

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2003

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 FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 12, 2003

The House of Representatives convened at 11:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Senator Dean Elton Johnson, Senate District 13, Willmar, Minnesota.

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

The Speaker called Abrams to the Chair.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, B., was excused.

Dauids was excused until 11:25 a.m. Mahoney was excused until 11:30 a.m. Lindgren was excused until 11:35 a.m. Blaine was excused until 11:45 a.m. Fuller was excused until 11:55 a.m. Seagren was excused until 12:45 p.m. Clark was excused until 1:20 p.m. Solberg and Walker were excused until 2:35 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Simpson 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. 308 and H. F. No. 359, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Rukavina moved that the rules be so far suspended that S. F. No. 308 be substituted for H. F. No. 359 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1090 and H. F. No. 1130, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Howes moved that the rules be so far suspended that S. F. No. 1090 be substituted for H. F. No. 1130 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 2, 2003

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

Dear Speaker Sviggum:

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

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

H. F. No. 1112, relating to veterans affairs; providing authority to the Department of Veterans Affairs to access certain state databases to verify eligibility.

Sincerely,

TIM PAWLENTY  
Governor

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2003 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2003</i>	<i>Date Filed 2003</i>
	850	24	3:20 p.m. May 2	May 2
	1112	25	3:20 p.m. May 2	May 2
1064		26	11:00 a.m. May 2	May 2
907		27	10:56 a.m. May 2	May 2

Sincerely,

MARY KIFFMEYER  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Abrams from the Committee on Taxes to which was referred:

H. F. No. 782, A bill for an act relating to education; providing for the department of children, families, and learning administrative amendment and repeal of certain statutory provisions relating to kindergarten through grade 12; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 120A.05, subdivision 9; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.51, subdivisions 3, 4; 123B.57, subdivision 4; 123B.63, subdivisions 1, 2, 3, 4; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3; 124D.09, subdivisions 9, 10, 16; 124D.11, subdivisions 1, 2; 124D.135, subdivision 8; 124D.16, subdivision 6; 124D.19, subdivision 3; 124D.20, subdivision 5; 124D.22, subdivision 3; 124D.454, subdivisions 2, 8, 10, by adding a subdivision; 124D.65, subdivision 5; 124D.86, subdivisions 1a, 3, 6; 125A.21, subdivision 2; 126C.10, subdivision 6; 126C.15, subdivision 1; 126C.17, subdivisions 7a, 9; 126C.21, subdivision 3; 126C.42, subdivision 1; 126C.48, subdivision 3; 126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128D.11, subdivision 8; 169.26, subdivision 3; 169.973, subdivision 1; 178.02, subdivision 1; 273.138, subdivision 6; 298.28, subdivision 4; 475.61, subdivision 4; Laws 1965, chapter 705, as amended; repealing Minnesota Statutes 2002, sections 123A.73, subdivisions 7, 10, 11; 123B.81, subdivision 6; 124D.65, subdivision 4; 124D.84, subdivision 2; 125A.023, subdivision 5; 125A.47;

125B.11; 126C.01, subdivision 4; 126C.14; 127A.41, subdivision 6; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3545.2100; 3545.2200; 3545.2400; 3545.2500; 3545.2600; 3545.3008; 3545.3010; 3545.3018; 3545.3020; 3550.0100.

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

The report was adopted.

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

H. F. No. 1506, A bill for an act relating to elections; changing the precinct caucus date; changing the date of the state party nominating election and primary; changing requirements for names appearing on the state party nominating election ballot; changing certain terminology; amending Minnesota Statutes 2002, sections 202A.14, subdivision 1; 204B.03; 204B.06, subdivision 7; 204B.08, subdivisions 1, 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3, 4; 204B.11; 204B.12, subdivision 1; 204B.33; 204D.03, subdivision 1; 204D.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 10A.31, subdivision 6, is amended to read:

Subd. 6. [DISTRIBUTION OF PARTY ACCOUNTS.] As soon as the board has obtained from the secretary of state the results of the ~~primary state party nominating~~ election, but no later than one week after certification by the state canvassing board of the results of ~~the primary that election~~, the board must distribute the available money in each party account, as certified by the commissioner of revenue ~~on September 1~~ one week before the state party nominating election, to the candidates of that party who have signed a spending limit agreement under section 10A.322 and filed the affidavit of contributions required by section 10A.323, who were opposed in either the ~~primary state party nominating~~ election or the general election, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party account may not be paid in an amount greater than the expenditure limit of the candidate or the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. If a candidate files the affidavit required by section 10A.323 ~~after September 1 of the general election year~~ later than one week before the state party nominating election, the board must pay the candidate's allocation to the candidate at the next regular payment date for public subsidies for that election cycle that occurs at least 15 days after the candidate files the affidavit.

Sec. 2. Minnesota Statutes 2002, section 10A.321, subdivision 1, is amended to read:

Subdivision 1. [CALCULATION AND CERTIFICATION OF ESTIMATES.] The commissioner of revenue must calculate and certify to the board one week before July 1 the first day for filing for office in each election year an estimate of the total amount in the state general account of the state elections campaign fund and the amount of money each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the candidate's party account in the state elections campaign fund. This estimate must be based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any necessary vote totals provided by the secretary of state to apply the formulas in section 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after 100 percent of the tax returns have been processed.

Sec. 3. Minnesota Statutes 2002, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a condition of receiving a public subsidy, a candidate must sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision 10; 10A.31, subdivision 7, paragraph (c); and 10A.324.

(b) Before the first day of filing for office, the board must forward agreement forms to all filing officers. The board must also provide agreement forms to candidates on request at any time. The candidate must file the agreement with the board ~~by September 1 preceding the candidate's general election or a special election held at the general~~ no later than one week before the candidate's state party nominating election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board must notify the commissioner of revenue of any agreement signed under this subdivision.

(d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office.

Sec. 4. Minnesota Statutes 2002, section 10A.323, is amended to read:

10A.323 [AFFIDAVIT OF CONTRIBUTIONS.]

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing ~~by September 1 of the general election year~~ no later than one week before the state party nominating election.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit required by this section to the board within five days after filing the affidavit of candidacy.

Sec. 5. Minnesota Statutes 2002, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING; POSTPONEMENT.] At 7:00 p.m. on the ~~first~~ third Tuesday in ~~March~~ February in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 6. Minnesota Statutes 2002, section 204B.03, is amended to read:

204B.03 [MANNER OF NOMINATION.]

Subdivision 1. [CANDIDATES FOR NONPARTISAN OFFICE.] ~~Candidates of a major political party for any partisan office except presidential elector and~~ All candidates for nonpartisan office shall apply for a place on the primary ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.

Subd. 2. [MAJOR POLITICAL PARTY CANDIDATES FOR CONGRESSIONAL, STATE CONSTITUTIONAL, AND LEGISLATIVE OFFICES.] Major political party candidates endorsed for congressional, state constitutional, and legislative office must appear on the state party nominating ballot by party certification under section 204B.051, subdivision 2, and by filing an affidavit of candidacy as provided in section 204B.06. Major political party candidates for congressional, state constitutional, and legislative office who are not endorsed must apply for a place on the state party nominating ballot by party notification as a qualified candidate under section 204B.051, subdivision 4, and by filing an affidavit of candidacy as provided in section 204B.06; or by filing an affidavit of candidacy and a petition under section 204B.051, subdivisions 6 and 7.

Subd. 3. [CANDIDATES NOT SEEKING NOMINATION OF A MAJOR POLITICAL PARTY.] Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in sections 204B.07 and 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy as provided in section 204B.06.

Sec. 7. [204B.051] [FILING FOR STATE PARTY NOMINATING ELECTION; MAJOR PARTY CANDIDATES FOR PARTISAN OFFICE.]

Subdivision 1. [NOTICE OF PARTISAN OFFICES TO BE ELECTED.] By February 15 of each even-numbered year, the secretary of state shall send the state chair of each major political party a notice of the congressional, state constitutional, and legislative offices to be elected at the state general election.

Subd. 2. [CERTIFICATION OF ENDORSED CANDIDATES.] No later than 56 days before the state party nominating election, the state chair of each major political party shall certify to the secretary of state or appropriate county auditor the name of the person endorsed as a candidate for a congressional, state constitutional, or legislative office at the appropriate party endorsing convention according to the party rules.

Subd. 3. [FORM OF CERTIFICATION.] The certification of endorsed candidates must include the name of the candidate as it is to appear on the ballot and the name of the office sought. The certification must also include a statement that each candidate meets the qualifications for the office sought. The certification must be prepared by the party chair in the manner provided by the secretary of state.

Subd. 4. [NOTIFICATION OF CANDIDATES.] No later than 56 days before the state party nominating election, the state chair of each major political party shall certify to the secretary of state or appropriate county auditor the name of each person who received at least 30 percent of the votes on any ballot at the appropriate party endorsing convention for a congressional, state constitutional, or legislative office according to the party rules. The state party chair must send a copy of the certification to each affected candidate by the same deadline. The certification must include a statement that the candidate meets the qualifications for the office sought. The certification must be prepared by the state party chair in the manner required by the secretary of state.

Subd. 5. [ELIGIBILITY OF CANDIDATES.] A candidate must not be certified by a major political party if the candidate does not meet the constitutional and statutory requirements for the office sought.

Subd. 6. [PARTY QUALIFYING PETITION.] A candidate whose name is not certified by a major political party as provided in subdivision 2 or 4 may apply for a place on the state party nominating ballot for a congressional, state constitutional, or legislative office by filing an affidavit of candidacy and a party qualifying petition.

The petition must include the signatures in a number equal to at least ten percent of the number of persons voting for the nomination of the office sought at the last regularly scheduled state party nominating election for that office. By February 15 of each even-numbered year, the secretary of state shall determine the minimum number of signatures required for persons submitting petitions as provided in this subdivision.

Subd. 7. [FORM OF PETITION.] The party qualifying petition required by subdivision 6 must include the following information: candidate's name, candidate's residence address, party name, and office sought. The petition must include the following oath or affirmation of the signers: "Under penalty of perjury, I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I am eligible to vote for the candidate named on this petition, that I either participated in the most recent precinct caucus for the party listed on the petition or intend to vote for a majority of that party's candidates at the next state general election, and that I signed this petition of my own free will."

Petitions submitted under this subdivision must be in the form specified by the secretary of state, who shall prepare samples of the form.

An individual who, in signing a petition, makes a false oath is guilty of perjury.

Sec. 8. Minnesota Statutes 2002, section 204B.06, subdivision 7, is amended to read:

Subd. 7. [GOVERNOR AND LIEUTENANT GOVERNOR.] An individual who is certified by a major political party or who files as a candidate for governor or lieutenant governor shall be certified as a team or file the affidavit of candidacy jointly with the affidavit of another individual who seeks nomination as a candidate for the other office.

Sec. 9. Minnesota Statutes 2002, section 204B.08, subdivision 1, is amended to read:

Subdivision 1. [TIME FOR SIGNING.] Nominating petitions shall be signed during the period when petitions may be filed as provided in section 204B.09. Party qualifying petitions authorized by section 204B.051, subdivision 6, may be signed no earlier than 98 days before the state party nominating election and no later than 56 days before the state party nominating election.

Sec. 10. Minnesota Statutes 2002, section 204B.08, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS OF SIGNERS.] A nominating petition or party qualifying petition may be signed only by individuals who are eligible to vote for the candidate ~~who is nominated~~ named on the petition. No individual may sign more than one nominating petition or party qualifying petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.

Sec. 11. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy ~~and~~, nominating petitions, and party qualifying petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state party nominating election and primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state party nominating election and primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 12. Minnesota Statutes 2002, section 204B.10, subdivision 2, is amended to read:

Subd. 2. [NOMINATING PETITIONS; PARTY QUALIFYING PETITIONS; ACKNOWLEDGMENT; NUMBERING.] On the day a nominating petition or party qualifying petition is filed, the election official shall deliver or mail an acknowledgment of the petition to the individual who files it and to the candidate who is to be nominated. The election official shall also number the petitions in the order received. The petitions shall be retained as provided in section 204B.40, and shall be available for public inspection during that period.

Sec. 13. Minnesota Statutes 2002, section 204B.10, subdivision 3, is amended to read:

Subd. 3. [INSPECTION.] The official with whom nominating petitions or party qualifying petitions are filed shall inspect the petitions in the order filed to verify that there are a sufficient number of signatures of individuals whose residence address as shown on the petition is in the district where the candidate is to be nominated.

Sec. 14. Minnesota Statutes 2002, section 204B.11, is amended to read:

204B.11 [CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.]

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

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, \$300;

(b) for the office of senator in Congress, \$400;

(c) for the office of senator or representative in the legislature, \$100;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

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

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

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

Subd. 2. [PETITION IN PLACE OF FILING FEE.] ~~At the time of filing an affidavit of candidacy,~~ A candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, or a petition submitted to the secretary of state as provided in section 204B.051, subdivision 6, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition used solely in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county or legislative office, or for the office of district judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

## Sec. 15. [204B.115] [VERIFYING SIGNATURES ON PETITIONS.]

The secretary of state shall use a random sampling technique to verify that the persons signing a party qualifying petition, a nominating petition, or a petition in place of a filing fee are eligible voters. The secretary of state must complete the verification within ten working days after the petition is filed.

(a) If a candidate for senator is named on the petition, the sample size must be 160 signatures, or 40 percent of the signatures required, whichever is greater, except that the sample number shall not exceed the number of signatures required for a valid petition.

(b) If a candidate for representative is named on the petition, the sample size must be 80 signatures, or 40 percent of the signatures required, whichever is greater, except that the sample number shall not exceed the number of signatures required for a valid petition.

(c) If a candidate for senator or representative in Congress, governor, lieutenant governor, secretary of state, state auditor, or attorney general, or for judge of the supreme court, court of appeals, or district court is named on the petition, the sample size must be 2,000 signatures.

(d) The secretary of state shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random numbers generated constitute the sample for the verification process.

(e) The secretary of state shall verify that the address given by each signatory in the sample is in the district from which the candidate named on the petition is to be elected and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary of state to be ineligible to vote must not be counted.

(f) The secretary of state shall determine what percentage of the signatories in the sample are eligible voters.

(g) The secretary of state shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

(h) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the time for filing has expired during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(i) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the time for filing has not expired during the verification process, the secretary of state shall notify the petitioners:

(1) that the petition has not been signed by the required number of eligible voters;

(2) of the number of additional signatures needed;

(3) that the time for filing has not expired;

(4) of the number of days left to file; and

(5) that the petitioners may provide the secretary of state with the required number of additional signatures before the close of filing.

If the petitioners do not provide the secretary of state with additional signatures before the close of filing, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary of state with additional signatures, the secretary of state shall reverify the signatures using the procedure described in this section.

Sec. 16. Minnesota Statutes 2002, section 204B.12, subdivision 1, is amended to read:

Subdivision 1. [BEFORE STATE PARTY NOMINATING ELECTION AND PRIMARY.] A candidate may withdraw from the state party nominating election ballot or the primary ballot by filing an affidavit of withdrawal with the same official who received the party certification or affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than two days after the last day for filing for the office.

Sec. 17. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than ~~June~~ March 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 473.121, subdivision 2, that are contained in the same county.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 18. Minnesota Statutes 2002, section 204B.14, subdivision 4, is amended to read:

Subd. 4. [BOUNDARY CHANGE PROCEDURE.] Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election and, for the state party nominating election and primary and the general election, no later than ~~June~~ March 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 19. Minnesota Statutes 2002, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] On ~~July~~ March 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~July~~ March 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 20. Minnesota Statutes 2002, section 204B.27, subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW AND INSTRUCTIONS.] The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before ~~July~~ April 1 of every even numbered year the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this volume so that each county auditor and municipal clerk will have at least one copy. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 21. Minnesota Statutes 2002, section 204B.33, is amended to read:

204B.33 [NOTICE OF FILING.]

(a) ~~Between June 1 and July 1 in each even numbered year~~ No later than 15 weeks before the state party nominating election, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 22. Minnesota Statutes 2002, section 204B.44, is amended to read:

204B.44 [ERRORS AND OMISSIONS; REMEDY.]

Any individual may file a petition in the manner provided in this section for the correction of any of the following errors, omissions or wrongful acts which have occurred or are about to occur:

(a) An error or omission in the placement or printing of the name or description of any candidate or any question on any official ballot;

(b) Any other error in preparing or printing any official ballot;

(c) Failure of the chair or secretary of the proper committee of a major political party to execute or file a certificate of nomination or a certification or notification required under section 204B.051;

(d) Any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

The petition shall describe the error, omission or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the supreme court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county, municipal, or school district office. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission or wrongful act, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause for not doing so. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

Sec. 23. Minnesota Statutes 2002, section 204C.26, subdivision 3, is amended to read:

Subd. 3. [SECRETARY OF STATE.] On or before ~~July~~ April 1 of each even-numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state party nominating election and primary and ~~the~~ state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal or school district clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the state party nominating election and primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the ~~partisan primary~~ state party nominating election ballot and a separate part for the nonpartisan primary ballot.

Sec. 24. Minnesota Statutes 2002, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. [STATE PARTY NOMINATING ELECTION AND PRIMARY.] The state party nominating election and primary shall be held on the first Tuesday after the ~~second third~~ Monday in ~~September~~ June in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 25. Minnesota Statutes 2002, section 204D.08, subdivision 4, is amended to read:

Subd. 4. [STATE ~~PARTISAN-PRIMARY PARTY NOMINATING ELECTION~~ BALLOT; PARTY COLUMNS.] The state ~~partisan-primary party nominating election~~ ballot shall be headed by the words "State ~~Partisan-Primary Party Nominating Election~~ Ballot." The ballot shall be printed on white paper. There must be at least three vertical columns on the ballot and each major political party shall have a separate column headed by the words "..... Party," giving the party name. Above the party names, the following statement shall be printed.

"Minnesota Election Law permits you to vote for the candidates of only one political party in a state ~~partisan primary party nominating~~ election."

If there are only two major political parties to be listed on the ballot, one party must occupy the left-hand column, the other party must occupy the right-hand column, and the center column must contain the following statement:

"Do not vote for candidates of more than one party."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. The name of a candidate who was endorsed by a major political party must be followed by the term "endorsed," unless the candidate files with the affidavit of candidacy an affidavit requesting that the candidate's name not be followed by the term "endorsed." If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state ~~partisan primary party nominating election~~ ballot at the appropriate location in that party's column.

In each column, the candidates for senator in Congress shall be listed first, candidates for representative in Congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

The party columns shall be substantially the same in width, type, and appearance. The columns shall be separated by a 12-point solid line.

Sec. 26. Minnesota Statutes 2002, section 204D.09, subdivision 1, is amended to read:

Subdivision 1. [EXAMPLE BALLOT.] (a) No later than ~~June~~ March 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year.

(b) The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Sec. 27. Minnesota Statutes 2002, section 205.065, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHING PRIMARY.] A municipal primary for the purpose of nominating elective officers may be held in any city on the first Tuesday after the third Monday in June or on the first Tuesday after the second Monday in September of any year in which a municipal general election is to be held for the purpose of electing officers.

Sec. 28. Minnesota Statutes 2002, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than

56 days before the ~~first Tuesday after the second Monday in September preceding the municipal general election primary~~. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 29. Minnesota Statutes 2002, section 205A.03, subdivision 2, is amended to read:

Subd. 2. [DATE.] The school district primary must be held on the first Tuesday after the third Monday in June ~~or~~ on the first Tuesday after the second Monday in September in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07.

Sec. 30. Minnesota Statutes 2002, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] In school districts nominating candidates at a school district primary, affidavits of candidacy may be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the ~~first Tuesday after the second Monday in September in the year when the school district general election is held primary~~. In all other school districts, affidavits of candidacy must be filed not more than 70 days and not less than 56 days before the school district general election.

Sec. 31. Minnesota Statutes 2002, section 206.82, subdivision 2, is amended to read:

Subd. 2. [PLAN.] The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to ~~July~~ April 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the department of administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

Sec. 32. Minnesota Statutes 2002, section 211B.045, is amended to read:

211B.045 [NONCOMMERCIAL SIGNS EXEMPTION.]

In any municipality with an ordinance that regulates the size of noncommercial signs, notwithstanding the provisions of that ordinance, all noncommercial signs of any size may be posted from ~~August~~ June 1 in a state general election year until ten days following the state general election.

Sec. 33. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall change the terms in column A to the corresponding terms in column B wherever they appear in Minnesota Statutes or Minnesota Rules.

<u>Column A</u>	<u>Column B</u>
<u>state primary</u>	<u>state party nominating election and primary</u>
<u>state partisan primary</u>	<u>state party nominating election"</u>

Delete the title and insert:

"A bill for an act relating to elections; changing the precinct caucus date; changing the date of the state party nominating election and primary; changing requirements for names appearing on the state party nominating election ballot; changing certain terminology; changing a sign regulation; amending Minnesota Statutes 2002, sections 10A.31, subdivision 6; 10A.321, subdivision 1; 10A.322, subdivision 1; 10A.323; 202A.14, subdivision 1; 204B.03; 204B.06, subdivision 7; 204B.08, subdivisions 1, 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3; 204B.11; 204B.12, subdivision 1; 204B.14, subdivisions 2, 4; 204B.21, subdivision 1; 204B.27, subdivision 2; 204B.33; 204B.44; 204C.26, subdivision 3; 204D.03, subdivision 1; 204D.08, subdivision 4; 204D.09, subdivision 1; 205.065, subdivision 1; 205.13, subdivision 1a; 205A.03, subdivision 2; 205A.06, subdivision 1a; 206.82, subdivision 2; 211B.045; proposing coding for new law in Minnesota Statutes, chapter 204B."

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.

Paulsen from the Committee on Rules and Legislative Administration 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 recommendation that the bill pass.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration 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 recommendation that the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 782 was read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 308, 1090, 575 and 872 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Jaros introduced:

H. F. No. 1608, A bill for an act relating to the city of Duluth; providing for use of the proceeds of the city's taxes on hotel, motel, and restaurant receipts; amending Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1980, chapter 511, section 3, as amended.

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

Pelowski, Davids, Sviggum and Dempsey introduced:

H. F. No. 1609, A bill for an act relating to capital improvements; authorizing spending to better public land and buildings; authorizing the board of trustees of the Minnesota state colleges and universities to make capital improvements at Winona state university; authorizing issuance of bonds; appropriating money.

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

Olson, M., introduced:

H. F. No. 1610, A bill for an act relating to transportation; enacting the Minnesota Regulated Public Transit Utilities Act; providing for regulation of transit services; requiring legislative reports; proposing coding for new law as Minnesota Statutes, chapter 216E.

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

**MESSAGES FROM THE SENATE**

The following messages were received from 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. 294, A bill for an act relating to the military; requiring payment of a salary differential and continuation of certain benefits to certain state employees who are members of the national guard or other military reserve units and who reported for active military duty; permitting local governments to pay a similar salary differential for their employees who are members of the national guard or other military reserve units and who have reported for active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

The Senate has appointed as such committee:

Senators Betzold, Metzen and Frederickson.

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. 361, A bill for an act relating to elections; providing procedures and criteria for calling special elections to fill vacancies in certain instances; amending Minnesota Statutes 2002, sections 365.52, subdivision 1, by adding a subdivision; 367.03, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kielkucki moved that the House concur in the Senate amendments to H. F. No. 361 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 419, A bill for an act relating to human services; changing child care licensing provisions; amending Minnesota Statutes 2002, section 245A.14, subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sykora moved that the House concur in the Senate amendments to H. F. No. 419 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 419, A bill for an act relating to human services; changing child care licensing provisions; amending Minnesota Statutes 2002, section 245A.14, subdivision 8.

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 108 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Biernat	Greiling	Jaros	Kelliher	Sertich	Wagenius
Davnie	Hausman	Johnson, S.	Lesch	Slawik	Wasiluk
Entenza	Hornstein	Kahn	Rukavina	Thao	

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. 645, A bill for an act relating to technology business; providing for exemptions from Minnesota Electrical Act; amending Minnesota Statutes 2002, sections 326.01, subdivision 6m; 326.242, subdivisions 3d, 8, 12; 326.2421, subdivision 2; 326.244, subdivisions 1a, 5; repealing Minnesota Statutes 2002, sections 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Paulsen moved that the House concur in the Senate amendments to H. F. No. 645 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 645, A bill for an act relating to technology business; amending Minnesota Statutes 2002, sections 326.01, subdivision 6m; 326.242, subdivisions 3d, 8, 12; 326.2421, subdivision 2; 326.244, subdivisions 1a, 5; repealing Minnesota Statutes 2002, sections 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8.

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 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Krinkie                      Penas

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. 944, A bill for an act relating to local government; providing an exception to the priorities for designating a qualified newspaper; amending Minnesota Statutes 2002, section 331A.04, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Holberg moved that the House concur in the Senate amendments to H. F. No. 944 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 944, A bill for an act relating to local government; providing an exception to the priorities for designating a qualified newspaper; amending Minnesota Statutes 2002, section 331A.04, by adding a subdivision.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cox	Dorn	Gerlach	Heidgerken
Abrams	Borrell	Davids	Eastlund	Goodwin	Hilstrom
Adolphson	Boudreau	Davnie	Eken	Greiling	Hilty
Anderson, I.	Bradley	DeLaForest	Ellison	Gunther	Holberg
Anderson, J.	Brod	Demmer	Entenza	Haas	Hoppe
Atkins	Buesgens	Dempsey	Erhardt	Hackbarth	Hornstein
Beard	Carlson	Dill	Erickson	Harder	Howes
Bernardy	Cornish	Dorman	Finstad	Hausman	Huntley

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

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 351, A bill for an act relating to crime prevention; providing that in certain cases authorized representatives of entities possessing a permit to use radio equipment capable of receiving police emergency transmissions may use and possess the equipment without a permit; amending Minnesota Statutes 2002, section 299C.37, subdivisions 1, 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Bakk, Knutson and Saxhaug.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dill moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 351. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 980, A bill for an act relating to crime; providing reporting procedures and venue for identity theft; amending Minnesota Statutes 2002, section 609.527, by adding subdivisions.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Foley, Berglin and McGinn.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Paulsen moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 980. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 388, 1019, 931, 755, 381, 857 and 1180.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 388, A bill for an act relating to vehicle forfeiture; clarifying and modifying certain definitions, standards, and procedures for vehicle forfeitures associated with driving while impaired; amending Minnesota Statutes 2002, sections 169A.60, subdivisions 1, 14; 169A.63, subdivisions 1, 2, 6, 7, 8, 9, 10, 11.

The bill was read for the first time.

Fuller moved that S. F. No. 388 and H. F. No. 392, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1019, A bill for an act relating to health; establishing a reporting system for adverse health care events; amending Minnesota Statutes 2002, section 145.64, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 931, A bill for an act relating to campaign finance; clarifying certain terms; requiring assumption of certain obligations; changing certain expenditure, contribution, and reporting requirements; providing additional civil penalties; repealing obsolete and duplicative rules; amending Minnesota Statutes 2002, sections 10A.01, subdivision 18; 10A.08; 10A.20, subdivision 5; 10A.24, subdivision 2; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 6, 7; 10A.323; repealing Minnesota Rules, parts 4501.0300, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

The bill was read for the first time.

Rhodes moved that S. F. No. 931 and H. F. No. 1322, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 755, A bill for an act relating to state government; prohibiting state contracts with vendors reincorporated in tax haven countries; amending Minnesota Statutes 2002, section 16C.03, by adding a subdivision.

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

S. F. No. 381, A bill for an act relating to fire protection industry licensing; requiring certification for installers of multipurpose potable water piping systems; requiring licensing for multipurpose potable water piping system contractors; amending Minnesota Statutes 2002, sections 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 2.

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

S. F. No. 857, A bill for an act relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district; amending Minnesota Statutes 2002, sections 103B.521, subdivision 1; 103B.581, subdivision 1.

The bill was read for the first time.

Olson, M., moved that S. F. No. 857 and H. F. No. 582, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1180, A bill for an act relating to state government; department of administration; updating references; increasing the threshold project amount for designer selection board approval; modifying building code language; eliminating a report; amending Minnesota Statutes 2002, sections 16B.054; 16B.24, subdivisions 1, 5; 16B.33, subdivision 3; 16B.61, subdivision 1a; 16B.62, subdivision 1; 16C.10, subdivision 5; 16C.15; 16C.16, subdivision 7; 327A.01, subdivision 2; repealing Minnesota Statutes 2002, section 16C.18, subdivision 1.

The bill was read for the first time.

Krinkie moved that S. F. No. 1180 and H. F. No. 1111, now on the Calendar for the Day, 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 Monday, May 12, 2003:

H. F. Nos. 293, 671, 984, 723 and 883; and S. F. Nos. 1282 and 374.

#### CALENDAR FOR THE DAY

S. F. No. 407, A bill for an act relating to towns; providing for optional election of certain officers; amending Minnesota Statutes 2002, sections 367.30, subdivisions 2, 4; 367.31, subdivision 4; 367.34; 367.36, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 754, A bill for an act relating to eminent domain; changing the definition of displaced person to correspond to federal law; amending Minnesota Statutes 2002, section 117.50, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Otremba	Peterson	Seifert	Soderstrom	Tingelstad	Westrom
Otto	Powell	Sertich	Stang	Urdahl	Wilkin
Ozment	Pugh	Severson	Strachan	Wagenius	Zellers
Paulsen	Rhodes	Sieben	Swenson	Walz	Spk. Sviggum
Paymar	Rukavina	Simpson	Sykora	Wardlow	
Pelowski	Ruth	Slawik	Thao	Wasiluk	
Penas	Samuelson	Smith	Thissen	Westerberg	

Those who voted in the negative were:

Krinkie                      Olson, M.                      Vandever

The bill was passed and its title agreed to.

S. F. No. 693 was reported to the House.

Buesgens moved to amend S. F. No. 693 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 689, the first engrossment:

"Section 1. [473.1293] [ENERGY FORWARD PRICING MECHANISMS.]

Subdivision 1. [DEFINITIONS.] The following definitions apply in this section.

(a) "Energy" means natural gas, heating oil, diesel fuel, or any other energy source, except electric, used in metropolitan council operations.

(b) "Forward pricing mechanism" means either:

(1) a contract or financial instrument that obligates an entity to buy or sell a specified amount of an energy commodity at a future date and at a set price; or

(2) an option to buy or sell the contract or financial instrument.

Subd. 2. [AUTHORITY PROVIDED.] Notwithstanding any other law to the contrary, the council may use forward pricing mechanisms for budget risk reduction.

Subd. 3. [CONDITIONS.] (a) Forward pricing transactions made under this section must be made only under the conditions in paragraphs (b), (c), and (d).

(b) The amount of energy forward priced must not exceed the estimated energy usage for council operations for the period of time covered by the forward pricing mechanism.

(c) The holding period and expiration date for any forward pricing mechanism must not exceed 24 months from the trade date of the transaction.

(d) Separate accounts must be established for each operational energy for which forward pricing mechanisms are used under this section.

Subd. 4. [WRITTEN POLICIES AND PROCEDURES.] Before exercising authority under subdivision 2, the council must have written policies and procedures governing the use of forward pricing mechanisms.

Subd. 5. [OVERSIGHT PROCESS.] (a) Before exercising authority under subdivision 2, the governing body of the council must establish an oversight process that provides for review of the council's use of forward pricing mechanisms.

(b) The process must include:

(1) internal or external audit reviews;

(2) quarterly reports to, and review by, an internal investment committee; and

(3) internal management control.

Sec. 2. [APPLICATION.]

Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Buesgens moved to amend S. F. No. 693, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] (a) "State employee" includes:

(1) employees of the Minnesota historical society;

(2) employees of the state horticultural society;

(3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;

(4) employees of the Minnesota crop improvement association;

(5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;

(6) employees of the Minnesota state colleges and universities employed under the university or college activities program;

(7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in subdivision 2b, clause (8);

(8) employees of the armory building commission;

(9) employees of the legislature appointed without a limit on the duration of their employment and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;

(10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;

(11) employees of the Minnesota safety council;

(12) any employees on authorized leave of absence from the transit operating division of the former metropolitan transit commission who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;

(13) employees of the metropolitan council, ~~metropolitan parks and open space commission~~, metropolitan sports facilities commission, metropolitan mosquito control commission, or metropolitan radio board unless excluded or covered by another public pension fund or plan under section 473.415, subdivision 3;

(14) judges of the tax court;

(15) personnel employed on June 30, 1992, by the University of Minnesota in the management, operation, or maintenance of its heating plant facilities, whose employment transfers to an employer assuming operation of the heating plant facilities, so long as the person is employed at the University of Minnesota heating plant by that employer or by its successor organization; and

(16) seasonal help in the classified service employed by the department of revenue.

(b) Employees specified in paragraph (a), clause (15), are included employees under paragraph (a) if employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer.

Sec. 2. Minnesota Statutes 2002, section 473.121, subdivision 5a, is amended to read:

Subd. 5a. [METROPOLITAN AGENCY.] "Metropolitan agency" means the ~~metropolitan parks and open space commission~~, metropolitan airports commission, and metropolitan sports facilities commission."

Page 2, after line 20, insert:

"Sec. 4. Minnesota Statutes 2002, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] (a) On or before December 20 of each year the council, after the public hearing required in section 275.065, shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. ~~The financial plan must contain the elements specified in section 473.1623, subdivision 3.~~ The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

Sec. 5. Minnesota Statutes 2002, section 473.143, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] For purposes of this section, "agency" means a metropolitan agency as defined in section 473.121, ~~except the metropolitan parks and open space commission.~~ Agency also means the metropolitan mosquito control commission. For purposes of this section, "commissioner" means the commissioner of the state department of employee relations.

Sec. 6. Minnesota Statutes 2002, section 473.147, is amended to read:

473.147 [REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.]

Subdivision 1. [REQUIREMENTS.] The metropolitan council after consultation with ~~the parks and open space commission,~~ municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation

open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. ~~In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission.~~ The policy plan shall include a five-year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

Subd. 2. ~~[REVIEW, COMMENT, HEARING; REVISION.] Before adopting the policy plan, the council shall submit the proposed plan to the parks and open space commission for its review, and the commission shall report its comments to the council within 60 days.~~ The council shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice ~~thereof~~ in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan ~~and commission comments~~ may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After ~~receipt of the commission's report and the hearing,~~ the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution. An amendment to the policy plan may be proposed by the council ~~or by the parks and open space commission.~~ At least every four years the council shall engage in a comprehensive review of the policy plan, development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of subdivision 1 which have been adopted by the council.

Sec. 7. Minnesota Statutes 2002, section 473.313, subdivision 2, is amended to read:

Subd. 2. [COUNCIL REVIEW.] The metropolitan council shall review ~~with the advice of the commission,~~ each master plan to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the municipalities, park district or county for revision and resubmittal.

Sec. 8. Minnesota Statutes 2002, section 473.315, subdivision 1, is amended to read:

Subdivision 1. [TO METRO LOCAL GOVERNMENTS.] The metropolitan council ~~with the advice of the commission~~ may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to sections 117.50 to 117.56.

Sec. 9. Minnesota Statutes 2002, section 473.333, is amended to read:

473.333 [COUNCIL ACQUISITION.]

The metropolitan council shall have the same powers as a county under section 398.32, subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain. Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated

within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may ~~direct the commission to~~ proceed with acquisition. The council may, in its discretion, ~~direct the commission to~~ contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall ~~direct the commission to~~ manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

Sec. 10. Minnesota Statutes 2002, section 473.351, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION FORMULA.] By July 1 of every year each implementing agency must submit to the metropolitan ~~parks and open space commission~~ council a statement of the next annual anticipated operation and maintenance expenditures of the regional recreation open space parks systems within their respective jurisdictions and the previous year's actual expenditures. ~~After reviewing the actual expenditures submitted and by July 15 of each year, the parks and open space commission shall forward to the metropolitan council the funding requests from the implementing agencies based on the actual expenditures made.~~ The metropolitan council shall distribute the operation and maintenance money as follows:

(1) 40 percent based on the use that each implementing agency's regional recreation open space system has in proportion to the total use of the metropolitan regional recreation open space system;

(2) 40 percent based on the operation and maintenance expenditures made in the previous year by each implementing agency in proportion to the total operation and maintenance expenditures of all of the implementing agencies; and

(3) 20 percent based on the acreage that each implementing agency's regional recreation open space system has in proportion to the total acreage of the metropolitan regional recreation open space system. The 80 percent natural resource management land acreage of the park reserves must be divided by four in calculating the distribution under this clause.

Each implementing agency must receive no less than 40 percent of its actual operation and maintenance expenses to be incurred in the current calendar year budget as submitted to the ~~parks and open space commission~~ council. If the available operation and maintenance money is less than the total amount determined by the formula including the preceding, the implementing agencies will share the available money in proportion to the amounts they would otherwise be entitled to under the formula.

Sec. 11. Minnesota Statutes 2002, section 473.517, is amended by adding a subdivision to read:

Subd. 10. [DIRECT CHARGING OF INDUSTRIAL USERS.] (a) The term "industrial discharger" for the purposes of this subdivision means a recipient of wastewater treatment services that is required by council rules or procedures to have a permit issued by the council in order to discharge sewage to the metropolitan disposal system.

(b) The council may directly impose on all or any category of industrial dischargers all or any portion of the costs that would otherwise be allocated among and paid by local government units under subdivision 1. Any amounts imposed directly on industrial dischargers by the council under this subdivision must be deducted from the amounts to be allocated among and paid by local government units under subdivision 1, and any charges imposed by a local government unit for the same purpose are of no further force and effect from and after the effective date of the council's direct charges. Charges imposed under this subdivision are in addition to any other charges imposed on industrial dischargers by a local government unit and must be paid by the industrial discharger at such intervals as may be established by the council. The council may impose interest charges upon delinquent payments.

(c) Charges by the council to industrial dischargers under this subdivision including any interest charges, as well as any other charges or related fees owed by the industrial discharger pursuant to a discharge permit issued by the council for the subject property, are a charge jointly and severally against the owners, lessees, and occupants of the property served. The council may certify such unpaid amounts to the appropriate county auditor as a tax for collection as other taxes are collected on the property served. The proceeds of any tax collected pursuant to the council's certification must be paid by the county treasurer to the council when collected. Certification does not preclude the council from recovery of delinquent amounts and interest under any other available remedy.

Sec. 12. [COMMISSION ABOLISHED; MEMBERS; EMPLOYEES; SUCCESSOR.]

The metropolitan parks and open space commission described in Minnesota Statutes 2002, section 473.303, is abolished and its duties and responsibilities are transferred to the metropolitan council. The terms of the metropolitan parks and open space commission members expire upon the effective date of this act. All permanent or regular employees, if any, of the metropolitan parks and open space commission are transferred to the metropolitan council. The metropolitan council is the successor entity to the metropolitan parks and open space commission with respect to all the commission's property, interests, and obligations.

Sec. 13. [REPEALER.]

Minnesota Statutes 2002, sections 473.121, subdivision 12; 473.1623; 473.301, subdivision 4; 473.303; 473.704, subdivision 19; and 473.863, are repealed.

Page 2, line 22, delete "Section 1" and insert "This act"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Hornstein moved to amend the Buesgens amendment to S. F. No. 693, as amended, as follows:

Page 4, delete section 5

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

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

The question recurred on the Buesgens amendment to S. F. No. 693, as amended. The motion prevailed and the amendment was adopted.

Buesgens moved to amend S. F. No. 693, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. Each council member, other than the chair, must reside in the council district represented. Each council district must be

represented by one member of the council. ~~The terms of members end with the term of the governor~~ Members serve four-year terms, except that all terms expire on the effective date of the next apportionment and half of the initial appointments following each apportionment shall be for two-year terms, with the members from odd-numbered districts serving initial terms of two years and the members from even-numbered districts serving initial terms of four years. A member serves at the pleasure of the governor. A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 2. Minnesota Statutes 2002, section 473.123, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

(h) Any vacancy in the office of a commissioner shall immediately be filled for the unexpired term. The governor may forgo the requirements of paragraph (c) in filling a vacancy for a council district occurring within 12 months of an appointment for that district for which the governor has fulfilled all the requirements of this subdivision."

Page 2, after line 20, insert:

"Sec. 3. [PLAN ADOPTED.]

Metropolitan council redistricting plan MC02, on file with the geographical information systems office of the legislative coordinating commission and published on its Web site on April 1, 2003, is adopted as the metropolitan council redistricting plan.

Sec. 4. [METES AND BOUNDS DESCRIPTION.]

Within 90 days after enactment of this act and in accordance with Minnesota Statutes, section 2.91, the revisor of statutes shall prepare a metes and bounds description of the metropolitan council districts in a form suitable for publication in Minnesota Statutes and file it with the secretary of state.

Sec. 5. [REPEALER.]

Minnesota Statutes 2002, section 473.123, subdivision 3c, is repealed."

Page 2, line 22, delete "Section 1" and insert "This act"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 693, as amended, as follows:

Page 2, after line 20, insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 2002, section 473.1295, is repealed."

Page 2, line 22, delete "Section 1" and insert "This act"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 693, as amended, as follows:

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 2002, section 473.146, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The council shall adopt a long-range comprehensive policy plan for transportation, airports, and wastewater treatment. The plans must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide developed and adopted by the council under this chapter. Each policy plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas;

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services; the estimated cost of improvements required to achieve the council's goals for the regional systems, including an analysis of what portion of the funding for each improvement is proposed to come from the state, metropolitan council levies, and cities, counties, and towns in the metropolitan area, respectively, and other similar matters;

(4) a statement of policies to effectuate the council's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the council's plan, including a statement of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if any, that are or may be required to effectuate the council's goals, objectives, and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the council has recommended or may recommend;

(6) a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(7) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.871; and

(8) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency and function covered by the policy plan.

Sec. 3. Minnesota Statutes 2002, section 473.147, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. The policy plan shall estimate the cost of the recommended acquisitions and development, including an analysis of what portion of the funding is proposed to come from the state, metropolitan council levies, and cities, counties, and towns in the metropolitan area, respectively. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish

criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums."

Page 2, line 22, delete "Section 1" and insert "This act"

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 Holberg amendment and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Lipman; McNamara; Holberg; Swenson; Jacobson; Borrell; Strachan; Wardlow; Samuelson; Buesgens; DeLaForest; Wilkin; Zellers; Erickson; Anderson, B.; Vandever; Gerlach; Powell; Klinzing; Krinkie and Lindner moved to amend S. F. No. 693, as amended, as follows:

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 2002, section 473.175, subdivision 1, is amended to read:

Subdivision 1. [FOR COMPATIBILITY, CONFORMITY.] The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to Laws 1976, chapter 127, sections 1 to 23, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with adopted plans of the council. The council may require a local governmental unit to modify any comprehensive plan or part thereof which ~~may will~~ have a substantial, demonstrable, and adverse impact on ~~or contain a substantial departure from the infrastructure of a metropolitan system plans.~~"

Page 2, line 21, delete "2" and insert "3"

Page 2, line 22, delete "Section 1 applies" and insert "Sections 1 and 2 apply"

Page 2, line 24, delete "3" and insert "4"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lipman et al amendment and the roll was called. There were 78 yeas and 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

S. F. No. 693, A bill for an act relating to the metropolitan council; authorizing the use of energy forward pricing mechanisms; proposing coding for new law in Minnesota Statutes, chapter 473.

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 83 yeas and 47 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 680, A bill for an act relating to education; providing for opportunity to respond to nonrenewal of certain coaching contracts; amending Minnesota Statutes 2002, section 122A.33.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Hoppe	Knoblach	Krinkie
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The bill was passed and its title agreed to.

The Speaker called Abrams to the Chair.

H. F. No. 984 was reported to the House.

Otremba moved that H. F. No. 984 be re-referred to the Committee on Agriculture Policy.

A roll call was requested and properly seconded.

The question was taken on the Otremba motion and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

Peterson moved to amend H. F. No. 984, the second engrossment, as follows:

Page 105, after line 7, insert:

"Sec. 87. [EXPIRATION.]

This article expires August 1, 2006."

Page 115, after line 17, insert:

"Sec. 3. [EXPIRATION.]

This article expires August 1, 2006."

A roll call was requested and properly seconded.

The question was taken on the Peterson amendment and the roll was called. There were 47 yeas and 83 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker resumed the Chair.

Eken moved to amend H. F. No. 984, the second engrossment, as follows:

Page 3, line 6, after the period, insert "Each member must reside within 100 miles of property owned by the cooperative."

A roll call was requested and properly seconded.

The question was taken on the Eken amendment and the roll was called. There were 40 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hilstrom	Koenen	Mullery	Sieben
Bernardy	Eken	Hilty	Larson	Nelson, M.	Soderstrom
Biernat	Ellison	Hornstein	Latz	Otremba	Thao
Carlson	Entenza	Jaros	Lenczewski	Otto	Thissen
Clark	Goodwin	Johnson, S.	Lesch	Pugh	Wasiluk
Davnie	Greiling	Kahn	Mahoney	Rukavina	
Dill	Hausman	Kelliher	Mariani	Sertich	

Those who voted in the negative were:

Abeler	Borrell	Dauids	Erickson	Harder	Johnson, J.
Abrams	Boudreau	DeLaForest	Finstad	Heidgerken	Juhnke
Adolphson	Bradley	Demmer	Fuller	Holberg	Kielkucki
Anderson, J.	Brod	Dempsey	Gerlach	Hoppe	Klinzing
Atkins	Buesgens	Dorman	Gunther	Howes	Knoblach
Beard	Cornish	Eastlund	Haas	Huntley	Kohls
Blaine	Cox	Erhardt	Hackbarth	Jacobson	Krinkie

Kuisle	McNamara	Opatz	Powell	Slawik	Vandevuur
Lanning	Meslow	Osterman	Rhodes	Smith	Walz
Lieder	Murphy	Ozment	Ruth	Stang	Wardlow
Lindgren	Nelson, C.	Paulsen	Samuelson	Strachan	Westerberg
Lindner	Nelson, P.	Paymar	Seagren	Swenson	Westrom
Lipman	Nornes	Pelowski	Seifert	Sykora	Wilkin
Magnus	Olsen, S.	Penas	Severson	Tingelstad	Zellers
Marquart	Olson, M.	Peterson	Simpson	Urdahl	Spk. Sviggum

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

H. F. No. 984, A bill for an act relating to cooperatives; authorizing businesses to organize as cooperative associations; providing penalties; amending Minnesota Statutes 2002, sections 80A.14, subdivision 17; 80A.15, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 308B.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 18 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernardy	Eken	Hilstrom	Johnson, S.	Lesch	Nelson, M.
Biernat	Ellison	Hilty	Kahn	Mariani	Otremba
Clark	Greiling	Hornstein	Larson	Mullery	Thao

The bill was passed and its title agreed to.

H. F. No. 671 was reported to the House.

Howes and Gunther moved to amend H. F. No. 671, the first engrossment, as follows:

Page 3, after line 9, insert:

"Sec. 3. Laws 2000, chapter 433, section 4, is amended to read:

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment ~~and are repealed June 1, 2003.~~"

Page 3, line 10, delete "3" and insert "4"

Page 3, line 11, after the period, insert "Section 3 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 671, A bill for an act relating to telecommunications; regulating promotions and packages of telephone company services; removing sunset expiration dates for alternative regulation plans for telecommunications providers and highway weight limit exemptions for utility vehicles; amending Minnesota Statutes 2002, section 237.626; Laws 1995, chapter 156, section 25; Laws 2002, chapter 433, section 4.

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 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Hausman	Krinkie	Larson	Lenczewski	Thissen
DeLaForest	Holberg	Kuisle	Latz	Otto	Wagenius

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

S. F. No. 328 was reported to the House.

Powell moved to amend S. F. No. 328 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 865, the first engrossment:

"Section 1. Minnesota Statutes 2002, section 13.383, subdivision 8, is amended to read:

Subd. 8. [PSYCHOLOGISTS AND PSYCHOLOGICAL PRACTITIONERS.] Client records of a patient cared for by a psychologist or psychological practitioner who is under review by the board of psychology are classified under section 148.941, subdivision 4. Data obtained by the board of psychology when requiring a mental, physical, or chemical dependency examination or evaluation of a regulated individual or when accessing the medical records of a regulated individual are classified under section 148.941, subdivision 8.

Sec. 2. Minnesota Statutes 2002, section 148.89, subdivision 5, is amended to read:

Subd. 5. [PRACTICE OF PSYCHOLOGY.] "Practice of psychology" means the observation, description, evaluation, interpretation, ~~and~~ or modification of human behavior by the application of psychological principles, methods, ~~and~~ or procedures, to prevent ~~or~~ eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work ~~and~~ life and developmental adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) ~~psychological research, psychological testing, and teaching of psychology, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;~~

(2) assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(3) a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity;

(4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies, counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and diagnosis and treatment of:

(i) mental and emotional disorder or disability;

(ii) ~~alcoholism~~ alcohol and substance dependence or abuse;

- (iii) disorders of habit or conduct;
  - (iv) the psychological aspects of physical illness or condition, accident, injury, or disability;
  - (v) life adjustment issues, including work-related and bereavement issues; and
  - (vi) child, family, or relationship issues; and
  - (vii) work related issues; and
- ~~(3) (5) psychoeducational evaluation, therapy, remediation, consultation, and supervision services and treatment; and~~
- (6) consultation and supervision.

Sec. 3. [148.9105] [EMERITUS REGISTRATION.]

Subdivision 1. [APPLICATION.] Retired providers who are licensed or were formerly licensed to practice psychology in the state according to the Minnesota Psychology Practice Act may apply to the board for psychologist emeritus registration or psychological practitioner emeritus registration if they declare that they are retired from the practice of psychology in Minnesota, have not been the subject of disciplinary action in any jurisdiction, and have no unresolved complaints in any jurisdiction. Retired providers shall complete the necessary forms provided by the board and pay a onetime, nonrefundable fee of \$150 at the time of application.

Subd. 2. [STATUS OF REGISTRANT.] Emeritus registration is not a license to provide psychological services as defined in the Minnesota Psychology Practice Act. The registrant shall not engage in the practice of psychology.

Subd. 3. [CHANGE TO ACTIVE STATUS.] Emeritus registrants who request a change to active licensure status shall meet the requirements for relicensure following termination in the Minnesota Psychology Practice Act. Master's level emeritus registrants who request licensure at the doctoral level shall comply with current licensure requirements.

Subd. 4. [DOCUMENTATION OF STATUS.] A provider granted emeritus registration shall receive a document certifying that emeritus status has been granted by the board and that the registrant has completed the registrant's active career as a psychologist or psychological practitioner licensed in good standing with the board.

Subd. 5. [REPRESENTATION TO THE PUBLIC.] In addition to the descriptions allowed in section 148.96, subdivision 3, paragraph (e), former licensees who have been granted emeritus registration may represent themselves as "psychologist emeritus" or "psychological practitioner emeritus," but shall not represent themselves or allow themselves to be represented to the public as "licensed" or otherwise as current licensees of the board.

Subd. 6. [CONTINUING EDUCATION REQUIREMENTS.] The continuing education requirements of the Minnesota Psychology Practice Act do not apply to emeritus registrants.

Subd. 7. [RENEWAL OR SPECIAL FEES.] An emeritus registrant is not subject to license renewal or special fees.

Sec. 4. Minnesota Statutes 2002, section 148.925, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION.] For the purpose of meeting the requirements of this section, supervision means documented in-person consultation, which may include interactive, visual electronic communication, between either: (1) a primary supervisor and a licensed psychological practitioner; or (2) a primary or designated

supervisor and an applicant for licensure as a licensed psychologist. The supervision shall be adequate to assure the quality and competence of the activities supervised. Supervisory consultation shall include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of psychological services in the supervisee's practice.

Sec. 5. Minnesota Statutes 2002, section 148.941, is amended by adding a subdivision to read:

Subd. 8. [MENTAL, PHYSICAL, OR CHEMICAL DEPENDENCY EXAMINATION OR EVALUATION.]  
(a) If the board has probable cause to believe that an individual who is regulated by the board has demonstrated an inability to practice psychology with reasonable skill and safety to clients due to any mental or physical illness or condition, the board may direct the individual to submit to an independent mental, physical, or chemical dependency examination or evaluation. For the purpose of this subdivision, an individual regulated by the board is deemed to have consented to submit to the examination or evaluation when directed to do so in writing by the board and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the same constitutes a privileged communication. Failure to submit to an examination or evaluation without just cause, as determined by the board, shall authorize the board to consider the allegations as true for the purposes of further action by the board. Such action may include an application being denied, a license being suspended, or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence that may be submitted by affidavit that explains why the individual did not submit to the examination or evaluation.

(b) An individual regulated by the board who is affected under this subdivision shall, at reasonable intervals, be given an opportunity to demonstrate that the individual is fit to resume the competent practice of psychology with reasonable skill and safety to the public.

(c) In a proceeding under this subdivision, neither the record of the proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the individual regulated by the board in any proceeding not commenced by the board."

Delete the title and insert:

"A bill for an act relating to health; modifying provisions relating to the board of psychology; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.89, subdivision 5; 148.925, subdivision 1; 148.941, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148."

The motion prevailed and the amendment was adopted.

S. F. No. 328, A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.941, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

S. F. No. 418, A bill for an act relating to occupations and professions; removing the restriction of prescribing only topical legend drugs by board certified optometrists; requiring that legend drugs be used as included in optometry curricula; authorizing the prescription of certain controlled substances; amending reporting requirement of health professionals to include all legend drugs; requiring optometrists using legend drugs be held to the same standards as physicians; amending Minnesota Statutes 2002, sections 147.111, subdivision 4; 148.574; 148.575, subdivisions 1, 2; 148.576; 148.577; 151.37, subdivision 11; 152.11, subdivision 2; 152.12, subdivisions 1, 4.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Strachan	Thao	Urdahl	Walz	Westerberg	Zellers
Swenson	Thissen	Vandev eer	Wardlow	Westrom	Spk. Sviggum
Sykora	Tingelstad	Wagenius	Wasiluk	Wilkin	

Those who voted in the negative were:

Abrams	Kahn	Knoblach	Larson	Paulsen
Greiling	Kelliher	Krinkie	Lenczewski	Slawik

The bill was passed and its title agreed to.

H. F. No. 293, A bill for an act relating to municipalities; allowing the prescribing of certain fees by a fee schedule; amending Minnesota Statutes 2002, section 462.353, subdivision 4, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Vandev eer
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The bill was passed and its title agreed to.

H. F. No. 723 was reported to the House.

Erhardt moved to amend H. F. No. 723, the first engrossment, as follows:

Amend the title as follows:

Page 1, line 2, after "exempting" insert "occupants of"

The motion prevailed and the amendment was adopted.

H. F. No. 723, A bill for an act relating to traffic regulations; exempting occupants of certain motor vehicles from seat belt law; amending Minnesota Statutes 2002, section 169.686, subdivision 2.

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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Murphy

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

H. F. No. 504, A bill for an act relating to elections; limiting certain ballot questions; amending Minnesota Statutes 2002, section 205.10, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 860, A bill for an act relating to energy; exempting small municipal utilities from certain conservation reporting requirements; authorizing use of conservation funds for refurbishing municipal district heating and cooling systems; amending Minnesota Statutes 2002, section 216B.241, subdivision 1b.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 306, A bill for an act relating to local government; authorizing reimbursement by the city of Biwabik to the town of White according to their orderly annexation agreement.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 883 was reported to the House.

Wilkin moved to amend H. F. No. 883, the first engrossment, as follows:

Page 3, line 23, delete the period

Page 3, delete line 24

Page 3, line 25, delete everything before the period

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Hornstein moved to amend H. F. No. 883, the first engrossment, as amended, as follows:

Page 2, delete line 17 and insert:

"(1) the ~~mayor~~ mayors of ~~each of~~ the cities of Minneapolis, St. Paul, Richfield, Bloomington, Mendota Heights, Inver Grove Heights, Sunfish Lake, and Eagan, or a qualified voter"

Page 2, lines 18 and 19, reinstate the stricken text

Page 3, lines 28 to 30, reinstate the stricken text

Page 3, line 31, delete "(1)" and insert "(2)" and delete "(2)" and insert "(3)"

Page 4, line 14, delete "(2)" and insert "(3)"

Page 5, lines 8 to 10, reinstate the stricken text

A roll call was requested and properly seconded.

The question was taken on the Hornstein amendment and the roll was called. There were 52 yeas and 81 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 883, A bill for an act relating to metropolitan government; changing the composition, filing of appointments, and the terms of office of the members of the metropolitan airports commission; providing for oversight of the metropolitan council and airports commission by the legislative commission on metropolitan government; amending Minnesota Statutes 2002, sections 3.8841, subdivision 1, by adding a subdivision; 473.601, subdivision 4; 473.604, subdivisions 1, 2, 3, by adding a subdivision; 473.605, subdivision 2.

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 96 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Holberg	Lindner	Ozment	Soderstrom
Abrams	Dempsey	Hoppe	Lipman	Paulsen	Solberg
Adolphson	Dorman	Howes	Magnus	Pelowski	Stang
Anderson, J.	Dorn	Jacobson	Marquart	Penas	Strachan
Atkins	Eastlund	Johnson, J.	McNamara	Powell	Swenson
Beard	Erhardt	Juhnke	Meslow	Pugh	Sykora
Blaine	Erickson	Kielkucki	Murphy	Rhodes	Tingelstad
Borrell	Finstad	Klinzing	Nelson, C.	Ruth	Urdahl
Boudreau	Fuller	Knoblach	Nelson, P.	Samuelson	Vandever
Bradley	Gerlach	Koenen	Nornes	Seagren	Walz
Brod	Greiling	Kohls	Olsen, S.	Seifert	Wardlow
Buesgens	Gunther	Krinkie	Olson, M.	Severson	Westerberg
Cornish	Haas	Kuisle	Opatz	Sieben	Westrom
Cox	Hackbarth	Lanning	Osterman	Simpson	Wilkin
Davids	Harder	Lenczewski	Otremba	Slawik	Zellers
DeLaForest	Heidgerken	Lindgren	Otto	Smith	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Eken	Hornstein	Latz	Paymar	Walker
Bernardy	Ellison	Huntley	Lesch	Peterson	Wasiluk
Biernat	Entenza	Jaros	Lieder	Rukavina	
Carlson	Goodwin	Johnson, S.	Mahoney	Sertich	
Clark	Hausman	Kahn	Mariani	Thao	
Davnie	Hilstrom	Kelliher	Mullery	Thissen	
Dill	Hilty	Larson	Nelson, M.	Wagenius	

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

S. F. No. 374, A bill for an act relating to the city of St. Paul; making technical changes to the civic center authority powers and duties; amending Laws 1967, chapter 459, section 8, subdivisions 1, 3, 4, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Sertich

The bill was passed and its title agreed to.

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

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 784, A bill for an act relating to crimes; prohibiting interfering with emergency communications; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

Paulsen moved that the House refuse to concur in the Senate amendments to H. F. No. 784, that the Speaker appoint a Conference Committee of 5 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.

### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 784:

Smith, Fuller, Walz, Lipman and Strachan.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 351:

Dill, Rhodes and Powell.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 980:

Paulsen, Meslow and Pugh.

**MOTIONS AND RESOLUTIONS**

Otremba moved that the name of Bernardy be added as an author on H. F. No. 799. The motion prevailed.

Brod moved that the name of Nelson, C., be added as an author on H. F. No. 973. The motion prevailed.

Paymar moved that the name of Slawik be added as an author on H. F. No. 1607. The motion prevailed.

Kohls moved that H. F. No. 513, now on the General Register, be re-referred to the Committee on Judiciary Policy and Finance. The motion prevailed.

Boudreau moved that S. F. No. 1019 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Rhodes, Brod, Lesch, Osterman and Strachan introduced:

House Resolution No. 12, A House resolution honoring the veterans of the Philippine Campaign.

The resolution was referred to the Committee on Governmental Operations and Veterans Affairs Policy.

**ADJOURNMENT**

Paulsen moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, May 13, 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., Tuesday, May 13, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives