

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 29, 2004

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Clark was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Nornes 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 CHIEF CLERK

S. F. No. 806 and H. F. No. 890, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Smith moved that the rules be so far suspended that S. F. No. 806 be substituted for H. F. No. 890 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2134 and H. F. No. 2274, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bradley moved that the rules be so far suspended that S. F. No. 2134 be substituted for H. F. No. 2274 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2177 and H. F. No. 2448, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abrams moved that the rules be so far suspended that S. F. No. 2177 be substituted for H. F. No. 2448 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2365 and H. F. No. 2537, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boudreau moved that the rules be so far suspended that S. F. No. 2365 be substituted for H. F. No. 2537 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
2626		160	4:30 p.m. April 22	April 23
2903		161	5:30 p.m. April 22	April 23

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 26, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 1983, relating to commerce; enacting the revisions to the general provisions of the Uniform Commercial Code and enacting a revised Article 7 of the Uniform Commercial Code recommended by the National Conference of Commissioners on Uniform State Laws; making conforming changes; amending provisions in Articles 3 and 4 of the Uniform Commercial Code relating to warranties on remotely created items.

H. F. No. 995, relating to utilities; modifying notice and plan requirements before excavating around utility facilities; making technical and clarifying changes.

H. F. No. 1944, relating to domestic abuse; providing another ground for extending an order for protection.

H. F. No. 2906, relating to local government; increasing the efficiency of payroll processing; authorizing the use of electronic time recording systems.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
	1983	162	3:30 p.m. April 26	April 26
	995	163	3:00 p.m. April 26	April 26
	1944	164	3:05 p.m. April 26	April 26
	2906	165	3:10 p.m. April 26	April 26
2609		166	2:50 p.m. April 26	April 26

Sincerely,

MARY KIFFMEYER
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 806, 2134, 2177 and 2365 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Cox and Nelson, P., introduced:

H. F. No. 3188, A bill for an act relating to natural resources; adding soil and water conservation districts to the definition of special taxing district; amending Minnesota Statutes 2002, section 103C.331, subdivision 16; Minnesota Statutes 2003 Supplement, section 275.066; proposing coding for new law in Minnesota Statutes, chapter 103C.

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

MESSAGES FROM THE SENATE

The following message was 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. 1645, A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

PATRICK E. FLAHAVEN, Secretary of the Senate

Urdahl moved that the House refuse to concur in the Senate amendments to H. F. No. 1645, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2991.

H. F. No. 2991 was reported to the House.

CALL OF THE HOUSE

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

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

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

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

Sieben; Hilty; Paymar; Murphy; Johnson, S.; Entenza; Walker and Smith moved to amend H. F. No. 2991, the second engrossment, as follows:

Page 19, line 30, after the semicolon insert "and"

Page 19, delete lines 31 to 36

Page 19, line 37, delete "(5)" and insert "(4)"

A roll call was requested and properly seconded.

The question was taken on the Sieben et al amendment and the roll was called.

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

There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hornstein	Lenczewski	Opatz	Slawik
Anderson, I.	Eken	Howes	Lesch	Otremba	Smith
Anderson, J.	Entenza	Huntley	Lieder	Otto	Solberg
Atkins	Erhardt	Jaros	Mahoney	Ozment	Swenson
Bernardy	Goodwin	Johnson, S.	Mariani	Paymar	Thao
Biernat	Greiling	Juhnke	Marquart	Pelowski	Thissen
Boudreau	Gunther	Kahn	Meslow	Pugh	Tingelstad
Carlson	Hackbarth	Kelliher	Mullery	Rhodes	Wagenius
Cornish	Hausman	Koenen	Murphy	Rukavina	Walker
Davnie	Hilstrom	Larson	Nelson, M.	Sertich	Wasiluk
Dill	Hilty	Latz	Nornes	Sieben	

Those who voted in the negative were:

Abrams	Blaine	Buesgens	Demmer	Erickson	Haas
Adolphson	Borrell	Cox	Dempsey	Finstad	Harder
Anderson, B.	Bradley	Davids	Dorman	Fuller	Heidgerken
Beard	Brod	DeLaForest	Eastlund	Gerlach	Holberg

Hoppe	Lanning	Newman	Ruth	Strachan	Wilkin
Jacobson	Lindgren	Olsen, S.	Samuelson	Sykora	Zellers
Johnson, J.	Lindner	Olson, M.	Seagren	Urdahl	Spk. Sviggum
Klinzing	Lipman	Osterman	Seifert	Vandever	
Knoblach	Magnus	Paulsen	Severson	Walz	
Kohls	McNamara	Penas	Simpson	Wardlow	
Krinkie	Nelson, C.	Peterson	Soderstrom	Westerberg	
Kuisle	Nelson, P.	Powell	Stang	Westrom	

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

The Speaker called Abrams to the Chair.

CALL OF THE HOUSE LIFTED

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

Vandever, Otto, Hackbarth and Mariani moved to amend H. F. No. 2991, the second engrossment, as follows:

Page 16, after line 44, insert:

"Subd. 8. Tolls Prohibited

A road authority may not impose a toll or similar charge on any highway, street, or bridge constructed or reconstructed in whole or in part with funds appropriated under this section. No funds appropriated under this section may be used for planning, design, land acquisition, construction, or operation of a toll facility."

A roll call was requested and properly seconded.

The question was taken on the Vandever et al amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Huntley	Latz	Opatz	Slawik
Anderson, I.	Entenza	Jacobson	Lenczewski	Otremba	Smith
Atkins	Goodwin	Jaros	Lesch	Otto	Solberg
Bernardy	Greiling	Johnson, S.	Lieder	Paymar	Swenson
Biernat	Hackbarth	Juhnke	Mahoney	Pelowski	Thao
Buesgens	Hausman	Kahn	Mariani	Peterson	Vandever
Carlson	Hilstrom	Kelliher	Marquart	Pugh	Wagenius
Davnie	Hilty	Klinzing	Mullery	Rukavina	Walker
Dill	Hornstein	Koenen	Murphy	Sertich	Walz
Dorn	Howes	Larson	Nelson, M.	Sieben	Wasiluk

Those who voted in the negative were:

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

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

Rukavina moved to amend H. F. No. 2991, the second engrossment, as follows:

Page 29, after line 3, insert:

"Sec. 33. Minnesota Statutes 2002, section 16A.661, is amended by adding a subdivision to read:

Subd. 5a. [BUDGET RESERVE AND CASH FLOW ACCOUNT TO REDUCE LEVY.] Prior to the state auditor making a levy under subdivision 5, the commissioner of finance must use any amounts in the budget reserve and the cash flow account under section 16A.152 to pay principal and interest on bonds. Amounts in the budget reserve and cash flow account are appropriated for that purpose.

Sec. 34. Minnesota Statutes 2002, section 16A.662, is amended by adding a subdivision to read:

Subd. 7a. [BUDGET RESERVE AND CASH FLOW ACCOUNT TO REDUCE LEVY.] Prior to the state auditor making a levy under subdivision 7, the commissioner of finance must use any amounts in the budget reserve and the cash flow account under section 16A.152 to pay principal and interest on bonds. Amounts in the budget reserve and cash flow account are appropriated for that purpose."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Beard

The motion prevailed and the amendment was adopted.

Lanning, Hilstrom, Kahn, Westerberg, Lesch, Demmer, Mahoney, Atkins, Slawik, Meslow, Pugh, Sieben, Abeler, Sertich and Penas moved to amend H. F. No. 2991, the second engrossment, as amended, as follows:

Pages 29 and 30, delete sections 34 and 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

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

RECESS

RECONVENED

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

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

H. F. No. 2991, as amended, was again reported to the House.

CALL OF THE HOUSE

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

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

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

Tingelstad, Knoblach, Hausman, Bernardy, Goodwin and Rhodes moved to amend H. F. No. 2991, the second engrossment, as amended, as follows:

Page 3, line 13, delete "38,000,000" and insert "25,521,000"

Page 5, line 5, delete "49,000,000" and insert "36,521,000"

Pages 15 and 16, delete subdivision 6

Page 16, after line 44, insert:

"Subd. 8. Northstar Commuter Rail

37,500,000

For final design and project management of a commuter rail line serving Big Lake to downtown Minneapolis; to acquire land for stations, maintenance facilities, and park and ride lots; and for final design and project management of an extension of the Hiawatha Light Rail Transit line from its terminus in downtown Minneapolis to a new terminus near Fifth Avenue North adjacent to the proposed downtown Minneapolis commuter rail station.

This appropriation is not available until \$37,500,000 has been committed by local governments and approval to proceed to final design has been authorized by the Federal Transit Administration.

Up to \$10,000,000 of this appropriation may be used for final design and project management.

After a full-funding grant agreement has been executed with the Federal Transit Administration for the Northstar Commuter Rail project, the remaining balance of this appropriation not committed for final design and project management or committed to acquire land shall be available to construct, furnish, and equip the Northstar Commuter Rail line and to construct, furnish, and equip the extension of the Light Rail Transit line."

Pages 22 and 23, delete subdivision 7

Page 23, delete subdivision 13

Pages 23 and 24, delete subdivision 14

Page 25, delete subdivisions 22 and 23

Page 26, delete subdivisions 25 and 26

Adjust amounts accordingly

Renumber or reletter in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Tingelstad et al amendment and the roll was called. There were 55 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Ellison	Hornstein	McNamara	Samuelson	Wagenius
Atkins	Entenza	Johnson, S.	Mullery	Seagren	Walker
Beard	Erhardt	Kahn	Nelson, M.	Severson	Wasiluk
Bernardy	Goodwin	Kelliher	Olsen, S.	Sieben	Westerberg
Biernat	Greiling	Knoblach	Opatz	Slawik	Spk. Sviggum
Blaine	Gunther	Larson	Osterman	Swenson	
Boudreau	Haas	Latz	Ozment	Sykora	
Cox	Hackbarth	Lesch	Paymar	Thao	
Davnie	Hausman	Lieder	Pugh	Thissen	
Dorman	Hilstrom	Mariani	Rhodes	Tingelstad	

Those who voted in the negative were:

Abrams	Demmer	Holberg	Lanning	Nornes	Simpson
Adolphson	Dempsey	Hoppe	Lenczewski	Olson, M.	Smith
Anderson, B.	Dill	Howes	Lindgren	Otremba	Soderstrom
Anderson, I.	Dorn	Huntley	Lindner	Otto	Solberg
Anderson, J.	Eastlund	Jacobson	Lipman	Paulsen	Stang
Borrell	Eken	Jaros	Magnus	Pelowski	Strachan
Bradley	Erickson	Johnson, J.	Mahoney	Penas	Urdahl
Brod	Finstad	Juhnke	Marquart	Peterson	Vanderveer
Buesgens	Fuller	Klinzing	Meslow	Powell	Walz
Carlson	Gerlach	Koenen	Murphy	Rukavina	Wardlow
Cornish	Harder	Kohls	Nelson, C.	Ruth	Westrom
Davids	Heidgerken	Krinkie	Nelson, P.	Seifert	Wilkin
DeLaForest	Hilty	Kuisle	Newman	Sertich	Zellers

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

The Speaker resumed the Chair.

Carlson, Hausman, Goodwin and Bernardy moved to amend H. F. No. 2991, the second engrossment, as amended, as follows:

Page 47, after line 19, insert:

"Sec. 67. [NORTHSTAR COMMUTER RAIL; APPROPRIATION AFTER FISCAL YEAR 2005.]

\$37,500,000 is appropriated from the bond proceeds fund to the commissioner of transportation for final design and project management of a commuter rail line serving Big Lake to downtown Minneapolis; to acquire land for stations, maintenance facilities, and park and ride lots; and for final design and project management of an extension of the Hiawatha Light Rail Transit line from its terminus in downtown Minneapolis to a new terminus near Fifth Avenue North adjacent to the proposed downtown Minneapolis commuter rail station.

This appropriation is not available until \$37,500,000 has been committed by local governments and approval to proceed to final design has been authorized by the Federal Transit Administration.

Up to \$10,000,000 of this appropriation may be used for final design and project management.

After a full-funding grant agreement has been executed with the Federal Transit Administration for the Northstar Commuter Rail project, the remaining balance of this appropriation not committed for final design and project management or committed to acquire land shall be available to construct, furnish, and equip the Northstar Commuter Rail line and to construct, furnish, and equip the extension of the Light Rail Transit line.

To provide the money appropriated in this section from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state after June 30, 2005, in an amount up to \$37,500,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

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

POINT OF ORDER

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

POINT OF ORDER

Buesgens raised a point of order pursuant to section 13, paragraph 5, of "Mason's Manual of Legislative Procedure," relating to The Right to Change Rules, that the Carlson et al amendment was not in order. The Speaker ruled the point of order not well taken and the Carlson et al amendment in order.

The question recurred on the Carlson et al amendment and the roll was called. There were 58 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hornstein	Lieder	Pugh	Sykora
Anderson, I.	Ellison	Huntley	Mahoney	Rhodes	Thao
Atkins	Entenza	Jaros	Mariani	Rukavina	Thissen
Bernardy	Goodwin	Johnson, S.	Mullery	Samuelson	Tingelstad
Biernat	Greiling	Juhnke	Murphy	Seagren	Wagenius
Blaine	Hackbarth	Kahn	Nelson, M.	Sertich	Walker
Carlson	Hausman	Kelliher	Opatz	Severson	Wasiluk
Davnie	Heidgerken	Larson	Otremba	Sieben	Westerberg
Dill	Hilstrom	Latz	Otto	Slawik	
Dorman	Hilty	Lesch	Paymar	Solberg	

Those who voted in the negative were:

Abrams	DeLaForest	Holberg	Lindgren	Osterman	Strachan
Adolphson	Demmer	Hoppe	Lindner	Ozment	Swenson
Anderson, B.	Dempsey	Howes	Lipman	Paulsen	Urdahl
Anderson, J.	Eastlund	Jacobson	Magnus	Pelowski	Vandever
Beard	Eken	Johnson, J.	Marquart	Penas	Walz
Borrell	Erhardt	Klinzing	McNamara	Peterson	Wardlow
Boudreau	Erickson	Knoblach	Meslow	Powell	Westrom
Bradley	Finstad	Koenen	Nelson, C.	Ruth	Wilkin
Brod	Fuller	Kohls	Nelson, P.	Seifert	Zellers
Buesgens	Gerlach	Krinkie	Newman	Simpson	Spk. Sviggum
Cornish	Gunther	Kuisle	Nornes	Smith	
Cox	Haas	Lanning	Olsen, S.	Soderstrom	
Davids	Harder	Lenczewski	Olson, M.	Stang	

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

H. F. No. 2991, 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; making adjustments to previous bond authorizations; authorizing sale of state bonds; canceling an earlier appropriation and appropriating money; amending Minnesota Statutes 2002, sections 16A.661, by adding a subdivision; 16A.662, by adding a subdivision; 16A.671, subdivision 3; 16A.695, subdivision 3; 41B.03, subdivision 3; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b, by adding a subdivision; 41B.045, subdivision 2; 41B.046, subdivision 5; 41C.02, subdivision 12; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 4, 5; 116J.575, subdivision 1; 116P.08, subdivision 2; 136F.60, by adding a subdivision; 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19; Laws 1998, chapter 404, section 23, subdivision 17, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2003, First Special Session chapter 20, article 1, section 15; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2002, section 16B.325.

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.

Pursuant to rule 2.05, the Speaker excused Holberg from voting on the final passage of H. F. No. 2991, as amended.

There were 102 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Howes	Lipman	Paulsen	Smith
Adolphson	Dill	Huntley	Magnus	Pelowski	Soderstrom
Anderson, B.	Dorn	Jaros	McNamara	Penas	Solberg
Anderson, J.	Eastlund	Johnson, J.	Meslow	Peterson	Stang
Atkins	Eken	Kelliher	Mullery	Powell	Strachan
Beard	Ellison	Klinzing	Murphy	Pugh	Swenson
Blaine	Erickson	Knoblach	Nelson, C.	Rhodes	Sykora
Borrell	Finstad	Koenen	Nelson, M.	Rukavina	Urdahl
Boudreau	Fuller	Kohls	Nelson, P.	Ruth	Vandevveer
Bradley	Gerlach	Krinkie	Newman	Samuelson	Walz
Brod	Gunther	Kuisle	Nornes	Seagren	Wardlow
Carlson	Haas	Larson	Olsen, S.	Seifert	Wasiluk
Cornish	Hackbarth	Latz	Olson, M.	Sertich	Westerberg
Cox	Harder	Lenczewski	Opatz	Severson	Westrom
Davids	Hausman	Lieder	Otremba	Sieben	Wilkin
DeLaForest	Hilty	Lindgren	Otto	Simpson	Zellers
Demmer	Hoppe	Lindner	Ozment	Slawik	Spk. Sviggum

Those who voted in the negative were:

Abeler	Davnie	Greiling	Johnson, S.	Mahoney	Thao
Anderson, I.	Dorman	Heidgerken	Juhnke	Mariani	Thissen
Bernardy	Entenza	Hilstrom	Kahn	Marquart	Tingelstad
Biernat	Erhardt	Hornstein	Lanning	Osterman	Wagenius
Buesgens	Goodwin	Jacobson	Lesch	Paymar	Walker

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

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Boudreau moved that the names of Erickson, Soderstrom, Buesgens, Severson, Klinzing, Finstad and Samuelson be added as authors on House Resolution No. 24. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1645:

Urdahl, Gunther and Hilstrom.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, May 3, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, May 3, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

