

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 9, 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 Pastor John Bucka, House of Hope Lutheran Church, New Hope, 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	DeLaForest	Hilstrom	Larson	Osterman	Soderstrom
Abrams	Demmer	Hilty	Latz	Otremba	Solberg
Adolphson	Dempsey	Holberg	Lenczewski	Otto	Stang
Anderson, B.	Dill	Hoppe	Lesch	Ozment	Strachan
Anderson, I.	Dorman	Hornstein	Lieder	Paulsen	Swenson
Anderson, J.	Dorn	Howes	Lindgren	Paymar	Sykora
Atkins	Eastlund	Huntley	Lindner	Pelowski	Thao
Beard	Eken	Jacobson	Lipman	Peterson	Thissen
Bernardy	Ellison	Jaros	Magnus	Powell	Tingelstad
Biernat	Entenza	Johnson, J.	Mahoney	Pugh	Urdahl
Blaine	Erhardt	Johnson, S.	Mariani	Rhodes	Vandever
Borrell	Erickson	Juhnke	Marquart	Rukavina	Wagenius
Boudreau	Fuller	Kahn	McNamara	Ruth	Walker
Bradley	Gerlach	Kelliher	Meslow	Samuelson	Walz
Brod	Goodwin	Kielkucki	Mullery	Seagren	Wardlow
Buesgens	Greiling	Klinzing	Murphy	Seifert	Wasiluk
Carlson	Gunther	Knoblach	Nelson, C.	Sertich	Westerberg
Clark	Haas	Koenen	Nelson, M.	Severson	Westrom
Cornish	Hackbarth	Kohls	Nelson, P.	Sieben	Wilkin
Cox	Harder	Krinkie	Nornes	Simpson	Zellers
Davids	Hausman	Kuisle	Olsen, S.	Slawik	Spk. Sviggum
Davnie	Heidgerken	Lanning	Olson, M.	Smith	

A quorum was present.

Finstad, Opatz and Penas were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Westerberg 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. 407 and H. F. No. 553, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kielkucki moved that the rules be so far suspended that S. F. No. 407 be substituted for H. F. No. 553 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 568 and H. F. No. 739, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Borrell moved that the rules be so far suspended that S. F. No. 568 be substituted for H. F. No. 739 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 964 and H. F. No. 1278, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lipman moved that the rules be so far suspended that S. F. No. 964 be substituted for H. F. No. 1278 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 212, A bill for an act relating to professions; extending the expiration date of the acupuncture, respiratory care practitioner, licensed traditional midwifery, and health professionals services program advisory committees; amending Minnesota Statutes 2002, sections 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 214.32, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

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

H. F. No. 810, A bill for an act relating to state lands; providing for certain state land acquisition; modifying the Mississippi whitewater trail; modifying provisions of the outdoor recreation system; establishing a mineral coordinating committee; establishing a new state park; adding to and deleting from state parks, state recreation

areas, state forests, and wildlife management areas; authorizing public and private sales and conveyances of certain state lands; requiring certain land exchanges; amending Minnesota Statutes 2002, sections 85.013, subdivision 1; 85.0156, subdivision 1; 86A.04; proposing coding for new law in Minnesota Statutes, chapter 93.

Reported the same back with the following amendments:

Page 3, after line 24, insert:

"Subd. 3. [LAND PURCHASES.] The commissioner may not use money in the land acquisition account under section 94.165 to purchase land for Greenleaf Lake state park. The commissioner may only purchase land for Greenleaf Lake state park with money appropriated specifically for that purpose."

Page 3, line 25, delete "3" and insert "4"

Page 3, line 28, delete "4" and insert "5"

Page 3, line 32, before "GREENLEAF" insert "PROPOSED"

Page 3, delete lines 33 to 35 and insert:

"Subdivision 1. [PROPOSED PARK.] Boundaries for a proposed Greenleaf Lake state park in Meeker county are established according to subdivision 2."

Page 4, line 1, delete "added to" and insert "proposed for"

Page 11, after line 24, insert:

"Subd. 4. [89.021] [Subd. 41.] [RED LAKE STATE FOREST.] The following areas are deleted from Red Lake state forest, Beltrami county, all in Section 20, Township 154 North, Range 30 West, upon completion of the sale described in section 15:

(1) the Northeast Quarter of the Southwest Quarter;

(2) the North 10 acres of the Southeast Quarter of the Southwest Quarter; and

(3) the West 10 acres of the Northwest Quarter of the Southeast Quarter."

Page 12, after line 3, insert:

"Sec. 12. Laws 2001, First Special Session chapter 2, section 14, subdivision 4, is amended to read:

Subd. 4. Fish and Wildlife Habitat	10,042,000	8,238,000
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Summary by Fund

Future Resources Fund	1,805,000	-0-
Trust Fund	8,237,000	8,238,000

(a) Forest and Prairie Stewardship of Private Lands

\$272,000 the first year and \$273,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Minnesota Forestry Association and the Nature Conservancy, to develop stewardship plans for private prairie and forested lands and to implement natural resource projects by providing matching money on a one-to-one basis to private landowners. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) State Fish Hatchery Rehabilitation

\$145,000 is from the future resources fund to the commissioner of natural resources to accelerate hatchery rehabilitation.

(c) Enhancing Canada Goose Hunting and Management

\$340,000 is from the future resources fund to the commissioner of natural resources ~~for an agreement with the Minnesota Waterfowl Association to acquire leases to enter into professional and technical agreements~~ on private farmlands for development of foraging sites and public hunting opportunities and to provide technical assistance to local units of government in developing controlled hunts for nuisance geese. This appropriation is available until June 30, 2004.

(d) Biological Control of Eurasian Water Milfoil and Purple Loosestrife - Continuation

\$45,000 the first year and \$45,000 the second year are from the trust fund to the commissioner of natural resources for the fifth biennium of a five biennia project to develop and implement biological controls for Eurasian water milfoil and purple loosestrife. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Restoring Minnesota's Fish and Wildlife Habitat Corridors

\$5,873,000 the first year and \$5,872,000 the second year are from the trust fund to the commissioner of natural resources for acceleration of agency programs and cooperative agreements with Minnesota Waterfowl Association, Minnesota Deer Hunters Association, Ducks Unlimited, Inc., National Wild Turkey Federation, Pheasants Forever, The Nature Conservancy, Minnesota Land Trust, Trust for Public Land, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, Natural Resources Conservation Service, and the U.S. Forest Service to restore and acquire fragmented landscape corridors that connect areas of

quality habitat to sustain fish, wildlife, and plants. \$352,000 is for program coordination, corridor identification, and mapping. \$3,343,000 is for restoration and management activities in wildlife management areas, wetland habitat, lakes, wild rice beds, grasslands, and fisheries habitat. \$2,650,000 is for conservation easement programs on riparian areas, big woods forests, native prairies, and wetlands. \$5,400,000 is for habitat acquisition activities on prairies, riparian areas, and other fish and wildlife habitat corridors. As part of the required work program, criteria and priorities for planned acquisition and restoration activities must be submitted to the legislative commission on Minnesota resources for review and approval. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated:

(1) as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or

(2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011.

The commissioner may so designate any lands acquired in less than fee title. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Engineering Support for Public Lands Waterfowl Projects

\$275,000 is from the future resources fund to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc., to provide survey and engineering support to natural resources agencies for waterfowl projects on public lands.

(g) Metro Greenways

\$1,365,000 the first year and \$1,365,000 the second year are from the trust fund to the commissioner of natural resources for the metro greenways program for planning, improving, and protecting important natural areas in the metropolitan region through grants, contracted services, conservation easements, and fee acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Acquisition of Lands as Scientific and Natural Areas

\$227,000 the first year and \$228,000 the second year are from the trust fund to the commissioner of natural resources to acquire land with natural features of statewide significance in the scientific and natural area program long-range plan and to improve land acquired with this appropriation. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

(i) Big Rivers Partnership: Helping Communities to Restore Habitat

\$455,000 the first year and \$455,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Great River Greening to implement private and public habitat projects on a cost-share basis in the Mississippi and Minnesota river valleys. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Acquisition of Eagle Creek's Last Private Land

\$910,000 is from the future resources fund to the commissioner of natural resources for an agreement with the city of Savage to acquire a buffer strip along Eagle Creek for transfer and dedication as an aquatic management area. Acquisition expenses incurred prior to July 1, 2001, may be reimbursed by the commissioner. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

(k) Neighborhood Wilds Program

\$135,000 is from the future resources fund to the commissioner of natural resources for the neighborhood wilds program to assist neighborhoods adjacent to public lands and natural areas in restoration and management of habitat through demonstration projects. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program."

Page 13, after line 34, insert:

"Sec. 15. [PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; BELTRAMI COUNTY.]

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell to Waskish township the consolidated conservation land that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapters 84A and 282.

(b) The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if it is not used for public airport purposes. The conveyance must reserve an easement to ensure public access and state management access to the public and private lands to the west and south. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy. The consideration for the conveyance must not be less than the appraised value of the land and timber and any survey costs. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A. No payments made under State Lease Numbered 144-015-0558 will be refunded, but payments made may be credited against the payments due.

(c) The land that may be conveyed is located in Beltrami county and is described as: the Northeast Quarter of the Southwest Quarter; the North 10 acres of the Southeast Quarter of the Southwest Quarter; and the West 10 acres of the Northwest Quarter of the Southeast Quarter, all in Section 20, Township 154 North, Range 30 West.

Sec. 16. [CONVEYANCE OF SURPLUS STATE LAND; CASS COUNTY.]

(a) Notwithstanding Minnesota Statutes, chapter 94, or other law, administrative rule, or commissioner's order to the contrary, the commissioner of administration may convey to Cass county or a regional jail authority for no consideration all the buildings and land that are described in paragraph (c), except the land described in paragraph (d).

(b) The conveyance shall be in a form approved by the attorney general and subject to Minnesota Statutes, section 16A.695. The commissioner of administration shall have a registered land surveyor prepare a legal description of the property to be conveyed. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy.

(c) The land and buildings of the Ah-Gwah-Ching property that may be conveyed to Cass county or a regional jail authority are located in that part of the South Half, Section 35, Township 142 North, Range 31 West and that part of Government Lot 6, Section 2, Township 141 North, Range 31 West, in Cass county, depicted on the certificate of survey prepared by Landecker and Associates, Inc. dated April 25, 2002. The land described in paragraph (d) is excepted from the conveyance.

(d) That portion of the Ah-Gwah-Ching property to be excepted from the conveyance to Cass county or a regional jail authority is the land located between the shoreline and the top of the bluff line and is approximately described as follows:

(1) all that part of the Southeast Quarter of Southwest Quarter, Section 35, Township 142 North, Range 31 West, lying southeasterly of a line that lies 450 feet southeasterly of and parallel with Minnesota Highway No. 290;

(2) Government Lot 4, Section 35, Township 142 North, Range 31 West;

(3) that part of Government Lot 3, Section 35, Township 142 North, Range 31 West, lying southerly of Minnesota Highway No. 290 and westerly of Minnesota Highway No. 371; and

(4) that part of Government Lot 6, Section 2, Township 141 North, Range 31 West, lying southeasterly of the 1,410 foot contour.

The commissioner of administration shall determine the exact legal description upon further site analysis and the preparation of the surveyor's legal description described in paragraph (b).

(e) Notwithstanding anything herein to the contrary, a conveyance under this section to Cass county or a regional jail authority may include a conveyance by a bill of sale of the water treatment facilities located within the land described in paragraph (d) and a nonexclusive appurtenant easement for such facilities over the land upon which such facilities are located, including ingress and egress as determined by the commissioner. The easement shall be in a form approved by the attorney general.

(f) At the option of the state, Cass county or the regional jail authority must, for a period of at least two years, allow the state to lease the space necessary to operate its programs for the cost of utilities for the leased space. During the term of the lease, the state shall be responsible for any and all maintenance and repairs the state determines are necessary for its use of the leased space."

Page 23, after line 26, insert:

"Sec. 29. [PUBLIC SALE OF SCHOOL TRUST FUND LAND BORDERING PUBLIC WATER; ST. LOUIS, COOK, LAKE COUNTIES.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell up to four parcels by public sale, school and university trust lands, some of which border public water, that are located in the Boundary Waters Canoe Area Wilderness.

(b) The commissioner must publish notice of a sale, according to this section and Minnesota Statutes, section 94.10, subdivision 2, paragraph (a), in publications of general distribution in the county where the land is located and in midwestern regional markets, including, but not limited to, the Twin Cities and Chicago. The conveyances must be in a form approved by the attorney general for consideration no less than the appraised value of the land as determined by the University of Minnesota-Duluth in the report "A Physical Inventory and Valuation of State-Owned Lands within the Boundary Waters Canoe Area Wilderness" (2003).

(c) Buyers of land within the Boundary Waters Canoe Area Wilderness under this section are prohibited from using the land for any logging, mining, peat harvesting, marina or resort purposes, motorized off-road recreational vehicle use, restaurant or liquor establishments, commercial building, or related purposes.

(d) The commissioner of natural resources shall report to chairs of the house and senate committees having jurisdiction over environment and natural resources policy and K-12 education finance by February 15, 2004, regarding progress in making the sales under this section."

Pages 25 and 26, delete section 29

Page 26, delete lines 13 to 16

Page 26, line 17, delete "(b) Sections 14 and 27" and insert "Sections 12, 17, and 31"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "a new" and insert "boundaries for a proposed"

Page 1, line 10, after the second semicolon, insert "modifying certain appropriations conditions;"

Page 1, line 12, after the third semicolon, insert "Laws 2001, First Special Session chapter 2, section 14, subdivision 4;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

S. F. No. 575, A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse against a minor; amending Minnesota Statutes 2002, section 541.073.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 541.073, is amended to read:

541.073 [ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE AGAINST A MINOR; SPECIAL PROVISIONS.]

Subdivision 1. [DEFINITION.] As used in this section, "sexual abuse" means conduct described in sections 609.342 to 609.345 committed against a minor.

Subd. 2. [LIMITATIONS PERIOD.] (a) The limitation period in this section applies to an action for damages based on personal injury caused by sexual abuse against a minor if the sexual abuse is reported to law enforcement. In such a case, an action must be commenced within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse as follows:

(1) if the sexual abuse is reported to law enforcement while the victim is a minor, an action may be brought within nine years after the plaintiff reaches the age of majority;

(2) if the abuse is reported to law enforcement after the plaintiff reaches the age of majority, the plaintiff may bring an action within five years after reporting to law enforcement, but not later than nine years after reaching the age of majority; or

(3) if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics, an action may be commenced against the person who committed sexual abuse against the plaintiff at any time.

(b) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

(c) The knowledge of a parent or guardian may not be imputed to a minor.

(d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

Subd. 2a. [ACTION FOR DECLARATORY RELIEF.] (a) An equitable action for declaratory relief establishing that the plaintiff was sexually abused as a minor may be brought at any time and is not subject to a statute of limitations. Except as provided in paragraph (b), a plaintiff who prevails in an action under this paragraph is entitled to costs, disbursements, and reasonable attorney fees, including costs incurred in connection with discovery.

(b) A plaintiff is not entitled to recover attorney fees if the defendant admits the allegations within 60 days of filing the complaint.

(c) This subdivision does not allow a claim for damages otherwise barred under subdivision 2 and is not applicable until the statute of limitations in subdivision 2 has expired.

Subd. 3. [APPLICABILITY.] This section applies to an action for damages commenced against a person who caused the plaintiff's personal injury either by (1) committing sexual abuse against the plaintiff, or (2) negligently permitting sexual abuse against the plaintiff to occur.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective August 1, 2003, and applies to actions commenced on or after that date."

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.

Holberg from the Committee on Civil Law to which was referred:

S. F. No. 872, A bill for an act relating to real property; conveyances by spouses; purchase-money mortgages; amending Minnesota Statutes 2002, sections 507.02; 507.03.

Reported the same back with the following amendments:

Page 2, after line 4, insert:

"Notwithstanding the provisions of section 507.21, if a homestead owned by a husband and wife is conveyed in any manner other than as provided by this section, the conveying spouse and any purchaser are jointly and severally liable for damages to the nonconveying spouse."

Page 2, delete lines 17 and 18

Page 2, line 19, delete everything before "shall" and insert "The portion of the debt secured by the mortgage and used for the purchase of the property, and the payment of any fees or costs associated with the purchase of the property or used to improve the property"

Page 2, after line 34, insert:

"Sec. 3. Minnesota Statutes 2002, section 604.02, subdivision 1, is amended to read:

Subdivision 1. [JOINT LIABILITY.] When two or more persons are ~~jointly~~ severally liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that ~~each is~~ the following persons are jointly and severally liable for the whole award. ~~Except in cases where:~~

(1) a person whose fault is greater than 50 percent;

(2) two or more persons who act in a common scheme or plan that results in injury;

(3) a person who commits an intentional tort; or

(4) a person whose liability arises under chapters 18B - pesticide control, 115 - water pollution control, 115A - waste management, 115B - environmental response and liability, 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law for damage to the environment or the public health, any other

environmental or public health law, or any environmental or public health ordinance or program of a municipality as defined in section 466.01, ~~a person whose fault is 15 percent or less is liable for a percentage of the whole award no greater than four times the percentage of fault, including any amount reallocated to that person under subdivision 2.~~

~~If the state or a municipality as defined in section 466.01 is jointly liable, and its fault is less than 35 percent, it is jointly and severally liable for a percentage of the whole award no greater than twice the amount of fault, including any amount reallocated to the state or municipality under subdivision 2.~~

This section applies to claims arising from events that occur on or after August 1, 2003."

Delete the title and insert:

"A bill for an act relating to civil law; conveyances by spouses; purchase money mortgages in conveyances by spouses; joint and several liability in certain conveyances by a spouse and in other civil actions; amending Minnesota Statutes 2002, sections 507.02; 507.03; 604.02, subdivision 1."

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

POINT OF ORDER

Entenza raised a point of order pursuant to rule 6.31 relating to the Substitution of Bills, that the committee report on S. F. No. 872 was not in order. The Speaker ruled the point of order not well taken and the report in order.

Entenza appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 81 yeas and 49 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the adoption of the committee report from the Committee on Civil Law relating to S. F. No. 872. The committee report on S. F. No. 872 was adopted.

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

S. F. No. 1260, 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.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 212 and 810 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 407, 568, 964 and 1260 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Bernardy introduced:

H. F. No. 1605, A bill for an act relating to state government; transferring the responsibilities of the gambling control board to the department of commerce; abolishing the board.

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

Seifert, by request, introduced:

H. F. No. 1606, A bill for an act relating to commerce; amending the definition of an owner and adding an exemption from licensing; amending Minnesota Statutes 2002, sections 326.01, subdivision 6e; 326.242, subdivision 12.

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

Paymar introduced:

H. F. No. 1607, A bill for an act relating to courts; creating a guardian ad litem task force.

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

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:

H. F. No. 335, A bill for an act relating to water; requiring new landscape irrigation systems to have furnished and installed moisture or rainfall sensing equipment; proposing coding for new law in Minnesota Statutes, chapter 103G.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1268, A bill for an act relating to traffic regulations; clarifying when vehicle lights must be displayed; amending Minnesota Statutes 2002, section 169.48, subdivision 1.

H. F. No. 1234, A bill for an act relating to cemeteries; providing for correction of interment errors; proposing coding for new law in Minnesota Statutes, chapters 306; 307.

H. F. No. 710, A bill for an act relating to employment; mandatory retirement; deleting obsolete language; amending Minnesota Statutes 2002, section 181.81, subdivision 1; repealing Minnesota Statutes 2002, section 181.811.

H. F. No. 314, A bill for an act relating to traffic regulations; allowing display of flashing blue lights to the front of emergency vehicles; amending Minnesota Statutes 2002, section 169.64, subdivision 4.

H. F. No. 1026, A bill for an act relating to human services; authorizing a medical assistance capitated payment option for waived services, day training and habilitation services, and intermediate care facility services for persons with mental retardation or a related condition; amending Minnesota Statutes 2002, sections 252.46, by adding a subdivision; 256B.69, subdivisions 6a, 23; proposing coding for new law in Minnesota Statutes, chapter 256B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 627, A bill for an act relating to appropriations; appropriating money for transportation, public safety, and other purposes; authorizing issuance of state bonds; modifying provisions relating to reverse auctions, land appraisal, archaeological or historic sites, high-occupancy vehicle lanes, highways and transportation corridors, town line roads and easements, major transportation projects commission, advertisements for bids, regional railroad authorities, city transit capital improvement projects in metropolitan area, bus rapid transit and other transit, bus operator liability, local government permits, and other transportation-related activities; providing for fees, funds and accounts, transfers, allocations, and expenditures; modifying provisions regulating special mobile equipment, special vehicle license plates, speed limits and other traffic regulations, vehicle weight limits and other vehicle regulations, vehicle insurance requirements, drivers' licenses and identification cards, 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; changing transit funding, aid, and tax levy provisions; amending Minnesota Statutes 2002, sections 10A.01, subdivision 24; 13.44, subdivision 3; 16A.88, subdivision 1; 16C.10, subdivision 7; 84.87, subdivision 1; 138.40, subdivisions 2, 3; 160.28, by adding a subdivision; 161.08; 161.20, subdivision 3; 164.12; 168.011, subdivision 22; 168.013, subdivision 3; 168.12, subdivision 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.14, subdivision 5a, by adding a subdivision; 169.18, subdivision 11; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 169.826, subdivision 1, by adding a subdivision; 169.86, subdivision 5; 169.87, by adding a subdivision; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.13, by adding a subdivision; 171.14; 171.20, subdivision 4; 171.22, subdivision 2; 171.29, subdivision 2; 174.03, subdivision 6a; 174.22, by adding a subdivision; 174.24, subdivisions 1, 3b; 174.55, subdivision 2; 179A.03, subdivision 7; 179A.10, subdivision 2; 275.065, subdivision 3; 275.71, subdivision 5; 297B.09, subdivision 1; 299A.465, subdivision 4; 299E.01, by adding a subdivision; 299E.03, subdivision 3; 398A.03, subdivision 1; 471.345, subdivision 14; 473.399, subdivision 1; 473.3994, subdivision 2; 473.3997; 473.446, subdivision 1; 609.531, subdivision 1; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2000, chapter 433, section 4; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 117; 160; 168; 171; 299A; 331A; 373; 398A; 414; 473; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; 174.242; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

The Senate has appointed as such committee:

Senators Johnson, D. E.; Marko; Dibble; Rest and Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of 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. 1251, A bill for an act relating to health; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, section 144A.70, subdivision 6.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Samuelson moved that the House concur in the Senate amendments to H. F. No. 1251 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1251, A bill for an act relating to health; modifying nursing home qualification requirements; modifying requirements for medical assistance payment demonstration project for nursing homes; seeking change in federal policy; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, sections 144A.04, subdivision 3, by adding a subdivision; 144A.70, subdivision 6; 256B.434, subdivision 10.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Beard moved that the House refuse to concur in the Senate amendments to H. F. No. 719, 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.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 308, 1140, 299 and 1090.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 308, A bill for an act relating to mining; specifying duties of owners and operators when operations are discontinued; amending Minnesota Statutes 2002, section 93.003.

The bill was read for the first time.

Rukavina moved that S. F. No. 308 and H. F. No. 359, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1140, A bill for an act relating to crime prevention; prohibiting children under the age of 17 from renting or purchasing certain video games; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

S. F. No. 299, A bill for an act relating to ambulance service liability insurance; requiring a study.

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

S. F. No. 1090, A bill for an act relating to highways; modifying provisions governing gross vehicle weights on interstate highways; providing for vehicles and vehicle combinations weighing up to 88,000 pounds to travel on nine-ton roads in winter; amending Minnesota Statutes 2002, sections 168.013, subdivision 3; 169.826, subdivision 1, by adding a subdivision; 169.85, subdivision 2; 169.86, subdivision 5.

The bill was read for the first time.

Howes moved that S. F. No. 1090 and H. F. No. 1130, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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 Friday, May 9, 2003:

H. F. No. 778; S. F. No. 693; and H. F. Nos. 860 and 306.

CALENDAR FOR THE DAY

H. F. No. 778 was reported to the House.

Smith moved to amend H. F. No. 778, the first engrossment, as follows:

Page 93, line 13, delete "15,500" and insert "15,000"

Page 115, line 20, delete the second "and"

Page 115, line 24, before the period, insert "; and

(8) the best interests of the child"

Page 179, line 11, before the period, insert "and applies to all actions commenced and motions served on or after July 1, 2004"

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Eastlund moved to amend H. F. No. 778, the first engrossment, as amended, as follows:

Page 80, delete lines 13 to 20 and insert:

"Subd. 3. [AGREEMENTS AND STIPULATIONS.] The court shall approve a child support agreement or stipulation of the parties if each party is represented by independent counsel unless the agreement or stipulation is not in the best interests of the child or children."

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

Mariani was excused between the hours of 12:00 noon and 2:50 p.m.

H. F. No. 778, A bill for an act relating to family law; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; changing a fee; making style and form changes; changing certain child support, residence change, and pension distribution provisions; classifying certain data; requiring additional information; clarifying and improving certain procedures and support enforcement provisions; clarifying a funding provision; providing alternate forms of marriage solemnization; appropriating money; amending Minnesota Statutes 2002, sections 13.69, subdivision 1; 171.06, subdivision 3; 171.07, by adding a subdivision; 257C.01, subdivision 2; 357.021, by adding a subdivision; 517.18; 518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.091; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.1705, subdivisions 2, 6, 7, 8, 9; 518.171, subdivision 7; 518.175; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.1752; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.191, subdivision 1; 518.195, subdivisions 2, 3; 518.24; 518.25; 518.27; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.551, subdivisions 5, 12, 13; 518.552; 518.58; 518.581; 518.582; 518.6111, subdivision 7; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2, by adding a subdivision; 518.641; 518.642; 518.646; 518.65; 518.68, subdivisions 1, 2; 519.11, subdivision 1; 548.091, subdivision 1a; 552.01, subdivisions 2, 3, 5, 7; 552.04, subdivision 15; 552.06, subdivisions 1, 2, 5, 6; 609.375, subdivision 2b; Laws 1997, chapter 245, article 2, section 11; proposing coding for new law in Minnesota Statutes, chapter 97A; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2002, sections 518.111; 518.14, subdivision 2; 518.17; 518.171; 518.1752; 518.185; 518.24; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.55, subdivision 4; 518.551; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.6196; 518.62; 518.64, subdivisions 4, 4a, 5; 518.68.

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 116 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Cox	Eastlund	Greiling	Holberg
Abrams	Borrell	Daids	Eken	Gunther	Hoppe
Adolphson	Boudreau	DeLaForest	Ellison	Haas	Hornstein
Anderson, B.	Bradley	Demmer	Erhardt	Hackbarth	Howes
Anderson, I.	Brod	Dempsey	Erickson	Harder	Huntley
Anderson, J.	Buesgens	Dill	Fuller	Hausman	Jacobson
Beard	Carlson	Dorman	Gerlach	Heidgerken	Johnson, J.
Biernat	Cornish	Dorn	Goodwin	Hilty	Johnson, S.

Juhnke	Lieder	Nelson, M.	Pugh	Smith	Walz
Kielkucki	Lindgren	Nelson, P.	Rhodes	Soderstrom	Wardlow
Klinzing	Lindner	Nornes	Rukavina	Solberg	Wasiluk
Knoblach	Lipman	Olsen, S.	Ruth	Stang	Westerberg
Koenen	Magnus	Osterman	Samuelson	Strachan	Westrom
Kohls	Mahoney	Otremba	Seagren	Swenson	Wilkin
Krinkie	Marquart	Otto	Seifert	Sykora	Zellers
Kuisle	McNamara	Ozment	Sertich	Thao	Spk. Sviggum
Lanning	Meslow	Paulsen	Severson	Thissen	
Larson	Mullery	Pelowski	Sieben	Tingelstad	
Latz	Murphy	Peterson	Simpson	Urdahl	
Lenczewski	Nelson, C.	Powell	Slawik	Vandev eer	

Those who voted in the negative were:

Atkins	Davnie	Jaros	Kelliher	Paymar	Walker
Bernardy	Entenza	Kahn	Lesch	Wagenius	

The bill was passed and its title agreed to.

S. F. No. 990 was reported to the House.

Swenson moved to amend S. F. No. 990 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1213, the first engrossment:

"Section 1. Minnesota Statutes 2002, section 30.49, subdivision 6, is amended to read:

Subd. 6. [PACKAGED BLENDED RICE AND CERTAIN READY-TO-EAT RICE.] A package containing a blend of wild rice and at least 40 percent other grains or food products, and ~~puffed or~~ ready-to-eat wild rice that is consumed or packaged on the retail premises, are exempt from this section, except subdivisions 3, 5, and 7.

Sec. 2. Minnesota Statutes 2002, section 31.101, subdivision 3, is amended to read:

Subd. 3. [PESTICIDE CHEMICAL RULES.] Federal pesticide chemical regulations ~~in effect on April 1, 2001,~~ adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state.

Sec. 3. Minnesota Statutes 2002, section 31.101, subdivision 4, is amended to read:

Subd. 4. [FOOD ADDITIVE RULES.] Federal food additive regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state.

Sec. 4. Minnesota Statutes 2002, section 31.101, subdivision 5, is amended to read:

Subd. 5. [COLOR ADDITIVE RULES.] Federal color additive regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state.

Sec. 5. Minnesota Statutes 2002, section 31.101, subdivision 6, is amended to read:

Subd. 6. [SPECIAL DIETARY USE RULES.] Federal special dietary use regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state.

Sec. 6. Minnesota Statutes 2002, section 31.101, subdivision 7, is amended to read:

Subd. 7. [FAIR PACKAGING AND LABELING RULES.] Federal regulations ~~in effect on April 1, 2001,~~ adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. The commissioner may not adopt amendments to these rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations adopted under that act.

Sec. 7. Minnesota Statutes 2002, section 31.101, subdivision 8, is amended to read:

Subd. 8. [FOOD AND DRUGS RULES.] Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, ~~in effect April 1, 2001,~~ and not otherwise adopted herein, also are adopted as food rules of this state.

Sec. 8. Minnesota Statutes 2002, section 31.101, subdivision 9, is amended to read:

Subd. 9. [FISHERY PRODUCTS RULES.] Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 50, parts 260 to 267, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service.

Sec. 9. Minnesota Statutes 2002, section 31.101, subdivision 10, is amended to read:

Subd. 10. [MEAT AND POULTRY RULES.] Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 9, part 301, et seq., are incorporated as part of the meat and poultry rules in this state.

Sec. 10. Minnesota Statutes 2002, section 31.101, subdivision 11, is amended to read:

Subd. 11. [STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS.] Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state.

Sec. 11. Minnesota Statutes 2002, section 31.101, subdivision 12, is amended to read:

Subd. 12. [DAIRY GRADE RULES; MANUFACTURING PLANT STANDARDS.] Federal grading and inspection standards for manufacturing dairy plants and products ~~and amendments thereto in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

Sec. 12. Minnesota Statutes 2002, section 31.102, subdivision 1, is amended to read:

Subdivision 1. [IDENTITY, QUANTITY, AND FILL OF CONTAINER RULES.] Federal definitions and standards of identity, quality, and fill of container ~~in effect on April 1, 2001,~~ adopted under authority of the federal act, are the definitions and standards of identity, quality, and fill of container in this state. The rules may be amended by the commissioner under chapter 14.

Sec. 13. Minnesota Statutes 2002, section 31.103, subdivision 1, is amended to read:

Subdivision 1. [CONSUMER COMMODITIES LABELING RULES.] All labels of consumer commodities must conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations ~~in effect on April 1, 2001,~~ adopted under authority of that act, except to the extent that the commissioner amends the rules under chapter 14. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act are also exempt from this subdivision.

Sec. 14. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

Subd. 2b. [FEDERAL LAW.] "Federal law" means the Organic Foods Production Act of 1990, United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Sec. 15. Minnesota Statutes 2002, section 31.92, subdivision 3, is amended to read:

Subd. 3. [ORGANIC FOOD.] "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term "organic" or any derivative of "organic" in its labeling or advertising. "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Sec. 16. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

Subd. 3a. [ORGANIC PRODUCTION.] "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Sec. 17. [31.925] [UNIFORMITY WITH FEDERAL LAW.]

The department adopts the federal law specified in section 31.92, subdivision 2b, as the organic food production law and rules in this state.

Sec. 18. Minnesota Statutes 2002, section 31.94, is amended to read:

31.94 [COMMISSIONER DUTIES.]

~~(a) The commissioner shall enforce sections 31.92 to 31.95. The commissioner shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 31.92 to 31.95.~~

~~(b) The commissioner shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 31.92 to 31.95.~~

~~(c) The commissioner may adopt rules that further clarify organic food standards and marketing practices.~~

~~(d)~~ In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and

(5) work closely with ~~farmers~~ producers, the University of Minnesota, the Minnesota trade office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

~~(e)~~ (b) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in ~~section 31.95, subdivision 3a~~ paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:

(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;

(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;

(3) a description of current and future research needs at all levels in the area of organic agriculture; ~~and~~

(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture; and

(5) a description of market trends and potential for organic products.

(c) The commissioner shall appoint a Minnesota organic advisory task force to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:

(1) three farmers using organic agriculture methods;

(2) two organic food wholesalers, retailers, or distributors;

(3) one representative of organic food certification agencies;

(4) two organic food processors;

(5) one representative from the Minnesota extension service;

(6) one representative from a Minnesota postsecondary research institution;

(7) one representative from a nonprofit organization representing producers;

(8) one at-large member;

(9) one representative from the United States Department of Agriculture; and

(10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2005.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may require registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

Sec. 19. Minnesota Statutes 2002, section 32.01, subdivision 10, is amended to read:

Subd. 10. [DAIRY PRODUCT.] "Dairy product" means milk as defined by Code of Federal Regulations, title 21, cream, any product or by-product of either, or any commodity among the principal constituents or ingredients of which is one or a combination of two or more of them, as determined by standards, grades, or rules duly adopted by the commissioner.

Sec. 20. Minnesota Statutes 2002, section 32.21, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the ~~dairy plant field service representative~~ qualified dairy sanitarian to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days and shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The Grade A or manufacturing grade permit may be restored if the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner within the 30-day temporary permit status period. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended. A milk producer whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by ~~the plant representative~~ a qualified dairy sanitarian and the producer to determine the cause of the residue and actions required to prevent future violations.

(2) For the second violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the regulatory agency or its agent to determine the cause of the residue and actions required to prevent future violations.

(3) For the third violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. The commissioner or the commissioner's agent shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. A farm inspection must be completed by the plant representative and the producer to determine the cause of the residue and actions required to prevent future violations. The department shall suspend the producer's permit and count the violation on the producer's record. The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days during which time the producer must review the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, display the signed certificate in the milkhouse, and send verification to the commissioner. If these conditions are met, the Grade A or manufacturing grade permit must be reinstated. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain Grade A or manufacturing grade permit and shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 21. Minnesota Statutes 2002, section 32.394, subdivision 4, is amended to read:

Subd. 4. [RULES.] The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

In the exercise of the authority to establish requirements for Grade A milk, milk products, and goat milk, the commissioner adopts definitions, standards of identity, and requirements for production and processing contained in the "~~1999~~ 2001 Grade A Pasteurized Milk Ordinance" and the "1995 Grade A Condensed and Dry Milk Ordinance" of the United States Department of Health and Human Services, in a manner provided for and not in conflict with law.

Sec. 22. Minnesota Statutes 2002, section 32.394, subdivision 8c, is amended to read:

Subd. 8c. [GRADE A OR MANUFACTURING GRADE RAW MILK.] Grade A or manufacturing grade raw milk must not have been stored longer than ~~76~~ 72 hours when it is picked up at the farm by the receiving plant. The commissioner or an agent of the commissioner may waive the ~~76-hour~~ 72-hour time limit in a case of hardship, emergency, or natural disaster. On farms permitted or certified for bulk tank storage, the milk may only be picked up from approved bulk milk tanks in proper working order.

Sec. 23. Minnesota Statutes 2002, section 32.415, is amended to read:

32.415 [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, as revised through ~~November 12, 1996~~ June 17, 2002, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 24. Minnesota Statutes 2002, section 35.0661, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] This section expires July 31, ~~2003~~ 2005.

Sec. 25. Minnesota Statutes 2002, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM ~~OXYGEN~~ ETHANOL CONTENT REQUIRED.] Except as provided in subdivisions 10 to 14, a person responsible for the product shall ~~comply with the following requirements:~~

~~(a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.~~

~~(b) After October 1, 1997, ensure that all gasoline sold or offered for sale in Minnesota must contain at least 2.7~~ 9.8 percent ~~oxygen~~ denatured ethanol by ~~weight~~ volume.

~~(c) For the purposes of this subdivision, the oxygenates listed in section 239.761, subdivision 6, paragraph (b), shall not be included in calculating the oxygen content of the gasoline.~~

Sec. 26. [REPEALER.]

Subdivision 1. [ANAPLASMOSIS TESTING REQUIREMENT.] Minnesota Statutes 2002, section 35.251, is repealed.

Subd. 2. [RELATED RULES.] Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; and 1715.1430, are repealed.

Sec. 27. [REPEALER.]

Minnesota Statutes 2002, sections 31.92, subdivisions 2a and 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, and 1c, are repealed.

Sec. 28. [EFFECTIVE DATE.]

Sections 24 and 26 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; changing certain wild rice provisions; changing certain procedures and requirements for organic food; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; requiring that certain gasoline contain ten percent denatured ethanol; eliminating a requirement for anaplasmosis testing; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 239.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; 1715.1430."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Wasiluk was excused between the hours of 1:05 p.m. and 2:50 p.m.

Blaine moved to amend S. F. No. 990, as amended, as follows:

Page 12, after line 30, insert:

"Sec. 26. Minnesota Statutes 2002, section 500.221, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, "agricultural land" means land capable of use in the production of agricultural crops, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any land zoned by a local governmental unit

for a use other than and nonconforming with agricultural use. For the purposes of this section, "interest in agricultural land" includes any leasehold interest. For the purposes of this section, a "permanent resident alien of the United States" is a natural person who:

(1) has been lawfully admitted to the United States for permanent residence ~~and in fact maintains;~~ or

(2) is a holder of a nonimmigrant treaty investment visa pursuant to United States Code, title 8, section 1101(a)15(E)(ii).

A person who qualifies as a permanent resident alien of the United States under clause (1) must also maintain that person's principal, actual dwelling place within the United States for at least six months out of every consecutive 12-month period without regard to intent. A person who qualifies as a permanent resident alien of the United States under clause (2) must also maintain that person's principal actual dwelling place in Minnesota for at least ten months out of every 12-month period, and is limited to dairy farming and up to 1,500 acres of agricultural land. The eligibility of a person under clause (2) is limited to three years, unless the commissioner waives the three-year limitation upon finding that the person is actively pursuing the status under clause (1) or United States citizenship. For the purposes of this section, "commissioner" means the commissioner of agriculture.

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

Sec. 27. Minnesota Statutes 2002, section 500.221, subdivision 1a, is amended to read:

Subd. 1a. [DETERMINATION OF ALIEN STATUS.] An alien who qualifies under subdivision 1, clause (1), and has been physically absent from the United States for more than six months out of any 12-month period shall be presumed not to be a permanent resident alien. An alien who qualifies under subdivision 1, clause (2), and has been physically absent from Minnesota for more than two months out of any 12-month period shall be presumed not to be a permanent resident alien. Every permanent resident alien of the United States who ~~owns~~ purchases property subject to this section ~~shall~~ must:

(1) file a report with the commissioner within 30 days of the date of purchase; and

(2) annually, at some time during the month of January, file with the commissioner a statement setting forth the dates and places of that person's residence in the United States during the prior calendar year.

The statement ~~shall~~ required under clause (2) must include an explanation of absences totaling more than ~~six~~ two months during the prior calendar year and any facts which support the continuation of permanent resident alien status. Upon receipt of the statement, the commissioner shall have 30 days to review the statement and notify the resident alien whether the facts support continuation of the permanent resident alien status.

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

Sec. 28. Minnesota Statutes 2002, section 500.221, subdivision 5, is amended to read:

Subd. 5. [PENALTY.] Willful failure to properly file a report required under subdivision 1a or to properly register any parcel of land as required by subdivision 4 is a gross misdemeanor. Each full month of failure to register is a separate offense.

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

Page 13, after line 5, insert:

"Sec. 28. [REPEALER]

The amendments made to Minnesota Statutes 2002, section 500.221, subdivisions 1, 1a, and 5 by sections 26 to 28 expire June 30, 2007."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Blaine amendment and the roll was called. There were 70 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Holberg	Lanning	Paulsen	Sykora
Abrams	Dempsey	Hoppe	Larson	Paymar	Thissen
Adolphson	Dorman	Howes	Lindgren	Powell	Tingelstad
Anderson, J.	Eastlund	Jacobson	Lindner	Rhodes	Vandevor
Beard	Erhardt	Johnson, J.	Lipman	Samuelson	Walz
Blaine	Erickson	Kahn	McNamara	Seagren	Wardlow
Boudreau	Fuller	Kielkucki	Meslow	Severson	Westerberg
Bradley	Gerlach	Klinzing	Nelson, P.	Simpson	Wilkin
Buesgens	Gunther	Knoblach	Nornes	Smith	Zellers
Cornish	Haas	Kohls	Olsen, S.	Soderstrom	Spk. Sviggum
Cox	Hackbarth	Krinkie	Osterman	Strachan	
DeLaForest	Harder	Kuisle	Ozment	Swenson	

Those who voted in the negative were:

Anderson, B.	Davnie	Hilstrom	Lenczewski	Olson, M.	Sieben
Anderson, I.	Dill	Hilty	Lesch	Otremba	Slawik
Atkins	Dorn	Hornstein	Lieder	Otto	Solberg
Bernardy	Eken	Huntley	Magnus	Pelowski	Stang
Biernat	Ellison	Jaros	Mahoney	Peterson	Thao
Borrell	Entenza	Johnson, S.	Marquart	Pugh	Wagenius
Brod	Goodwin	Juhnke	Mullery	Rukavina	Walker
Carlson	Greiling	Kelliher	Murphy	Ruth	Westrom
Clark	Hausman	Koenen	Nelson, C.	Seifert	
Davids	Heidgerken	Latz	Nelson, M.	Sertich	

The motion prevailed and the amendment was adopted.

Howes moved to amend S. F. No. 990, as amended, as follows:

Page 12, after line 14, insert:

"Sec. 25. Minnesota Statutes 2002, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. [LICENSE EXEMPTIONS.] A person does not need a turtle seller's license or an angling license:

(1) when buying turtles for resale at a retail outlet;

(2) when buying a turtle at a retail outlet; ~~or~~

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or

(4) to take, possess, and rent or sell up to 25 turtles for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles and must return any turtles in their possession to the turtles' place of origin following the race."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 990, as amended, as follows:

Page 12, after line 30, insert:

"Sec. 26. [35.85] [CERTAIN USES OF ANTIBIOTICS AND HORMONES PROHIBITED.]

(a) No person may knowingly introduce into the feed ration of domestic livestock or poultry raised in Minnesota and intended for human consumption artificial growth hormones and stimulants or sub-therapeutic levels of antibiotics.

(b) Paragraph (a) does not preclude the use of antibiotics under the supervision of a licensed veterinarian for the therapeutic treatment of sick animals or poultry."

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 Kahn amendment and the roll was called. There were 39 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Hornstein	Latz	Paymar	Thissen
Bernardy	Goodwin	Huntley	Lenczewski	Pugh	Vandevveer
Biernat	Greiling	Jaros	Lesch	Rhodes	Wagenius
Carlson	Hausman	Johnson, S.	Mullery	Seagren	Walker
Clark	Hilstrom	Kahn	Murphy	Sieben	
Davnie	Hilty	Kelliher	Nelson, M.	Slawik	
Ellison	Hoppe	Larson	Otto	Thao	

Those who voted in the negative were:

Abrams	Dauids	Hackbarth	Lanning	Osterman	Stang
Adolphson	DeLaForest	Harder	Lieder	Ozment	Strachan
Anderson, B.	Demmer	Heidgerken	Lindgren	Paulsen	Swenson
Anderson, I.	Dempsey	Holberg	Lindner	Pelowski	Sykora
Anderson, J.	Dill	Howes	Lipman	Peterson	Tingelstad
Atkins	Dorman	Jacobson	Magnus	Powell	Urdahl
Beard	Dorn	Johnson, J.	Mahoney	Rukavina	Walz
Blaine	Eastlund	Juhnke	Marquart	Ruth	Wardlow
Borrell	Eken	Kielkucki	McNamara	Samuelson	Westerberg
Boudreau	Erhardt	Klinzing	Meslow	Seifert	Westrom
Bradley	Erickson	Knoblach	Nelson, C.	Severson	Wilkin
Brod	Fuller	Koenen	Nelson, P.	Simpson	Zellers
Buesgens	Gerlach	Kohls	Nornes	Smith	Spk. Sviggum
Cornish	Gunther	Krinkie	Olsen, S.	Soderstrom	
Cox	Haas	Kuisle	Olson, M.	Solberg	

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

Dorman moved to amend S. F. No. 990, as amended, as follows:

Page 12, line 17, after the headnote insert "(a)"

Page 12, line 25, delete "9.8" and insert "10.0"

Page 12, after line 30, insert:

"(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate U.S. Environment Protection Agency of American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels."

The motion prevailed and the amendment was adopted.

Otremba moved to amend S. F. No. 990, as amended, as follows:

Page 13, after line 5, insert:

"Sec. 28. [REPEALER; LIVESTOCK FRIENDLY COUNTIES PROGRAM.]

Minnesota Statutes 2002, section 17.101, subdivision 6, is repealed.

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

Renumber the sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Otremba amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Huntley	Lesch	Peterson	Solberg
Anderson, B.	Ellison	Jaros	Lieder	Pugh	Sykora
Anderson, I.	Entenza	Johnson, S.	Mahoney	Rhodes	Thao
Atkins	Goodwin	Juhnke	Mariani	Rukavina	Thissen
Bernardy	Greiling	Kahn	Mullery	Seagren	Wagenius
Biernat	Hausman	Kelliher	Murphy	Seifert	Walker
Carlson	Hilstrom	Koenen	Nelson, C.	Sertich	
Clark	Hilty	Larson	Nelson, M.	Sieben	
Davnie	Hoppe	Latz	Otremba	Slawik	
Dill	Hornstein	Lenczewski	Paymar	Smith	

Those who voted in the negative were:

Abrams	DeLaForest	Harder	Lindgren	Ozment	Urdahl
Adolphson	Demmer	Heidgerken	Lindner	Paulsen	Vandev eer
Anderson, J.	Dempsey	Holberg	Lipman	Pelowski	Walz
Beard	Dorman	Howes	Magnus	Powell	Wardlow
Blaine	Dorn	Jacobson	Marquart	Ruth	Westerberg
Borrell	Eastlund	Johnson, J.	McNamara	Samuelson	Westrom
Boudreau	Erhardt	Kielkucki	Meslow	Severson	Wilkin
Bradley	Erickson	Klinzing	Nelson, P.	Simpson	Zellers
Brod	Fuller	Knoblach	Nornes	Soderstrom	Spk. Sviggum
Buesgens	Gerlach	Kohls	Olsen, S.	Stang	
Cornish	Gunther	Krinkie	Olson, M.	Strachan	
Cox	Haas	Kuisle	Osterman	Swenson	
Davids	Hackbarth	Lanning	Otto	Tingelstad	

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

S. F. No. 990, A bill for an act relating to state government; changing certain wild rice provisions; authorizing certain embargoes; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; changing certain procedures and requirements for organic food; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; clarifying animal feedlot regulation; changing fuel provisions; changing veterans homes provisions; providing for the headquarters of the departments of agriculture and health to be named after Orville L. Freeman; eliminating a requirement for anaplasmosis testing; requiring certain reports; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 35.243; 41A.09, subdivision 1a; 116.07, subdivision 7; 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; 239.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; 1715.1430.

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 79 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Heidgerken	Lindgren	Pelowski	Sykora
Abrams	Dempsey	Holberg	Lindner	Powell	Tingelstad
Adolphson	Dill	Hoppe	Lipman	Rhodes	Urdahl
Anderson, J.	Dorman	Howes	Magnus	Ruth	Vandever
Beard	Dorn	Jacobson	Marquart	Samuelson	Walz
Blaine	Eastlund	Johnson, J.	McNamara	Seagren	Wardlow
Boudreau	Erhardt	Juhnke	Meslow	Severson	Westerberg
Bradley	Erickson	Kielkucki	Nelson, P.	Simpson	Zellers
Brod	Fuller	Klinzing	Nornes	Slawik	Spk. Sviggum
Buesgens	Gerlach	Knoblach	Olsen, S.	Smith	
Cornish	Gunther	Kohls	Osterman	Soderstrom	
Cox	Haas	Kuisle	Otto	Stang	
Davids	Hackbarth	Lanning	Ozment	Strachan	
DeLaForest	Harder	Larson	Paulsen	Swenson	

Those who voted in the negative were:

Anderson, B.	Eken	Huntley	Lesch	Otremba	Thao
Anderson, I.	Ellison	Jaros	Lieder	Paymar	Thissen
Atkins	Entenza	Johnson, S.	Mahoney	Peterson	Wagenius
Bernardy	Goodwin	Kahn	Mariani	Pugh	Walker
Biernat	Greiling	Kelliher	Mullery	Rukavina	Wasiluk
Borrell	Hausman	Koenen	Murphy	Seifert	Westrom
Carlson	Hilstrom	Krinkie	Nelson, C.	Sertich	Wilkin
Clark	Hilty	Latz	Nelson, M.	Sieben	
Davnie	Hornstein	Lenczewski	Olson, M.	Solberg	

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

The Speaker resumed the Chair.

H. F. No. 1016 was reported to the House.

Wilkin and Huntley moved to amend H. F. No. 1016, the first engrossment, as follows:

Page 19, after line 7, insert:

"Sec. 2. Minnesota Statutes 2002, section 62J.52, subdivision 1, is amended to read:

Subdivision 1. [UNIFORM BILLING FORM HCFA 1450.] (a) On and after January 1, 1996, all institutional inpatient hospital services, ancillary services, institutionally owned or operated outpatient services rendered by providers in Minnesota, and institutional or noninstitutional home health services that are not being billed using an equivalent electronic billing format, must be billed using the uniform billing form HCFA 1450, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1450 shall be in accordance with the uniform billing form manual specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual developed by the National Uniform Billing Committee, as adopted and finalized by the Minnesota uniform billing committee.

(c) Services to be billed using the uniform billing form HCFA 1450 include: institutional inpatient hospital services and distinct units in the hospital such as psychiatric unit services, physical therapy unit services, swing bed (SNF) services, inpatient state psychiatric hospital services, inpatient skilled nursing facility services, home health services (Medicare part A), and hospice services; ancillary services, where benefits are exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals, skilled nursing facilities, and home health (Medicare part B); institutional owned or operated outpatient services such as waived services, hospital outpatient services, including ambulatory surgical center services, hospital referred laboratory services, hospital-based ambulance services, and other hospital outpatient services, skilled nursing facilities, home health, ~~including infusion therapy~~, freestanding renal dialysis centers, comprehensive outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural health clinics, and community mental health centers; home health services such as home health intravenous therapy providers, waived services, personal care attendants, and hospice; and any other health care provider certified by the Medicare program to use this form.

(d) On and after January 1, 1996, a mother and newborn child must be billed separately, and must not be combined on one claim form.

Sec. 3. Minnesota Statutes 2002, section 62J.52, subdivision 2, is amended to read:

Subd. 2. [UNIFORM BILLING FORM HCFA 1500.] (a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1500 shall be in accordance with the manual developed by the administrative uniformity committee entitled standards for the use of the HCFA 1500 form, dated February 1994, as further defined by the commissioner.

(c) Services to be billed using the uniform billing form HCFA 1500 include physician services and supplies, durable medical equipment, noninstitutional ambulance services, independent ancillary services including occupational therapy, physical therapy, speech therapy and audiology, home infusion therapy, podiatry services,

optometry services, mental health licensed professional services, substance abuse licensed professional services, nursing practitioner professional services, certified registered nurse anesthetists, chiropractors, physician assistants, laboratories, medical suppliers, and other health care providers such as day activity centers and freestanding ambulatory surgical centers."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

Wilkin, Huntley, Abeler and Haas moved to amend H. F. No. 1016, the first engrossment, as amended, as follows:

Page 19, after line 7, insert:

"Sec. 2. [62J.26] [EVALUATION OF PROPOSED HEALTH COVERAGE MANDATES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given unless the context otherwise requires:

(1) "commissioner" means the commissioner of commerce;

(2) "health plan" means a health plan as defined in section 62A.011, subdivision 3, but includes coverage listed in clauses (7) and (10), of that definition;

(3) "mandated health benefit proposal" means a proposal that would statutorily require a health plan to do the following:

(i) provide coverage or increase the amount of coverage for the treatment of a particular disease, condition, or other health care need;

(ii) provide coverage or increase the amount of coverage of a particular type of health care treatment or service or of equipment, supplies, or drugs used in connection with a health care treatment or service; or

(iii) provide coverage for care delivered by a specific type of provider.

"Mandated health benefit proposal" does not include health benefit proposals amending the scope of practice of a licensed health care professional.

Subd. 2. [EVALUATION PROCESS AND CONTENT.] (a) The commissioner, in consultation with the commissioners of health and employee relations, must evaluate mandated health benefit proposals as provided under subdivision 3.

(b) The purpose of the evaluation is to provide the legislature with a complete and timely analysis of all ramifications of any mandated health benefit proposal. The evaluation must include, in addition to other relevant information, the following:

(1) scientific and medical information on the proposed health benefit, on the potential for harm or benefit to the patient, and on the comparative benefit or harm from alternative forms of treatment;

(2) public health, economic, and fiscal impacts of the proposed mandate on persons receiving health services in Minnesota, on the relative cost-effectiveness of the benefit, and on the health care system in general;

(3) the extent to which the service is generally utilized by a significant portion of the population;

(4) the extent to which insurance coverage for the proposed mandated benefit is already generally available;

(5) the extent to which the mandated coverage will increase or decrease the cost of the service; and

(6) the commissioner may consider actuarial analysis done by health insurers in determining the cost of the proposed mandated benefit.

(c) The commissioner must summarize the nature and quality of available information on these issues, and, if possible, must provide preliminary information to the public. The commissioner may conduct research on these issues or may determine that existing research is sufficient to meet the informational needs of the legislature. The commissioner may seek the assistance and advice of researchers, community leaders, or other persons or organizations with relevant expertise.

Subd. 3. [REQUESTS FOR EVALUATION.] (a) Whenever a legislative measure containing a mandated health benefit proposal is introduced as a bill or offered as an amendment to a bill, or is likely to be introduced as a bill or offered as an amendment, a chair of any standing legislative committee that has jurisdiction over the subject matter of the proposal may request that the commissioner complete an evaluation of the proposal under this section, and inform any committee of floor action by either house of the legislature.

(b) The commissioner must conduct an evaluation described in subdivision 2 of each mandated health benefit proposal for which an evaluation is requested under paragraph (a), unless the commissioner determines under paragraph (c) that priorities and resources do not permit its evaluation.

(c) If requests for evaluation of multiple proposals are received, the commissioner must consult with the chairs of the standing legislative committees having jurisdiction over the subject matter of the mandated health benefit proposals to prioritize the requests and establish a reporting date for each proposal to be evaluated. The commissioner is not required to direct an unreasonable quantity of the commissioner's resources to these evaluations. No more than three evaluations may be performed under this section in any fiscal year.

Subd. 4. [SOURCES OF FUNDING.] (a) The commissioner need not use any funds for purposes of this section other than as provided in this subdivision or as specified in an appropriation.

(b) The commissioner may seek and accept funding from sources other than the state to pay for evaluations under this section, to supplement or replace state appropriations. Any money received under this paragraph must be deposited in the state treasury, credited to a separate account for this purpose in the special revenue fund, and is appropriated to the commissioner for purposes of this section.

(c) If a request for an evaluation under this section has been made, the commissioner may use for purposes of the evaluation:

(1) any funds appropriated to the commissioner specifically for purposes of this section; or

(2) funds available under paragraph (b), if use of the funds for evaluation of that mandated health benefit proposal is consistent with any restrictions imposed by the source of the funds.

(d) If a request for an evaluation under this section has been made, and sufficient funds for the evaluation are not available under paragraph (c), then the mandated health benefit proposal must not be enacted until an appropriation to the commissioner for the purpose of paying the cost of an evaluation under this section has been enacted and the effective date of that appropriation has arrived.

Subd. 5. [REPORT TO LEGISLATURE.] The commissioner must submit a written report on the evaluation to the legislature no later than 180 days after the request. The report must be submitted in compliance with sections 3.195 and 3.197."

Page 19, line 11, after the period, insert "Section 2 is effective January 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Goodwin moved to amend the Wilkin et al amendment to H. F. No. 1016, the first engrossment, as amended, as follows:

Page 4, after line 13, insert:

"Subd. 5. [LEGISLATIVE APPROVAL.] Any annual increase in a health plan premium of five percent or more, for the same benefit coverage, must be approved by the legislature."

Page 4, line 14, delete "5" and insert "6"

A roll call was requested and properly seconded.

POINT OF ORDER

Knoblach 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 Goodwin amendment to the Wilkin et al amendment was not in order. The Speaker ruled the point of order not well taken and the Goodwin amendment to the Wilkin et al amendment in order.

The Speaker called Abrams to the Chair.

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

Pursuant to rule 2.05, Speaker pro tempore Abrams excused Entenza from voting on the Goodwin amendment to the Wilkin et al amendment to H. F. No. 1016, the first engrossment, as amended.

There were 28 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Anderson, J.	Cox	Hilty	McNamara	Otremba	Wagenius
Brod	Eken	Hornstein	Murphy	Peterson	Walker
Carlson	Goodwin	Jaros	Nelson, C.	Severson	Wasiluk
Clark	Greiling	Kahn	Nelson, M.	Sieben	
Cornish	Hausman	Lesch	Osterman	Soderstrom	

Those who voted in the negative were:

Abeler	Dempsey	Hoppe	Lenczewski	Pelowski	Thao
Abrams	Dill	Howes	Lieder	Powell	Thissen
Adolphson	Dorman	Huntley	Lindgren	Pugh	Tingelstad
Anderson, B.	Dorn	Jacobson	Lindner	Rhodes	Urdahl
Anderson, I.	Eastlund	Johnson, J.	Lipman	Rukavina	Vandever
Atkins	Ellison	Johnson, S.	Mahoney	Samuelson	Walz
Beard	Erhardt	Juhnke	Marquart	Seagren	Wardlow
Bernardy	Erickson	Kielkucki	Meslow	Seifert	Westerberg
Blaine	Fuller	Klinzing	Mullery	Sertich	Westrom
Borrell	Gerlach	Knoblach	Nelson, P.	Simpson	Wilkin
Boudreau	Gunther	Koenen	Nornes	Slawik	Zellers
Bradley	Haas	Kohls	Olsen, S.	Smith	Spk. Sviggum
Buesgens	Hackbarth	Krinkie	Olson, M.	Solberg	
Davids	Harder	Kuisle	Otto	Stang	
Davnie	Heidgerken	Lanning	Ozment	Strachan	
DeLaForest	Hilstrom	Larson	Paulsen	Swenson	
Demmer	Holberg	Latz	Paymar	Sykora	

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

The question recurred on the Wilkin et al amendment and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Abrams excused Entenza from voting on the Wilkin et al amendment to H. F. No. 1016, the first engrossment, as amended.

There were 83 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Borrell	Cornish	Dorman	Fuller	Harder
Adolphson	Boudreau	Davids	Dorn	Gerlach	Heidgerken
Anderson, J.	Bradley	DeLaForest	Eastlund	Gunther	Holberg
Beard	Brod	Demmer	Erhardt	Haas	Hoppe
Blaine	Buesgens	Dempsey	Erickson	Hackbarth	Howes

Huntley	Kuisle	McNamara	Ozment	Simpson	Vandev eer
Jacobson	Lanning	Meslow	Paulsen	Smith	Walz
Johnson, J.	Larson	Nelson, C.	Pelowski	Soderstrom	Wardlow
Juhnke	Lenczewski	Nelson, P.	Powell	Stang	Westerberg
Kielkucki	Lindgren	Nornes	Rhodes	Strachan	Westrom
Klinzing	Lindner	Olsen, S.	Samuelson	Swenson	Wilkin
Knoblach	Lipman	Olson, M.	Seagren	Sykora	Zellers
Kohls	Magnus	Osterman	Seifert	Tingelstad	Spk. Sviggum
Krinkie	Marquart	Otto	Severson	Urdahl	

Those who voted in the negative were:

Abrams	Davnie	Hilty	Lesch	Paymar	Thao
Anderson, B.	Dill	Hornstein	Lieder	Peterson	Thissen
Anderson, I.	Eken	Jaros	Mahoney	Pugh	Wagenius
Atkins	Ellison	Johnson, S.	Mariani	Rukavina	Walker
Bernardy	Goodwin	Kahn	Mullery	Sertich	Wasiluk
Carlson	Greiling	Kelliher	Murphy	Sieben	
Clark	Hausman	Koenen	Nelson, M.	Slawik	
Cox	Hilstrom	Latz	Otremba	Solberg	

The motion prevailed and the amendment was adopted.

H. F. No. 1016, A bill for an act relating to insurance; regulating Medicare supplement insurance; conforming state law to the minimum federal standards; regulating loss ratios on health coverages; requiring evaluation of certain mandated health benefit proposals; amending Minnesota Statutes 2002, sections 62A.021, subdivision 1; 62A.31, subdivisions 1f, 1u, by adding a subdivision; 62A.315; 62A.316; 62J.52, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 62J.

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, Speaker pro tempore Abrams excused Entenza from voting on the final passage of H. F. No. 1016, the first engrossment, as amended.

There were 98 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Eastlund	Holberg	Koenen	Magnus
Adolphson	Carlson	Eken	Hoppe	Kohls	Marquart
Anderson, B.	Cornish	Erhardt	Howes	Krinkie	McNamara
Anderson, I.	Cox	Erickson	Huntley	Kuisle	Meslow
Anderson, J.	Dauids	Fuller	Jacobson	Lanning	Murphy
Beard	DeLaForest	Gerlach	Johnson, J.	Larson	Nelson, C.
Blaine	Demmer	Gunther	Juhnke	Lenczewski	Nelson, M.
Borrell	Dempsey	Haas	Kahn	Lieder	Nelson, P.
Boudreau	Dill	Hackbarth	Kielkucki	Lindgren	Nornes
Bradley	Dorman	Harder	Klinzing	Lindner	Olsen, S.
Brod	Dorn	Heidgerken	Knoblach	Lipman	Olson, M.

Osterman	Peterson	Seifert	Stang	Vandever	Zellers
Otremba	Powell	Severson	Strachan	Walz	Spk. Sviggum
Otto	Pugh	Sieben	Swenson	Wardlow	
Ozment	Rhodes	Simpson	Sykora	Westerberg	
Paulsen	Samuelson	Smith	Tingelstad	Westrom	
Pelowski	Seagren	Soderstrom	Urdahl	Wilkin	

Those who voted in the negative were:

Abrams	Greiling	Jaros	Mahoney	Sertich	Wagenius
Atkins	Hausman	Johnson, S.	Mariani	Slawik	Walker
Bernardy	Hilstrom	Kelliher	Mullery	Solberg	Wasiluk
Davnie	Hilty	Latz	Paymar	Thao	
Ellison	Hornstein	Lesch	Rukavina	Thissen	

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

Paulsen moved that the remaining bills on the Calendar for the Day be continued. 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. 719:

Beard, Westerberg and Juhnke.

MOTIONS AND RESOLUTIONS

Eastlund moved that the name of Anderson, B., be added as an author on H. F. No. 294. The motion prevailed.

Erickson moved that the name of McNamara be added as an author on H. F. No. 977. The motion prevailed.

Severson moved that the names of Erickson and McNamara be added as authors on H. F. No. 1143. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, May 12, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 11:00 a.m., Monday, May 12, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

