1296	2400
1350	2500
1404	2600
1458	2700
1512	2800
1566	2900
1620	3000
1672	3100
1726	3200
1753	3250
1780	3300
1820	3375
1834	3400
1888	3500
1942	3600

1996	3700
2023	3750
2050	3800
2104	3900
2158	4000
2212	4100
2265	4200
2319	4300
2373	4400
2427	4500
2481	4600
2535	4700
2589	4800
2643	4900
2697	5000
2751	5100
2805	5200
2859	5300
2913	5400
2967	5500
Effective beginning December 31, 2000:	
3021	5600
3075	5700
3129	5800
3183	5900
3237	6000

~~Effective beginning December 31, 2001:~~

3291	6100
3345	6200
3399	6300
3453	6400
3507	6500

~~Effective beginning December 31, 2002:~~

3561	6600
3615	6700
3669	6800
3723	6900
3777	7000

Effective beginning December 31, 2003:

3831	7100
3885	7200
3939	7300
3993	7400
4047	7500

(e) For a relief association in which the governing bylaws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension, the maximum service pension amount for each pension payment type must be determined using the applicable table contained in this subdivision.

(f) If a relief association establishes a service pension in compliance with the applicable maximum contained in paragraph (c) or (d) and the minimum average amount of available financing per active covered firefighter is subsequently reduced because of a reduction in fire state aid or because of an increase in the number of active firefighters, the relief association may continue to provide the prior service pension amount specified in its bylaws, but may not increase the service pension amount until the minimum average amount of available financing per firefighter under the table in paragraph (c) or (d), whichever applies, permits.

(g) No relief association is authorized to provide a service pension in an amount greater than the largest applicable flexible service pension maximum amount even if the amount of available financing per firefighter is greater than the financing amount associated with the largest applicable flexible service pension maximum.

Sec. 2. [BENEFIT RATIFICATION; WHITE BEAR LAKE.]

Notwithstanding Minnesota Statutes, section 424A.02, subdivisions 3 and 3a, to the contrary, the service pension amounts specified in the bylaws of the White Bear Lake fire department relief association following bylaw amendments in January 1999 and prior to the effective date of this section are ratified.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 9

LOCAL RETIREMENT CHANGES

Section 1. Minnesota Statutes 2002, section 383B.49, is amended to read:

383B.49 [SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF SHARES.]

When requested to do so, in writing, on forms provided by the county, by a participant, surviving spouse, a guardian of a surviving child or a personal representative, whichever is applicable, the county of Hennepin shall redeem shares in the accounts of the Minnesota supplemental investment fund standing in a participant's share account record under the following circumstances and in accordance with the laws and regulations governing the Minnesota supplemental investment fund:

(1) A participant who is no longer employed by the county of Hennepin is entitled to receive the cash realized on the redemption of the shares to the credit of the participant's share account record of the person. The participant may request the redemption of all or a portion of the shares in the participant's share account record of the person, but may not request more than one redemption in any one calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed the person may request to redeem not less than 20 percent of the shares in any one calendar year and the redemption must be completed in no more than five years. An election is irrevocable except that a participant may request an amendment of the election to redeem all of the person's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin county ~~board~~ administrator, in ~~its~~ the sole discretion of the administrator.

(2) In the event of the death of a participant leaving a surviving spouse, the surviving spouse is entitled to receive the cash realized on the redemption of all or a portion of the shares in the participant's share account record of the deceased spouse, but in no event may the spouse request more than one redemption in each calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed, the surviving spouse may request the redemption of not less than 20 percent of the shares in any one calendar year. Redemption must be completed in no more than five years. An election is irrevocable except that the surviving spouse may request an amendment of the election to redeem all of the participant's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin county ~~board~~ administrator, in ~~its~~ the sole discretion of the administrator. Upon the death of the surviving spouse, any shares remaining in the participant's share account record must be redeemed by the county of Hennepin and the cash realized from the redemption distributed to the estate of the surviving spouse.

(3) In the event of the death of a participant leaving no surviving spouse, but leaving a minor surviving child or minor surviving children, the guardianship estate of the minor child is, or the guardianship estates of the minor children are, entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant. In the event of minor surviving children, the cash realized must be paid in equal shares to the guardianship estates of the minor surviving children.

(4) In the event of the death of a participant leaving no surviving spouse and no minor surviving children, the estate of the deceased participant is entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant.

Sec. 2. Minnesota Statutes 2002, section 383B.493, is amended to read:

383B.493 [WITHDRAWAL FROM PARTICIPATION.]

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin county employee participating in the Hennepin county supplemental retirement program pursuant to Laws 1982, chapter 450 may, in the event of an unforeseeable emergency, apply to the county to discontinue participation in the program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. Applications are subject to approval of the Hennepin county ~~board of commissioners~~ administrator in its sole discretion of the administrator. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved. A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

Sec. 3. [EVELETH RETIRED POLICE AND FIRE TRUST FUND; AD HOC POSTRETIREMENT ADJUSTMENT.]

In addition to the current pensions and other retirement benefits payable, the pensions and retirement benefits payable to retired police officers and firefighters and their surviving spouses by the Eveleth police and fire trust fund are increased by \$100 per month. Increases are retroactive from January 1, 2003.

Sec. 4. [MARSHALL VOLUNTEER FIRE.]

Notwithstanding any provision of Minnesota Statutes, section 424A.02, subdivision 7, or other law to the contrary, as a pilot project, the Marshall volunteer firefighter relief association may amend its bylaws to pay interest on deferred lump sum payment pensions based on a rate determined annually by the board of trustees based on the actual time weighted total rate of return investment performance of the special fund as reported by the office of the state auditor under Minnesota Statutes, section 356.219, up to five percent, and applied consistently for all deferred service pensioners.

Sec. 5. [EFFECTIVE DATE.]

(a) Sections 1 and 2 are effective upon approval by the Hennepin county board of commissioners and compliance with Minnesota Statutes, section 645.021.

(b) Section 3 is effective the day after the date on which the Eveleth city council and the chief clerical officer of the city of Eveleth comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

(c) Section 4 is effective the day after the date on which the Marshall city council and the chief clerical officer of the city of Marshall comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

ARTICLE 10

PRIOR SERVICE CREDIT PURCHASE PROVISIONS

Section 1. Laws 2000, chapter 461, article 19, section 6, is amended to read:

Sec. 6. [MTRFA; PRIOR SERVICE CREDIT PURCHASE FOR UNCREDITED TEACHING SERVICE PERIODS.]

(a) An eligible person described in paragraph (b) is entitled to purchase allowable service credit from the Minneapolis teachers retirement fund association basic program for the periods of teaching employment specified in paragraph (c) by making the payment required under Minnesota Statutes, section 356.55.

(b) An eligible person is a person who:

(1) was employed by special school district No. 1 (Minneapolis) as a long call reserve teacher from October 1972 to June 1973 and was covered by the Minneapolis employees retirement fund;

(2) was employed by special school district No. 1 (Minneapolis) as a school social worker at Franklin junior high school from August 28, 1973, through June 12, 1974, and from August 29, 1974, through June 11, 1975, without retirement coverage;

(3) was employed by special school district No. 1 (Minneapolis) as a school social worker at North high school from August 29, 1975, through December 19, 1975, covered by the Minneapolis teachers retirement fund association;

(4) was retained by special school district No. 1 (Minneapolis) in the capacity of a school social worker at North high school as an hourly wage social worker from August 1976 through June 1983 without retirement coverage; and

(5) is currently employed by Hennepin county covered by the public employees retirement association.

(c) The periods for allowable service credit purchase are August 28, 1973, through June 12, 1974; and August 29, 1974, through June 11, 1975.

(d) An eligible person must provide any relevant documentation related to eligibility to make this service credit purchase required by the executive director of the Minneapolis teachers retirement fund association.

(e) Allowable service credit for the purchase periods must be granted by the Minneapolis teachers retirement fund association to the account of the eligible person upon receipt of the prior service credit purchase payment amount. Authority provided by this section is voided if payment is not made before December 31, 2003, or before commencing receipt of an annuity from the Minneapolis teachers retirement fund association, whichever is earlier.

(f) The prior service credit purchase payment ~~amount shall be computed by the actuary retained by the legislative commission on pensions and retirement. That~~ computation must give recognition, in applying the process stated in Minnesota Statutes, section 356.55, ~~give recognition~~ to the liabilities that would be created in the Minneapolis teachers retirement fund association and other Minnesota public pension funds due to the service credit purchase.

(g) Following receipt of that purchase payment amount, the executive director of the Minneapolis teachers retirement fund association shall allocate and transmit that amount to the applicable pension administrations, as determined under paragraph (f).

Sec. 2. [TEACHERS RETIREMENT ASSOCIATION; SERVICE CREDIT PURCHASE FOR SABBATICAL LEAVES.]

(a) Notwithstanding Minnesota Statutes, section 354.092, or any other law to the contrary, an eligible person described in paragraph (b) is entitled to purchase not more than three years of allowable service credit from the teachers retirement association for sabbatical leave as defined in Minnesota Statutes, section 122A.49.

(b) An eligible person is a person who:

(1) worked as a teacher for independent school district No. 191, Burnsville-Eagan-Savage;

(2) was on sabbatical leave at some time between January 1, 1982, and December 31, 1989; and

(3) did not receive service credit for time on sabbatical leave because the leave was not properly reported to the teachers retirement association.

(c) An eligible person described in paragraph (b) must apply with the executive director of the teachers retirement association to make a service credit purchase under this section. The application must be in writing and must include all necessary documentation of the applicability of this section and any other relevant information that the executive director may require.

(d) Allowable service credit for the purchase periods must be granted by the teachers retirement association to the account of an eligible person upon receipt of the portion of the prior service credit purchase payment amount payable under paragraph (e) in a lump sum by the applicable eligible person.

(e) Notwithstanding Minnesota Statutes, section 356.55 or 356.551, whichever is applicable, an eligible person may pay before September 1, 2003, or the date of termination from service, whichever is earlier, an amount equal to the employee contribution rate or rates in effect during the applicable sabbatical leave period or periods specified in paragraph (b) applied to the actual salary rate or rates in effect during that period or periods, plus annual compound interest at the rate of 8.5 percent from the midpoint of each applicable sabbatical leave period, to the date on which the payment is actually made. Independent school district No. 191 must pay the remaining balance of the prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55 or 356.551, whichever is applicable, within 30 days of the payment by an eligible person. The executive director of the teachers retirement association must notify the superintendent of independent school district No. 191 of its payment amount and payment due date if an eligible person makes the required payment.

(f) If independent school district No. 191 fails to pay its portion of the required prior service credit purchase payment amount, the executive director of the teachers retirement association must notify the commissioner of finance of that fact and the commissioner of finance must order that the required employer payment be deducted from the next subsequent payment or payments of state education aid to the school district and be transmitted to the teachers retirement association.

Sec. 3. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; modifying provisions relating to the state board of investment; providing for early retirement incentives and certain voluntary employee reductions; making certain changes to the public employees retirement association; providing for prior service credit purchase; making general retirement changes;

providing for volunteer firefighter relief association changes; providing for certain teachers retirement changes; amending Minnesota Statutes 2002, sections 11A.17, subdivision 2; 352.96, subdivision 2; 353.01, subdivisions 2d, 6; 353D.01, subdivision 2; 353D.02, by adding a subdivision; 356.55, subdivision 7; 356B.05; 383B.49; 383B.493; 423C.08; 424A.02, subdivision 3; Laws 1978, chapter 685, sections 1, as amended, 2, 3, 6; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; Laws 2000, chapter 461, article 12, section 20, as amended; Laws 2000, chapter 461, article 19, section 6; Laws 2001, First Special Session chapter 10, article 6, section 21, as amended; repealing Minnesota Statutes 2002, sections 354.541; 354A.109; Laws 1978, chapter 685, section 5."

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.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 749, 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; requiring certain contractor bonding; requiring licensure of certain gambling equipment salespersons; modifying fee provisions and providing for disposition of various fees and other revenue; modifying provisions of various state boards and commissions; authorizing rulemaking; providing for a license fee for fireworks retailers; requiring studies; modifying lawful gambling provisions; amending Minnesota Statutes 2002, sections 3.099, subdivision 3; 3.885, subdivision 1; 3.971, subdivision 2; 6.48; 6.49; 6.54; 6.55; 6.64; 6.65; 6.66; 6.67; 6.68, subdivision 1; 6.70; 6.71; 6.74; 8.06; 10A.02, by adding subdivisions; 10A.04, subdivisions 2, 4, by adding a subdivision; 10A.09, subdivision 6, by adding a subdivision; 10A.31, subdivisions 1, 3, 4; 14.48, by adding a subdivision; 15.50, subdivision 1; 16A.11, subdivision 3; 16A.17, by adding a subdivision; 16A.40; 16A.501; 16A.642, subdivision 1; 16B.24, subdivision 5; 16B.35, subdivision 1; 16B.465, subdivisions 1a, 7; 16B.47; 16B.48, subdivision 2; 16B.49; 16B.58, by adding a subdivision; 16C.05, subdivision 2; 16C.08, subdivisions 2, 3, 4, by adding a subdivision; 16C.09; 16C.10, subdivision 7; 16E.01, subdivision 3; 16E.07, subdivision 9; 16E.09, subdivision 1; 69.772, subdivision 2; 115A.929; 116J.8771; 136F.77, subdivision 3; 179A.03, subdivision 7; 192.501, subdivision 2; 197.608; 240.03; 240.10; 240.15, subdivision 6; 240.155, subdivision 1; 240A.03, subdivisions 10, 15; 240A.04; 240A.06, subdivision 1; 256B.435, subdivision 2a; 268.186; 270.052; 270.44; 270A.07, subdivision 1; 289A.08, subdivision 16; 306.95; 349.12, subdivisions 4, 18, 25, 34, by adding subdivisions; 349.151, subdivisions 4, 4b, by adding a subdivision; 349.153; 349.155, subdivision 3; 349.16, subdivision 6, by adding a subdivision; 349.161, subdivisions 1, 4, 5; 349.162, subdivision 1; 349.163, subdivisions 2, 3, 6; 349.164, subdivision 4; 349.165, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivision 6; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.1711, subdivision 2; 349.18, subdivision 1; 349.19, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211, subdivision 1, by adding subdivisions; 349A.08, subdivision 5; 352D.04, by adding a subdivision; 356.611, subdivision 1; 458D.17, subdivision 5; 471.696; 471.999; 474A.21; 477A.014, subdivision 4; 624.20, subdivision 1; Laws 1998, chapter 366, section 80, as amended; proposing coding for new law in Minnesota Statutes, chapters 3A; 6; 10A; 15A; 16C; 43A; 326; 349; repealing Minnesota Statutes 2002, sections 3.305, subdivision 5; 3.9222; 3.971, subdivision 8; 3A.11; 4A.055; 6.77; 12.221, subdivision 5; 16A.151, subdivision 5; 16A.87; 16B.50; 16C.07; 43A.04, subdivision 10; 43A.047; 43A.17, subdivision 9; 149A.97, subdivision 8; 163.10; 240A.08; 306.97; 349.2127, subdivision 9; Minnesota Rules, part 1950.1070.

Reported the same back with the following amendments:

Pages 28 and 29, delete sections 29 and 30

Page 48, after line 12, insert:

"Sec. 54. Minnesota Statutes 2002, section 16D.08, subdivision 2, is amended to read:

Subd. 2. [POWERS.] (a) In addition to the collection remedies available to private collection agencies in this state, the commissioner, with legal assistance from the attorney general, may utilize any statutory authority granted to a referring agency for purposes of collecting debt owed to that referring agency. The commissioner may also delegate to the enterprise the tax collection remedies in sections 270.06, clauses (7) and (17), excluding the power to subpoena witnesses; 270.66; 270.69, excluding subdivisions 7 and 13; 270.70, excluding subdivision 14; 270.7001 to 270.72; and 290.92, subdivision 23, except that a continuous wage levy under section 290.92, subdivision 23, is only effective for 70 days, unless no competing wage garnishments, executions, or levies are served within the 70-day period, in which case a wage levy is continuous until a competing garnishment, execution, or levy is served in the second or a succeeding 70-day period, in which case a continuous wage levy is effective for the remainder of that period. A debtor who qualifies for cancellation of collection costs under section 16D.11, subdivision 3, clause (1), can apply to the commissioner for reduction or release of a continuous wage levy, if the debtor establishes that the debtor needs all or a portion of the wages being levied upon to pay for essential living expenses, such as food, clothing, shelter, medical care, or expenses necessary for maintaining employment. The commissioner's determination not to reduce or release a continuous wage levy is appealable to district court. The word "tax" or "taxes" when used in the tax collection statutes listed in this subdivision also means debts referred under this chapter.

(b) For debts other than state taxes; and child support, or student loans, before any of the tax collection remedies listed in this subdivision can be used, except for the remedies in section 270.06, clauses (7) and (17); if the referring agency has not already obtained a judgment or filed a lien, ~~the commissioner must first obtain a judgment against the debtor. For student loans when the referring agency has not obtained a judgment or filed a lien,~~ before using the tax collection remedies listed in this subdivision, except for the remedies in section 270.06, clauses (7) and (17), the commissioner shall give the debtor ~~30~~ 90 days' notice in writing, which ~~may~~ shall be served ~~in any manner permitted in section 270.68 for service of a summons and complaint by both first class mail and certified mail to the debtor's address as provided by the referring agency.~~ in section 270.68 for service of a summons and complaint by both first class mail and certified mail to the debtor's address as provided by the referring agency. The notice must advise the debtor of the debtor's right to request that the commissioner commence a court action, and that if no such request is made within ~~30~~ 90 days after service of the notice, the commissioner may use these tax collection remedies. If a timely request is made, the commissioner shall obtain a judgment before using these tax collection remedies.

[EFFECTIVE DATE.] This section is effective the day following final enactment for all debts referred, whether referred prior to or on or after the day following final enactment.

Sec. 55. Minnesota Statutes 2002, section 16D.10, is amended to read:

16D.10 [CASE REVIEWER.]

Subdivision 1. [DUTIES.] The commissioner shall make a case reviewer available to debtors. The reviewer must be available to answer a debtor's questions concerning the collection process and to review the collection activity taken. If the reviewer reasonably believes that the particular action being taken is unreasonable or unfair, the reviewer may make recommendations to the commissioner in regard to the collection action.

Subd. 2. [AUTHORITY TO ISSUE DEBTOR ASSISTANCE ORDER.] On application filed by a debtor with the case reviewer, in the form, manner, and in the time prescribed by the commissioner, and after thorough investigation, the case reviewer may issue a debtor assistance order if, in the determination of the case reviewer, the manner in which the state debt collection laws are being administered is creating or will create an unjust and inequitable result for the debtor. Debtor assistance orders shall be governed by the provisions relating to taxpayer assistance orders under section 270.273.

Subd. 3. [TRANSFER OF DUTIES TO TAXPAYER RIGHTS ADVOCATE.] All duties and authority of the case reviewer under subdivisions 1 and 2 are transferred to the taxpayer rights advocate.

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

Pages 67 and 68, delete section 80

Page 78, delete section 89

Page 88, line 18, delete "commissioner" and insert "state auditor"

Page 90, line 30, after "paragraph" insert "or a tax imposed under section 297A.99"

Page 93, line 26, delete "113" and insert "111"

Pages 111 and 112, delete article 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "modifying provisions relating to state debt collection;"

Page 1, line 20, delete "subdivisions 1, 3," and insert "subdivision"

Page 1, line 28, after "7;" insert "16D.08, subdivision 2; 16D.10;"

Page 1, line 36, delete "289A.08, subdivision 16;"

Page 1, line 37, delete "34,"

Page 1, lines 38 and 39, delete ", by adding a subdivision"

Page 1, line 40, delete ", by adding a subdivision"

Page 1, line 45, delete "349.1711, subdivision 2;"

Page 2, line 2, delete "subdivisions" and insert "a subdivision"

Page 2, line 14, delete "349.2127, subdivision 9;"

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.

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

H. F. No. 752, A bill for an act relating to state government; appropriating money for agricultural and rural development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 18.525; 18.78; 18.79, subdivisions 2, 3, 5, 6, 9, 10; 18.81, subdivisions 2, 3; 18.84, subdivision 3; 18.86; 18B.26, subdivision 3; 21.89, subdivision 2; 21.90, subdivision 2; 21.901; 28A.08, subdivision 3; 28A.085, subdivision 1; 28A.09, subdivision 1; 32.394, subdivisions 8, 8b, 8d; 35.155; 41A.09, subdivisions 1, 2a, 3a, by adding subdivisions; 116.07, subdivision 7a; 116D.04, subdivisions 2a, 10, 11, 13; 116O.09, subdivisions 1, 1a, 2, 3, 9, 12, 13, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 18; 21; repealing Minnesota Statutes 2002, sections 17.110; 18.51; 18.52; 18.53; 18.54; 18.79, subdivisions 1, 7, 11; 18.85; 41A.09, subdivisions 1a, 5a, 6, 7, 8; Minnesota Rules, part 1510.0281.

Reported the same back with the following amendments:

Page 3, after line 11, insert:

"Beginning in fiscal year 2004, all aid payments to county and district agricultural societies and associations under Minnesota Statutes, section 38.02, subdivision 1, shall be disbursed not later than July 15. These payments are the amount of aid owed by the state for an annual fair held in the previous calendar year."

Page 3, line 16, after "private" insert "sector or the public"

Page 7, line 12, after the period, insert "On or before January 1 of each year, an owner of cervidae must pay an annual inspection fee of \$10 per animal owned but not to exceed \$100 per herd. The number of animals owned must be determined by the most recent inventory submitted by the owner to the board of animal health."

Page 7, after line 21, insert:

"Sec. 11. Minnesota Statutes 2002, section 17.452, is amended by adding a subdivision to read:

Subd. 13a. [CERVIDAE INSPECTION ACCOUNT.] A cervidae inspection account is established in the state treasury. The fees collected under subdivision 13 and interest attributable to money in the account must be deposited in the state treasury and credited to the cervidae inspection account in the special revenue fund. Money in the account is appropriated to the board of animal health for the administration and enforcement of this section."

Page 15, line 27, strike "EDUCATIONAL PROGRAMS" and insert "INITIAL TRAINING"

Page 15, line 28, reinstate the stricken "The commissioner shall conduct"

Page 15, line 29, after the stricken "programs" insert "initial training" and reinstate the stricken "considered necessary for weed inspectors in the"

Page 15, line 30, reinstate the stricken language

Page 24, line 9, after "is" insert "appropriated and"

Page 24, line 10, delete "fund" and insert "account"

Page 33, after line 7, insert:

"Sec. 42. Minnesota Statutes 2002, section 38.02, subdivision 1, is amended to read:

Subdivision 1. [PRO RATA DISTRIBUTION; CONDITIONS.] ~~(+)~~ (a) Money appropriated to aid county and district agricultural societies and associations shall be distributed among all county and district agricultural societies or associations in the state pro rata, upon condition that each of them has complied with the conditions specified in ~~clause (2) paragraph (b).~~

~~(+)~~ (b) To be eligible to participate in ~~such~~ the distribution of aid, each ~~such~~ agricultural society or association ~~(+)~~ shall have:

(1) held an annual fair for each of the three years last past, unless prevented from doing so because of a calamity or an epidemic declared by the board of health as defined in section 145A.02, subdivision 2, or the state commissioner of health to exist; ~~(b) shall have~~

(2) an annual membership of 25 or more; ~~(e) shall have~~

(3) paid out to exhibitors for premiums awarded at the last fair held a sum not less than the amount to be received from the state; ~~(d) shall have~~

(4) published and distributed not less than three weeks before the opening day of the fair a premium list, listing all items or articles on which premiums are offered and the amounts of such premiums and shall have paid premiums pursuant to the amount shown for each article or item to be exhibited; provided that premiums for school exhibits may be advertised in the published premium list by reference to a school premium list prepared and circulated during the preceding school year; and shall have collected all fees charged for entering an exhibit at the time the entry was made and in accordance with schedule of entry fees to be charged as published in the premium list; ~~(e) shall have~~

(5) paid not more than one premium on each article or item exhibited, excluding championship or sweepstake awards, and excluding the payment of open class premium awards to 4H Club exhibits which at this same fair had won a first prize award in regular 4H Club competition; ~~(f) shall have~~ and

(6) submitted its records and annual report to the commissioner of agriculture on a form provided by the commissioner of agriculture, on or before the first day of November of the ~~current~~ year in which the fair was held.

~~(+)~~ (c) All payments authorized under the provisions of this chapter shall be made only upon the presentation by the commissioner of agriculture with the commissioner of finance of a statement of premium allocations. As used herein the term premium shall mean the cash award paid to an exhibitor for the merit of an exhibit of livestock, livestock products, grains, fruits, flowers, vegetables, articles of domestic science, handicrafts, hobbies, fine arts, and articles made by school pupils, or the cash award paid to the merit winner of events such as 4H Club or Future Farmer Contest, Youth Group Contests, school spelling contests and school current events contests, the award corresponding to the amount offered in the advertised premium list referred to in schedule 2. Payments of awards for horse races, ball games, musical contests, talent contests, parades, and for amusement features for which admission is charged, are specifically excluded from consideration as premiums within the meaning of that term as used herein. Upon receipt of the statement by the commissioner of agriculture, ~~it shall be the duty of the commissioner of finance to~~ shall draw a voucher in favor of the agricultural society or association for the amount to

which it is entitled under the provisions of this chapter, ~~which~~. The amount shall be computed as follows: On the first \$750 premiums paid by each society or association at the last fair held, such the society or association shall receive 100 percent reimbursement; on the second \$750 premiums paid, 80 percent; on the third \$750 premiums paid, 60 percent; and on any sum in excess of \$2,250, 40 percent. The commissioner of finance shall make payments not later than July 15 of the year following the calendar year in which the annual fair was held.

(4) (d) If the total amount of state aid to which the agricultural societies and associations are entitled under the provisions of this chapter exceeds the amount of the appropriation therefor, the amounts to which the societies or associations are entitled shall be prorated so that the total payments by the state will not exceed the appropriation."

Page 33, lines 10 and 11, reinstate the stricken language and delete the new language

Page 35, line 23, delete everything after the period

Page 35, delete lines 24 to 36

Page 36, delete line 1

Page 36, lines 9 to 29, delete the new language and strike the old language

Page 36, line 30, strike everything before "Total" and insert "(d)"

Page 36, line 33, reinstate the stricken language and delete the new language

Page 37, line 6, strike "A producer"

Page 37, strike line 7

Page 37, line 8, strike "paragraph" and delete the new language and strike the period

Page 37, line 11, strike "or amounts of electricity"

Page 37, line 12, strike "generated using closed-loop biomass"

Page 37, line 16, reinstate the stricken language and delete the new language

Page 37, line 18, strike "Except as provided in paragraph (j),"

Page 37, line 19, strike the comma

Page 37, line 20, delete the new language and strike everything before "may"

Page 37, strike lines 27 to 36

Page 38, strike line 1

Page 38, line 2, strike "(i)" and insert "(g)"

Page 38, lines 7 to 20, delete the new language and strike the old language

Page 38, line 21, strike "(k)" and insert "(h)"

Page 46, line 2, delete "with priority to continued use of facilities at Crookston"

Page 46, line 3, delete "and Marshall"

Page 46, line 13, after "designee" insert "who shall be nonvoting members of the board"

Page 46, line 28, after the period, insert "Board members appointed by the commissioner serve at the pleasure of the governor."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after the third semicolon, insert "38.02, subdivision 1;"

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. 779, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.531, subdivision 1, by adding a subdivision; 17.4988; 84.027, subdivision 13; 84.029, subdivision 1; 84.085, subdivision 1; 84.091, subdivisions 2, 3; 84.0911; 84.415, subdivisions 4, 5, by adding subdivisions; 84.788, subdivisions 2, 3; 84.794, subdivision 2; 84.803, subdivision 2; 84.92, subdivision 8; 84.927, subdivision 2; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 84D.14; 85.04; 85.052, subdivision 3; 85.053, subdivision 1; 85.055, subdivision 1; 85A.02, subdivision 17; 88.17, subdivision 1, by adding a subdivision; 97A.015, subdivisions 24, 52; 97A.045, subdivision 7, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivisions 1, 2, 4, by adding a subdivision; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.411, subdivision 2; 97A.441, subdivision 7, by adding a subdivision; 97A.475, subdivisions 2, 3, 4, 5, 10, 15, 26, 27, 28, 29, 30, 38, 39, 40, 42, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; 103B.231, subdivision 3a; 103B.305, subdivision 3, by adding subdivisions; 103B.311, subdivisions 1, 2, 3, 4; 103B.315, subdivisions 4, 5, 6; 103B.321, subdivisions 1, 2; 103B.325, subdivisions 1, 2; 103B.331, subdivisions 1, 2, 3; 103B.3363, subdivision 3; 103B.3369, subdivisions 2, 4, 5, 6; 103B.355; 103D.341, subdivision 2; 103D.345, by adding a subdivision; 103D.405, subdivision 2; 103D.537; 103G.005, subdivision 10e; 103G.222, subdivision 1; 103G.2242, by adding subdivisions; 103G.271, subdivisions 6, 6a, by adding a subdivision; 103G.611, subdivision 1; 103G.615, subdivision 2; 115.03, by adding subdivisions; 115.073; 115.56, subdivision 4; 115A.0716, subdivision 3; 115A.54, by adding a subdivision; 115A.545, subdivision 2; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 115D.12, subdivision 2; 116.03, subdivision 2; 116.07, subdivisions 4d, 4h; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116.994; 116C.834, subdivision 1; 116P.02, subdivision 1; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivisions 1, 2; 297A.94; 297F.10, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 469.175,

subdivision 7; 473.843, subdivision 2; 473.844, subdivision 1; 473.845, subdivisions 1, 3, 7, 8; 473.846; proposing coding for new law in Minnesota Statutes, chapters 84; 84B; 97B; 103B; 115C; 116; repealing Minnesota Statutes 2002, sections 1.31; 1.32; 84.0887; 84.415, subdivisions 1, 3; 84.98; 84.99; 93.2235; 97A.105, subdivisions 3a, 3b; 97A.485, subdivision 12; 97B.731, subdivision 2; 103B.311, subdivisions 5, 6, 7; 103B.315, subdivisions 1, 2, 3, 7; 103B.321, 3; 103B.3369, subdivision 3; 115B.02, subdivision 1a; 115B.42, subdivision 1; 297H.13, subdivisions 3, 4; 325E.112, subdivisions 2, 3; 325E.113; 473.845, subdivision 4; Minnesota Rules, parts 6135.0100; 6135.0200; 6135.0300; 6135.0400; 6135.0510; 6135.0610; 6135.0710; 6135.0810; 6135.1000; 6135.1100; 6135.1200; 6135.1300; 6135.1400; 6135.1500; 6135.1600; 6135.1700; 6135.1800; 9300.0010; 9300.0020; 9300.0030; 9300.0040; 9300.0050; 9300.0060; 9300.0070; 9300.0080; 9300.0090; 9300.0100; 9300.0110; 9300.0120; 9300.0130; 9300.0140; 9300.0150; 9300.0160; 9300.0170; 9300.0180; 9300.0190; 9300.0200; and 9300.0210.

Reported the same back with the following amendments:

Page 9, after line 47, insert:

"\$625,000 the first year is a onetime appropriation from the general fund for grants to local units of government in the area included in DR-1419 for the state share of flood hazard mitigation grants for flood damage reduction studies, planning, engineering, and publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. This appropriation is available until expended.

\$1,000,000 is to buy out property substantially damaged by flooding in the area included in DR-1419. This is a onetime appropriation from the general fund and is available until expended."

Page 11, line 1, before "\$3,060,000" insert "\$1,435,000 the first year and" and delete "in each" and insert "the second" and delete "is" and insert "are"

Page 12, delete lines 12 to 27

Page 12, after line 65, insert:

"\$700,000 the first year is from the water recreation account in the natural resources fund to be split equally for the development of public access sites and for the development of fishing piers. Any unexpended balance in the first year does not cancel and is available for the second year."

Page 13, line 46, delete "24,180,000" and insert "24,540,000"

Page 13, line 49, delete "22,764,000" and insert "23,124,000"

Page 14, after line 43, insert:

"\$324,000 the first year and \$324,000 the second year are from the mourning dove habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 6."

Page 17, delete lines 15 to 19 and insert:

"The commissioner may allow payments to be made by credit or debit cards, at the customer's discretion, with a charge of a reasonable fee. Money received from the fees is appropriated to the commissioner to cover the costs of processing payments from credit and debit cards."

Page 17, line 31, delete "15,362,000" and insert "18,062,000"

Page 17, delete lines 36 to 42 and insert:

"The board shall not reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation unless the board determines that the reduction was disproportionate.

\$2,700,000 the first year is for wetland mitigation for local government roads. The unencumbered balance in the first year does not cancel and is available for the second year."

Pages 38 to 41, delete sections 17 to 21

Page 46, line 36, after the comma, insert "employees who are in the employ of the Minnesota conservation corps on or before June 30, 2003."

Page 47, line 1, after "may" insert "continue to"

Page 52, line 27, delete everything after the period

Page 52, delete line 28 and insert "The council expires June 30, 2007."

Page 97, after line 23, insert:

"Sec. 115. Minnesota Statutes 2002, section 103I.235, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a)(1) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(2) Before signing an agreement to sell or transfer real property in Washington county that is not served by a municipal water system, the seller must state in writing to the buyer whether, to the seller's knowledge, the property is located within a special well construction area designated by the commissioner of health under Minnesota Rules, part 4725.3650. If the disclosure under clause (1) states that there is an unsealed well on the property, the disclosure required under this clause must be made regardless of whether the property is served by a municipal water system.

(b) At the time of closing of the sale, the disclosure statement information required under paragraph (a), clause (1), name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515B.

(f) For an area owned in common under chapter 515 or 515B the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of \$30 for receipt of a completed well disclosure certificate. By the tenth day of each month, the

county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health \$27.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

[EFFECTIVE DATE.] This section is effective January 1, 2004, and applies to transactions for which purchase agreements are entered into on or after that date.

Page 99, strike lines 22 to 24

Page 99, line 25, strike "(c)"

Page 99, line 33, strike "(d)" and insert "(c)"

Page 99, line 36, strike "(e)" and before "Money" insert "(d)"

Page 114, after line 31, insert:

"Sec. 137. Minnesota Statutes 2002, section 116D.04, is amended by adding a subdivision to read:

Subd. 14. The alternative urban areawide review procedure under Minnesota Rules, part 4410.3610, must not be used in lieu of an environmental impact statement or an environmental assessment worksheet where groundwater is at issue.

[EFFECTIVE DATE.] This section is effective retroactively from January 1, 2003, for a draft environmental analysis document distributed and noticed after that date.

Page 121, after line 5, insert:

"Sec. 148. [WATER QUALITY ASSESSMENT PROCESS; RULEMAKING.]

(a) By January 1, 2006, the pollution control agency shall adopt rules under Minnesota Statutes, chapter 14, relating to water quality assessment for the waters of the state. The adopted rules must, at a minimum, satisfy paragraphs (b) to (h).

(b) The rules must apply to the determination of impaired waters as required by Section 303(d) of the Clean Waters Act of 1977, United States Code, title 33, chapter 26, section 1313(d).

(c) The rules must define the terms "altered materially," "material increase," "material manner," "seriously impaired," and "significant increase," contained in Minnesota Rules, part 7050.0150, subpart 3.

(d) The rules must define the terms "normal fishery" and "normally present," contained in Minnesota Rules, part 7050.0150, subpart 3.

(e) The rules must specify that for purposes of the determination of impaired waters, the agency will only make an impairment determination based on pollution of waters of the state which has resulted in degradation of the physical, chemical, or biological qualities of the water body, such that attainable or previously existing beneficial uses are actually or potentially lost.

(f) The rules must provide that when a person presents information adequately demonstrating that a beneficial use for the water body does not exist and is not attainable due to the natural condition of the water body, the agency shall initiate an administrative process for reclassification of the water to remove the beneficial use.

(g) The rules must provide that the agency, in considering impairment due to nutrients and application of nutrient objectives and effluent limitations related to riverine systems or riverine impoundments, must consider temperatures and detention time effects on algal populations and impose reduction requirements only when the discharge of nutrients is expected to cause or contribute to algal growth that impairs existing or attainable uses.

(h) The agency will apply Minnesota Rules, part 7050.0150, consistently with paragraphs (e) and (g).

(i) By February 1, 2004, and by February 1, 2005, the commissioner shall report to the environment and natural resources finance committees of the house and senate on the status of discussions with stakeholders and the development of the rules required under this section."

Page 122, delete lines 2 to 6 and insert:

"(a) The fees in Minnesota Rules, parts 6135.0400 to 6135.0810, adopted pursuant to Minnesota Statutes, section 84.415, are to be amended as follows:

(1) effective July 1, 2003, the application fee for a license to construct a utility crossing over or under public lands or over or under public waters is \$500; and

(2) effective July 1, 2004, the fee schedules of Minnesota Rules, parts 6135.0510 to 6135.0810, are increased to an amount equal to the current schedules plus escalation due to inflation from 1990 through 2002. The basis of escalation shall be the producer price index for all commodities, not seasonally adjusted, and the index value used shall be the annual average as revised four months after publication.

(b) The commissioner of natural resources shall amend Minnesota Rules, parts 6135.0400 to 6135.0810, according to this section and according to Minnesota Statutes, section 14.388, clause (3). Except as provided in Minnesota Statutes, section 14.388, Minnesota Statutes, section 14.386 does not apply.

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

Page 124, line 17, after "compliance" insert "of failing systems as defined in Minnesota Rules, part 7080.0020, subpart 16b."

Page 125, after line 5, insert:

"Sec. 157. [NORTH OTTAWA FLOOD REVIEW.]

(a) Before any more state funds are allocated and expended for the North Ottawa water impoundment project under Minnesota Statutes, section 103F.161, a local task force in Grant county must assess the costs and benefits to affected landowners and report back to the house and senate environment and agriculture committees.

(b) The local task force in Grant county shall consist of a Grant county commissioner representing the Bois de Sioux watershed area, a township officer in each of the towns of North Ottawa, Elbow Lake, and Gorton, three affected landowners in the watershed who are residents in Grant county, with at least one of those members living in the North Ottawa Township, one each appointed by the Grant county commissioner, the North Ottawa township officer, and the official of the Bois de Sioux watershed district, an official from the local soil and water conservation district, an official of the Bois de Sioux watershed district, and a local official from the department of natural resources. Starting by August 1, 2003, and after review of the project, the local task force must attempt to offer as many as possible lower cost options, but at least one, for flood control in the watershed.

(c) The Grant county soil and water conservation district must present the identified options in paragraph (b) to the legislative committees in paragraph (a) by February 15, 2004. The legislative committees shall review the options and make a project recommendation for funding to the house and senate capitol investment committees by March 15, 2004."

Page 125, line 20, delete "84.415, subdivisions 1 and 3:"

Page 125, line 23, delete "6135.0100:"

Page 125, delete lines 24 to 26

Page 125, line 27, delete "6135.1800:"

Adjust amounts accordingly

Re-number the sections in sequence

Amend the title as follows:

Page 1, delete line 11

Page 1, line 38, after "2;" insert "103I.235, subdivision 1;"

Page 2, line 10, after "1;" insert "116D.04, by adding a subdivision;"

Page 2, line 19, delete "84.415,"

Page 2, line 20, delete "subdivisions 1, 3;"

Page 2, line 28, delete everything after "parts"

Page 2, delete lines 29 and 30

Page 2, line 31, delete everything before "9300.0010;"

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.

Krinkie from the Committee on Capital Investment to which was referred:

H. F. No. 1048, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing sale of state bonds; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FLOOD RELIEF APPROPRIATIONS.]

The sums shown in the column under "APPROPRIATIONS" are appropriated from the general fund, or another named fund, for fiscal year 2004 to the agencies or officials indicated and for the purposes specified in this act. Unless otherwise specified, each appropriation is available until the project for which it is made is completed or abandoned. The term "the area included in DR-1419," when used in this act, means the area designated under Presidential Declaration of Major Disaster, DR-1419, whether included in the original declaration or added later by federal government action.

SUMMARY	2004
TRADE AND ECONOMIC DEVELOPMENT	\$4,125,000
HOUSING FINANCE AGENCY	3,000,000
NATURAL RESOURCES	3,125,000
TOTAL	\$10,250,000
General Fund	9,500,000
Petroleum Tank Release Cleanup Fund	750,000

APPROPRIATIONS
Available for the Year
Ending June 30, 2004

Sec. 2. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development for the purposes specified in this section \$4,125,000

Subd. 2. Minnesota Investment Fund 3,375,000

For transfer to the Minnesota investment fund to make grants to local units of government for locally administered grants or loan programs, including buyouts, for businesses directly and adversely affected by flooding in the area included in DR-1419. Criteria and requirements must be locally established with the approval of the commissioner. For the purposes of this appropriation, Minnesota Statutes, sections 116J.8731, subdivisions 3, 4, 5, and 7; 116J.993; 116J.994; and 116J.995, are waived. Businesses that receive grants or loans from this appropriation must set goals for jobs retained and wages paid within the area included in DR-1419.

This is a onetime appropriation from the general fund and is available until expended.

Subd. 3. Petroleum Cleanup 750,000

Notwithstanding Minnesota Statutes, section 115C.08, subdivision 4, this appropriation is for grants to local units of government in the area included in DR-1419 to safely rehabilitate buildings if a portion of the rehabilitation costs is attributable to petroleum contamination or to buy out property substantially damaged by a petroleum tank release.

This is a onetime appropriation from the petroleum tank release cleanup fund.

Sec. 3. HOUSING FINANCE AGENCY

Subdivision 1. For transfer to the housing development fund for the programs specified in this section 3,000,000

Subd. 2. Economic Development and Housing Challenge 3,000,000

For the economic development and housing challenge program under Minnesota Statutes, section 462A.33, for housing assistance in the area included in DR-1419. For assistance under this subdivision, the requirements of Minnesota Statutes, section 462A.33, subdivisions 3 and 5, and Minnesota Rules, part 4900.3632, are waived.

This is a onetime appropriation from the general fund.

APPROPRIATIONS
Available for the Year
Ending June 30, 2004

Sec. 4. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section 3,125,000

Subd. 2. Flood Hazard Mitigation Grants 3,125,000

\$1,625,000 is a onetime appropriation from the general fund for grants to local units of government in the area included in DR-1419 for the state share of flood hazard mitigation grants for flood damage reduction studies, planning, engineering, and publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. This appropriation is available until expended.

\$1,000,000 is to buy out property substantially damaged by flooding in the area included in DR-1419. This is a onetime appropriation from the general fund and is available until expended.

\$500,000 is for grants to local units of government in the area included in DR-1419 to construct ring dikes to mitigate flood damage. This is a onetime appropriation from the general fund and is available until expended."

Delete the title and insert:

"A bill for an act relating to flood relief; appropriating money for flood relief for the area included in Presidential Declaration DR-1419."

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.

Gunther from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1115, A bill for an act relating to public utilities; making changes to the telephone assistance plan; amending Minnesota Statutes 2002, sections 237.70, subdivisions 2, 3, 4a, 5, 6, 7; 237.701, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1201, A bill for an act relating to human services; providing for medical assistance asset recovery; providing for recovery of expenditures for alternative care for nonmedical assistance recipients; establishing an alternative care lien; changing the funding source for activities under the health care access fund to the general fund; changing the funding for MinnesotaCare to the general fund; mandating a children's mental health screening in certain circumstances; amending Minnesota Statutes 2002, sections 16A.724; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256L.02, by adding a subdivision; 260B.157, subdivision 1; 260B.176, subdivision 2; 260B.178, subdivision 1; 260B.193, subdivision 2; 260B.235, subdivision 6; 261.063; 295.58; 514.981, subdivision 6; 524.3-805; proposing coding for new law in Minnesota Statutes, chapter 514.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark; Nelson, M.; Wardlow; Beard; Pugh and Otremba introduced:

H. F. No. 1571, A resolution memorializing Congress to protect the health of military personnel serving in Iraq.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Olson, M., introduced:

H. F. No. 1572, A bill for an act relating to education; limiting liability of carrier contracting with a school district to provide school bus transportation; amending Minnesota Statutes 2002, section 123B.88, by adding a subdivision.

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

Nelson, P., introduced:

H. F. No. 1573, A bill for an act relating to property taxes; providing for an appeals and equalization course for local boards of review; imposing local boards of review meeting requirements; requiring proof of compliance; proposing coding for new law in Minnesota Statutes, chapter 274.

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

Sviggum and Abrams introduced:

H. F. No. 1574, A bill for an act relating to taxation; changing the rate and distribution of the taconite production tax; providing for the transfer or disposition of funds and accounts; providing for two tax payments; amending Minnesota Statutes 2002, sections 298.22, subdivisions 1, 7; 298.223, subdivision 3; 298.24, subdivision 1; 298.27; 298.28, subdivisions 1, 2, 4, 5, 15; 298.292, subdivision 2; 298.293; 298.296, subdivision 2; repealing Minnesota Statutes 2002, sections 273.135; 273.136; 298.225; 298.227; 298.24, subdivision 3; 298.28, subdivisions 3, 6, 7, 8, 9, 9a, 9b, 10, 11, 11a, 13; 298.282; 298.283; 298.285; 298.2961; 298.297; Laws 2002, chapter 377, article 8, section 17.

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

Urdahl introduced:

H. F. No. 1575, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a grant to the city of Cokato for its mandated water treatment facility.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Krinkie introduced:

H. F. No. 1576, A bill for an act relating to the city of Circle Pines; authorizing an extension of a tax increment financing district.

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

Koenen, Rhodes, Rukavina, Cox, Kelliher, Mahoney, Huntley, Wagenius and Solberg introduced:

H. F. No. 1577, A bill for an act relating to taxation; eliminating payment of market value homestead credit reimbursements to cities; reinstating authorization to levy for transit purposes; providing for additional means of financing transit; reducing local government aid payable to cities; amending Minnesota Statutes 2002, sections 273.1384, subdivision 4; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding subdivisions; 477A.03, subdivision 2; repealing Minnesota Statutes 2002, sections 174.242; 477A.03, subdivision 4.

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

Thissen, Abrams, Davids and Lenczewski introduced:

H. F. No. 1578, A bill for an act relating to taxation; regulating tax preparers; establishing consumer protections; providing enforcement authority; proposing coding for new law in Minnesota Statutes, chapter 270.

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

Lesch, Hausman, Mahoney and Sieben introduced:

H. F. No. 1579, A bill for an act relating to taxation; sales and use; exempting the purchase of certain property used in constructing a St. Paul and Ramsey county collocated police and sheriff facility.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 850, A bill for an act relating to natural resources; providing for a land conveyance in Sibley county.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brod moved that the House concur in the Senate amendments to H. F. No. 850 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 850, A bill for an act relating to natural resources; deleting from the Minnesota Valley state recreation area; conveying land in Sibley county to a local unit of government for the use of the general public.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Borrell	DeLaForest	Finstad	Hilty	Kelliher
Abrams	Boudreau	Demmer	Fuller	Holberg	Kielkucki
Adolphson	Bradley	Dempsey	Goodwin	Hoppe	Klinzing
Anderson, B.	Brod	Dill	Greiling	Hornstein	Knoblach
Anderson, I.	Buesgens	Dorman	Gunther	Howes	Koenen
Anderson, J.	Carlson	Dorn	Haas	Huntley	Kohls
Atkins	Clark	Eastlund	Hackbarth	Jacobson	Krinkie
Beard	Cornish	Eken	Harder	Jaros	Kuisle
Bernardy	Cox	Entenza	Hausman	Johnson, J.	Lanning
Biernat	Davids	Erhardt	Heidgerken	Johnson, S.	Larson
Blaine	Davnie	Erickson	Hilstrom	Juhnke	Latz

Lenczewski	Murphy	Ozment	Samuelson	Stang	Walz
Lesch	Nelson, C.	Paulsen	Seagren	Strachan	Wardlow
Lieder	Nelson, M.	Paymar	Seifert	Swenson	Wasiluk
Lindgren	Nelson, P.	Pelowski	Sertich	Sykora	Westerberg
Lipman	Nornes	Penas	Severson	Thao	Westrom
Magnus	Olsen, S.	Peterson	Sieben	Thissen	Wilkin
Mahoney	Olson, M.	Powell	Simpson	Tingelstad	Zellers
Mariani	Opatz	Pugh	Slawik	Urdahl	Spk. Sviggum
Marquart	Osterman	Rhodes	Smith	Vandev eer	
McNamara	Otremba	Rukavina	Soderstrom	Wagenius	
Meslow	Otto	Ruth	Solberg	Walker	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1112, A bill for an act relating to veterans affairs; providing authority to the Department of Veterans Affairs to access certain state databases to verify eligibility; amending Minnesota Statutes 2002, section 13.461, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 197.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Adolphson moved that the House concur in the Senate amendments to H. F. No. 1112 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1112, A bill for an act relating to veterans affairs; providing authority to the Department of Veterans Affairs to access certain state databases to verify eligibility; amending Minnesota Statutes 2002, section 13.461, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	Davnie	Eastlund	Fuller
Abrams	Bernardy	Buesgens	DeLaForest	Eken	Goodwin
Adolphson	Biernat	Carlson	Demmer	Ellison	Greiling
Anderson, B.	Blaine	Clark	Dempsey	Entenza	Gunther
Anderson, I.	Borrell	Cornish	Dill	Erhardt	Haas
Anderson, J.	Boudreau	Cox	Dorman	Erickson	Hackbarth
Atkins	Bradley	Dauids	Dorn	Finstad	Harder

Hausman	Kielkucki	Lipman	Opatz	Seagren	Thissen
Heidgerken	Klinzing	Magnus	Osterman	Seifert	Tingelstad
Hilstrom	Knoblach	Mahoney	Otremba	Sertich	Urdahl
Hilty	Koenen	Mariani	Otto	Severson	Vanderveer
Holberg	Kohls	Marquart	Ozment	Sieben	Wagenius
Hoppe	Krinkie	McNamara	Paulsen	Simpson	Walker
Hornstein	Kuisle	Meslow	Paymar	Slawik	Walz
Howes	Lanning	Mullery	Pelowski	Smith	Wardlow
Jacobson	Larson	Murphy	Penas	Soderstrom	Wasiluk
Jaros	Latz	Nelson, C.	Powell	Solberg	Westerberg
Johnson, J.	Lenczewski	Nelson, M.	Pugh	Stang	Westrom
Johnson, S.	Lesch	Nelson, P.	Rhodes	Strachan	Wilkin
Juhnke	Lieder	Nornes	Rukavina	Swenson	Zellers
Kahn	Lindgren	Olsen, S.	Ruth	Sykora	Spk. Sviggum
Kelliher	Lindner	Olson, M.	Samuelson	Thao	

The bill was repassed, as amended by the Senate, and its title agreed to.

MOTION TO FIX TIME TO CONVENE

Seifert moved that when the House adjourns today it adjourn until 10:30 a.m., Friday, April 25, 2003. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1064, A bill for an act relating to child labor; exempting certain minors from minimum age restrictions for work as soccer assistant referees; amending Minnesota Statutes 2002, section 181A.07, by adding a subdivision.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Erickson	Hornstein	Kuisle	Mullery
Abrams	Clark	Finstad	Howes	Lanning	Murphy
Adolphson	Cornish	Fuller	Huntley	Larson	Nelson, C.
Anderson, B.	Cox	Gerlach	Jacobson	Latz	Nelson, M.
Anderson, I.	Davids	Goodwin	Jaros	Lenczewski	Nelson, P.
Anderson, J.	DeLaForest	Greiling	Johnson, J.	Lesch	Nornes
Atkins	Demmer	Gunther	Johnson, S.	Lieder	Olsen, S.
Beard	Dempsey	Haas	Juhnke	Lindgren	Olson, M.
Bernardy	Dill	Hackbarth	Kahn	Lindner	Opatz
Biernat	Dorman	Harder	Kelliher	Lipman	Osterman
Blaine	Dorn	Hausman	Kielkucki	Magnus	Otremba
Borrell	Eastlund	Heidgerken	Klinzing	Mahoney	Otto
Boudreau	Eken	Hilstrom	Knoblach	Mariani	Ozment
Bradley	Ellison	Hilty	Koenen	Marquart	Paulsen
Brod	Entenza	Holberg	Kohls	McNamara	Paymar
Buesgens	Erhardt	Hoppe	Krinkie	Meslow	Pelowski

Penas	Samuelson	Slawik	Sykora	Walker	Zellers
Peterson	Seagren	Smith	Thao	Walz	Spk. Sviggum
Powell	Seifert	Soderstrom	Thissen	Wardlow	
Pugh	Sertich	Solberg	Tingelstad	Wasiluk	
Rhodes	Severson	Stang	Urdahl	Westerberg	
Rukavina	Sieben	Strachan	Vandevier	Westrom	
Ruth	Simpson	Swenson	Wagenius	Wilkin	

The bill was passed and its title agreed to.

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 additional bills to be placed on the Calendar for the Day for Thursday, April 24, 2003:

H. F. Nos. 1119, 317, 1145, 1155, 1080, 1167, 1025, 818, 307, 361 and 503.

CALENDAR FOR THE DAY

H. F. No. 1214 was reported to the House.

Nelson, P., moved to amend H. F. No. 1214 as follows:

Page 5, line 21, delete "8910.0100;"

Page 5, line 22, delete "8910.0200; 8910.0300; 8910.0400;"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1214, A bill for an act relating to transportation; modifying or abolishing certain provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; repealing prohibition on establishing new divisions in department of transportation; abolishing obsolete statute related to highway jurisdiction studies; abolishing provision for collective ratemaking by motor carriers; repealing authority of commissioner of transportation over pipeline carriers; repealing certain rules governing design standards of driveways next to highways, motor carriers, aeronautics, and the right of first refusal to certain railroad land; amending Minnesota Statutes 2002, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; 174.64, subdivision 4; repealing Minnesota Statutes 2002, sections 162.09, subdivision 5; 174.025; 174.031; 221.165; 221.54; 221.55; Minnesota Rules, parts 7800.0100, subparts 1, 3, 5; 7800.0500; 7800.0700; 7800.1400; 7800.1500; 7800.1600; 7800.1700; 7800.3100; 7800.3900; 7800.4810; 7805.0800; 8800.0100, subparts 7, 36; 8800.1200, subpart 3; 8800.3500; 8800.3700; 8800.4000; 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921; 8850.6900, subparts 4, 6, 11, 12, 17; 8850.7000; 8850.7025;

8850.7040; 8850.7100; 8850.7900; 8850.8200; 8850.8900; 8850.9000; 8850.9050, subparts 1, 2; 8900.0100; 8900.0200; 8900.0300; 8900.0400; 8900.0500; 8900.0600; 8900.0700; 8900.0800; 8900.0900; 8900.1000; 8900.1100; 8910.1000; 8910.2000; 8910.2100; 8910.3000; 8910.3100.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 907, A bill for an act relating to corrections; authorizing Department of Corrections forensic pathologists to issue death certificates; amending Minnesota Statutes 2002, section 390.23.

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

The bill was passed and its title agreed to.

H. F. No. 428, A bill for an act relating to cities; specifying and clarifying the authority of cities to exercise certain town powers and to impose service charges for emergency services; amending Minnesota Statutes 2002, section 415.01.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tingelstad	Wagenius	Wardlow	Westrom	Spk. Sviggum
Urdahl	Walker	Wasiluk	Wilkin	
Vanderveer	Walz	Westerberg	Zellers	

The bill was passed and its title agreed to.

H. F. No. 1426 was reported to the House.

Dorman moved to amend H. F. No. 1426 as follows:

Page 2, after line 12, insert:

"Sec. 3. Minnesota Statutes 2002, section 176.011, subdivision 16, is amended to read:

Subd. 16. [PERSONAL INJURY.] "Personal injury" means injury arising out of and in the course of employment and includes personal injury caused by occupational disease; but does not cover an employee except while engaged in, on, or about the premises where the employee's services require the employee's presence as a part of that service at the time of the injury and during the hours of that service. Where the employer regularly furnished transportation to employees to and from the place of employment, those employees are subject to this chapter while being so transported. Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment. An injury or disease resulting from a vaccine in response to a declaration by the Secretary of the United States Department of Health and Human Services under the Public Health Service Act to address an actual or potential health risk related to the employee's employment is an injury or disease arising out of and in the course of employment.

[EFFECTIVE DATE.] This section is effective January 24, 2003."

Pages 9 and 10, delete section 8

Page 11, after line 11, insert:

"Sec. 11. [RELATIVE VALUE FEE SCHEDULE; CONVERSION FACTOR ADJUSTMENT OMISSION.]

Notwithstanding Minnesota Statutes, section 176.136, subdivision 1a, the conversion factor for the workers' compensation relative value fee schedule in effect on October 1, 2002, shall remain in effect until October 1, 2004, and shall not be adjusted on October 1, 2003. The adjustment on October 1, 2004, shall not make up for the lack of adjustment on October 1, 2003, and shall be calculated as provided in Minnesota Statutes, section 176.136, subdivision 1a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina and Sertich moved to amend H. F. No. 1426, as amended, as follows:

Page 5, after line 28, insert:

"Sec. 5. Minnesota Statutes 2002, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For injury producing temporary total disability, the compensation is $66\frac{2}{3}$ percent of the weekly wage at the time of injury.

(b)(1) Commencing on October 1, 2000, the maximum weekly compensation payable is \$750 per week.

(2) The workers' compensation advisory council may consider adjustment increases and make recommendations to the legislature.

(c) The minimum weekly compensation payable is \$130 per week or the injured employee's actual weekly wage, whichever is less.

(d) Temporary total compensation shall be paid during the period of disability subject to the cessation and recommencement conditions in paragraphs (e) to (l).

(e) Temporary total disability compensation shall cease when the employee returns to work. Except as otherwise provided in section 176.102, subdivision 11, temporary total disability compensation may only be recommenced following cessation under this paragraph, paragraph (h), or paragraph (j) prior to payment of ~~404~~ 208 weeks of temporary total disability compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommended temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following recommencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the ~~404-week~~ 208-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of ~~404~~ 208 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of ~~404~~ 208 weeks of temporary total disability compensation. Once recommenced, temporary total disability compensation ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(h) Temporary total disability compensation shall cease if the employee has been released to work without any physical restrictions caused by the work injury.

(i) Temporary total disability compensation shall cease if the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the employee refuses an offer of gainful employment that the employee can do in the employee's physical condition. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced.

(j) Temporary total disability compensation shall cease 90 days after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of: (1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or (2) the date that the employer or insurer serves the report on the employee and the employee's attorney, if any. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced except if the employee returns to work and is subsequently medically unable to continue working as provided in paragraph (e), clause (2).

(k) Temporary total disability compensation shall cease entirely when ~~404~~ 208 weeks of temporary total disability compensation have been paid, except as provided in section 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the contrary, initial and recommenced temporary total disability compensation combined shall not be paid for more than ~~404~~ 208 weeks, regardless of the number of weeks that have elapsed since the injury, except that if the employee is in a retraining plan approved under section 176.102, subdivision 11, the ~~404~~ 208 week limitation shall not apply during the retraining, but is subject to the limitation before the plan begins and after the plan ends.

(l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue temporary total disability compensation provided under this chapter.

(m) Once an employee has been paid 52 weeks of temporary total compensation, the employer or insurer must notify the employee in writing of the ~~404-week~~ 208-week limitation on payment of temporary total compensation. A copy of this notice must also be filed with the department.

Sec. 6. Minnesota Statutes 2002, section 176.101, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] (a) In all cases of temporary partial disability the compensation shall be $66\frac{2}{3}$ percent of the difference between the weekly wage of the employee at the time of injury and the wage the employee is able to earn in the employee's partially disabled condition. This compensation shall be paid during the period of disability except as provided in this section, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to the maximum rate for temporary total compensation.

(b) Temporary partial compensation may be paid only while the employee is employed, earning less than the employee's weekly wage at the time of the injury, and the reduced wage the employee is able to earn in the employee's partially disabled condition is due to the injury. Except as provided in section 176.102, subdivision 11, paragraphs (b) and (c), temporary partial compensation may not be paid for more than ~~225~~ 350 weeks ~~or after 450 weeks after the date of injury, whichever occurs first.~~

(c) Temporary partial compensation must be reduced to the extent that the wage the employee is able to earn in the employee's partially disabled condition plus the temporary partial disability payment otherwise payable under this subdivision exceeds 500 percent of the statewide average weekly wage.

Sec. 7. Minnesota Statutes 2002, section 176.102, subdivision 11, is amended to read:

Subd. 11. [RETRAINING; COMPENSATION.] (a) Retraining is limited to 156 weeks. An employee who has been approved for retraining may petition the commissioner or compensation judge for additional compensation not to exceed 25 percent of the compensation otherwise payable. If the commissioner or compensation judge determines that this additional compensation is warranted due to unusual or unique circumstances of the employee's retraining plan, the commissioner may award additional compensation in an amount not to exceed the employee's request. This additional compensation shall cease at any time the commissioner or compensation judge determines the special circumstances are no longer present.

(b) If the employee is not employed during a retraining plan that has been specifically approved under this section, temporary total compensation is payable for up to 90 days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with section 176.101. If the employee is employed during the retraining plan but earning less than at the time of injury, temporary partial compensation is payable at the rate of 66-2/3 percent of the difference between the employee's weekly wage at the time of injury and the weekly wage the employee is able to earn in the employee's partially disabled condition, subject to the maximum rate for temporary total compensation. Temporary partial compensation is not subject to the ~~225-week or 450-week limitations~~ 350-week limitation provided by section 176.101, subdivision 2, during the retraining plan, but is subject to those limitations before and after the plan.

(c) Any request for retraining shall be filed with the commissioner before 156 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after 156 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the 156 weeks of compensation have been paid.

(d) The employer or insurer must notify the employee in writing of the 156-week limitation for filing a request for retraining with the commissioner. This notice must be given before 80 weeks of temporary total disability or temporary partial disability compensation have been paid, regardless of the number of weeks that have elapsed since the date of injury. If the notice is not given before the 80 weeks, the period of time within which to file a request for retraining is extended by the number of days the notice is late, but in no event may a request be filed later than ~~225~~ 350 weeks after any combination of temporary total disability or temporary partial disability compensation have been paid. The commissioner may assess a penalty of \$25 per day that the notice is late, up to a maximum penalty of \$2,000, against an employer or insurer for failure to provide the notice. The penalty is payable to the commissioner for deposit in the assigned risk safety account."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The Speaker resumed the Chair.

Dorman moved that H. F. No. 1426, as amended, be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 923 was reported to the House.

Westrom moved to amend H. F. No. 923, the first engrossment, as follows:

Page 1, after line 19, insert:

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

The motion prevailed and the amendment was adopted.

H. F. No. 923, A bill for an act relating to local government; providing an exception to the conflict of interest law for township officers; amending Minnesota Statutes 2002, section 471.88, by adding a subdivision.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 321, A bill for an act relating to the city of Northfield; authorizing the city to establish and operate related medical facilities in conjunction with its municipal hospital at a site outside the city limits; authorizing Northfield to acquire real or personal property for the related medical facilities.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 719 was reported to the House.

Jaros moved to amend H. F. No. 719, the first engrossment, as follows:

Page 3, after line 21, insert:

"Sec. 4. [CITY OF DULUTH; LIQUOR LICENSE.]

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Duluth may issue an on-sale liquor license for use at the premises known as the St. Louis County Heritage and Arts Center in addition to the number of licenses authorized by law. All provisions of Minnesota Statutes, chapter 340A, and applicable ordinances and charter provisions of the city of Duluth, not inconsistent with this section, apply to the license authorized under this section. The license shall not be transferable to any other premises."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Lipman moved to amend H. F. No. 719, the first engrossment, as amended, as follows:

Page 5, after line 18, insert:

"Sec. 13. [CITY OF STILLWATER; LIQUOR LICENSES.]

The city of Stillwater may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

[EFFECTIVE DATE.] This section is effective on approval by the Stillwater city council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Mariani and Beard moved to amend H. F. No. 719, the first engrossment, as amended, as follows:

Page 5, after line 18, insert:

"Sec. 13. [LICENSE AUTHORIZED.]

The city of St. Paul may issue an on-sale intoxicating liquor license for the Minnesota Centennial Showboat, moored at 110 Yacht Club Road, Harriet Island, notwithstanding any law, local ordinance, or charter provision. The license must be issued to a holder of a river tour boat license under Minnesota Statutes, section 340A.404, subdivision 8. The license authorizes sales on all days of the week."

Page 5, line 20, delete "12" and insert "13"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Stang moved to amend H. F. No. 719, the first engrossment, as amended, as follows:

Page 4, after line 15, insert:

"Sec. 8. [CITY OF ST. JOSEPH; ON-SALE LICENSES.]

The city of St. Joseph may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section."

Re-number the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, after "Sartell," insert "St. Joseph,"

The motion prevailed and the amendment was adopted.

Otto moved to amend H. F. No. 719, the first engrossment, as amended, as follows:

Page 1, line 6 of the Lipman amendment, before the period, insert "if placed on the ballot and approved by the voters at the next general election"

A roll call was requested and properly seconded.

The question was taken on the Otto amendment and the roll was called. There were 53 yeas and 81 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Beard	Bradley	Cox	Dempsey	Erickson
Adolphson	Blaine	Brod	Davids	Dorman	Finstad
Anderson, B.	Borrell	Buesgens	DeLaForest	Eastlund	Fuller
Anderson, J.	Boudreau	Cornish	Demmer	Erhardt	Gerlach

Gunther	Johnson, J.	Lindner	Ozment	Severson	Walz
Haas	Kielkucki	Lipman	Paulsen	Simpson	Wardlow
Hackbarth	Klinzing	Magnus	Penas	Soderstrom	Westerberg
Harder	Knoblach	McNamara	Powell	Stang	Westrom
Heidgerken	Kohls	Meslow	Rhodes	Strachan	Wilkin
Holberg	Krinkie	Nelson, C.	Rukavina	Swenson	Zellers
Hoppe	Kuisle	Nornes	Ruth	Sykora	Spk. Sviggum
Howes	Lanning	Olsen, S.	Samuelson	Tingelstad	
Jacobson	Latz	Olson, M.	Seagren	Urdahl	
Jaros	Lindgren	Osterman	Seifert	Vandevveer	

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

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

The Speaker called Abrams to the Chair.

Lenczewski moved to amend H. F. No. 719, the first engrossment, as amended, as follows:

Page 1, delete everything after line 18, and insert:

"Sec. 2. [LOCAL LICENSE APPROVAL.]

Notwithstanding the limits provided under Minnesota Statutes, section 340A.413, a city may issue intoxicating liquor licenses as approved by its city council without authorization by the legislature. All other provisions of Minnesota Statutes, chapter 340A, apply to licenses issued by cities under this section.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

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. 719, A bill for an act relating to liquor; modifying a posting provision; authorizing cities to issue licenses in addition to the number allowed by law; amending Minnesota Statutes 2002, section 340A.318, subdivision 3.

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 112 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, J.	Biernat	Boudreau	Buesgens	Davnie
Adolphson	Atkins	Blaine	Bradley	Cornish	DeLaForest
Anderson, I.	Beard	Borrell	Brod	Cox	Demmer

Dempsey	Heidgerken	Kohls	Nelson, C.	Rukavina	Thao
Dill	Hilstrom	Kuisle	Nelson, M.	Ruth	Thissen
Dorman	Hilty	Lanning	Nornes	Samuelson	Urdahl
Dorn	Hoppe	Latz	Olsen, S.	Seagren	Vandev eer
Eken	Hornstein	Lenczewski	Opatz	Seifert	Wagenius
Ellison	Howes	Lesch	Osterman	Sertich	Walker
Entenza	Jacobson	Lieder	Otremba	Severson	Walz
Erhardt	Jaros	Lindgren	Ozment	Sieben	Wardlow
Erickson	Johnson, J.	Lipman	Paulsen	Simpson	Wasiluk
Finstad	Johnson, S.	Magnus	Paymar	Slawik	Westerberg
Fuller	Juhnke	Mahoney	Pelowski	Smith	Westrom
Gerlach	Kahn	Mariani	Penas	Soderstrom	Wilkin
Greiling	Kelliher	McNamara	Peterson	Solberg	Zellers
Haas	Klinzing	Meslow	Powell	Stang	Spk. Sviggum
Harder	Knoblach	Mullery	Pugh	Strachan	
Hausman	Koenen	Murphy	Rhodes	Sykora	

Those who voted in the negative were:

Abeler	Carlson	Gunther	Huntley	Lindner	Olson, M.
Anderson, B.	Davids	Hackbarth	Krinkie	Marquart	Otto
Bernardy	Eastlund	Holberg	Larson	Nelson, P.	Swenson

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

The Speaker resumed the Chair.

H. F. No. 307, A bill for an act relating to elections; providing an exemption for noncommercial signs from ordinances that limit the number of noncommercial signs; amending Minnesota Statutes 2002, section 211B.045.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	Eken	Heidgerken	Kelliher	Lindgren
Abrams	Buesgens	Ellison	Hilstrom	Kielkucki	Lindner
Adolphson	Carlson	Entenza	Hilty	Klinzing	Lipman
Anderson, B.	Cornish	Erhardt	Holberg	Knoblach	Magnus
Anderson, I.	Cox	Erickson	Hoppe	Koenen	Mahoney
Anderson, J.	Davids	Finstad	Hornstein	Kohls	Mariani
Atkins	Davnie	Fuller	Howes	Krinkie	Marquart
Beard	DeLaForest	Gerlach	Huntley	Kuisle	McNamara
Bernardy	Demmer	Goodwin	Jacobson	Lanning	Meslow
Biernat	Dempsey	Greiling	Jaros	Larson	Mullery
Blaine	Dill	Gunther	Johnson, J.	Latz	Murphy
Borrell	Dorman	Hackbarth	Johnson, S.	Lenczewski	Nelson, C.
Boudreau	Dorn	Harder	Juhnke	Lesch	Nelson, M.
Bradley	Eastlund	Hausman	Kahn	Lieder	Nelson, P.

Nornes	Paulsen	Rukavina	Simpson	Sykora	Walz
Olsen, S.	Paymar	Ruth	Slawik	Thao	Wardlow
Olson, M.	Pelowski	Samuelson	Smith	Thissen	Wasiluk
Opatz	Penas	Seagren	Soderstrom	Tingelstad	Westerberg
Osterman	Peterson	Seifert	Solberg	Urdahl	Westrom
Otremba	Powell	Sertich	Stang	Vandev eer	Wilkin
Otto	Pugh	Severson	Strachan	Wagenius	Zellers
Ozment	Rhodes	Sieben	Swenson	Walker	Spk. Sviggum

The bill was passed and its title agreed to.

H. F. No. 1145, A bill for an act relating to education; coordinating crisis services with removal of certain students; providing for district student removal reports to department of children, families, and learning; increasing graduation rates of students with emotional or behavioral disturbance; requiring warning signs of mental illness to be included in continuing education requirements for teachers; providing for rulemaking; amending Minnesota Statutes 2002, sections 120B.35, by adding a subdivision; 121A.55; 121A.61, subdivision 3; 122A.09, subdivision 4.

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 120 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Borrell	Hoppe	Kohls	Olson, M.	Vandev eer
DeLaForest	Klinzing	Krinkie	Smith	Wilkin

The bill was passed and its title agreed to.

H. F. No. 1155, A bill for an act relating to human services; allowing a licensing change in Goodhue county to an existing ICF/MR.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1080, A bill for an act relating to the military; extending certain tuition reimbursement; deleting a reporting requirement; amending Minnesota Statutes 2002, section 192.501, subdivision 2.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Boudreau	Cox	Dill	Entenza
Abrams	Beard	Bradley	Davids	Dorman	Erhardt
Adolphson	Bernardy	Brod	Davnie	Dorn	Erickson
Anderson, B.	Biernat	Buesgens	DeLaForest	Eastlund	Finstad
Anderson, I.	Blaine	Carlson	Demmer	Eken	Fuller
Anderson, J.	Borrell	Cornish	Dempsey	Ellison	Gerlach

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

The bill was passed and its title agreed to.

H. F. No. 1167, A bill for an act relating to victims; increasing parental liability owed to a victim for acts of certain juvenile offenders; amending certain laws to enhance victim rights; amending Minnesota Statutes 2002, sections 260B.163, subdivision 1; 260B.171, subdivision 4; 611A.01.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1025 was reported to the House.

Lenczewski moved that H. F. No. 1025 be re-referred to the Committee on Ways and Means. The motion prevailed.

H. F. No. 317, A bill for an act relating to counties; allowing use of certain county facilities for commercial wireless service providers and allowing the lease of sites for public safety communications equipment; proposing coding for new law in Minnesota Statutes, chapter 375.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 361, A bill for an act relating to elections; providing procedures and criteria for calling special elections to fill vacancies in certain instances; amending Minnesota Statutes 2002, sections 365.52, subdivision 1, by adding a subdivision; 367.03, subdivision 6.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 503, A bill for an act relating to elections; clarifying certain duties; amending Minnesota Statutes 2002, section 204D.04, subdivision 2.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Dorn	Haas	Jaros	Lanning
Abrams	Brod	Eastlund	Hackbarth	Johnson, J.	Larson
Adolphson	Buesgens	Eken	Harder	Johnson, S.	Latz
Anderson, B.	Carlson	Ellison	Hausman	Juhnke	Lenczewski
Anderson, I.	Cornish	Entenza	Heidgerken	Kahn	Lesch
Anderson, J.	Cox	Erhardt	Hilstrom	Kelliher	Lieder
Atkins	Davids	Erickson	Hilty	Kielkucki	Lindgren
Beard	Davnie	Finstad	Holberg	Klinzing	Lindner
Bernardy	DeLaForest	Fuller	Hoppe	Knoblach	Lipman
Biernat	Demmer	Gerlach	Hornstein	Koenen	Magnus
Blaine	Dempsey	Goodwin	Howes	Kohls	Mahoney
Borrell	Dill	Greiling	Huntley	Krinkie	Mariani
Boudreau	Dorman	Gunther	Jacobson	Kuisle	Marquart

McNamara	Opatz	Powell	Sieben	Thao	Westerberg
Meslow	Osterman	Pugh	Simpson	Thissen	Westrom
Mullery	Otremba	Rhodes	Slawik	Tingelstad	Wilkin
Murphy	Otto	Rukavina	Smith	Urdahl	Zellers
Nelson, C.	Ozment	Ruth	Soderstrom	Vandev eer	Spk. Sviggum
Nelson, M.	Paulsen	Samuelson	Solberg	Wagenius	
Nelson, P.	Paymar	Seagren	Stang	Walker	
Nornes	Pelowski	Seifert	Strachan	Walz	
Olsen, S.	Penas	Sertich	Swenson	Wardlow	
Olson, M.	Peterson	Severson	Sykora	Wasiluk	

The bill was passed and its title agreed to.

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

MOTIONS AND RESOLUTIONS

Howes moved that the name of Walz be added as an author on H. F. No. 1340. The motion prevailed.

Nornes moved that the name of Clark be added as an author on H. F. No. 1521. The motion prevailed.

Abrams moved that the names of Latz and Nelson, P., be added as authors on H. F. No. 1570. The motion prevailed.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:30 a.m., Friday, April 25, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

