

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 ONE HUNDRED EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 13, 2004

The House of Representatives convened at 1:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

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

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

The roll was called and the following members were present:

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

A quorum was present.

Ellison was excused until 2:40 p.m. Strachan was excused until 4:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. DeLaForest 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. 1790 and H. F. No. 1717, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lanning moved that the rules be so far suspended that S. F. No. 1790 be substituted for H. F. No. 1717 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2068 and H. F. No. 2478, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swenson moved that the rules be so far suspended that S. F. No. 2068 be substituted for H. F. No. 2478 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2647 and H. F. No. 2936, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abrams moved that the rules be so far suspended that S. F. No. 2647 be substituted for H. F. No. 2936 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 10, 2004

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

Dear Speaker Sviggum:

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

H. F. No. 2930, relating to state government; requiring flags in the Capitol area to be flown at half-staff following death of a public safety officer or Minnesota military personnel killed in the line of duty.

H. F. No. 2551, relating to commerce; regulating safe deposit companies; modifying collateral requirements applicable to depositories of local public funds; regulating dishonored checks.

Sincerely,

TIM PAWLENTY
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
	2930	173	12:05 p.m. May 10	May 10
	2551	174	12:10 p.m. May 10	May 10
1815		175	12:35 p.m. May 10	May 10
2422		176	12:25 p.m. May 10	May 10

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 10, 2004

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

Dear Speaker Sviggum:

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

H. F. No. 2103, relating to real property; local planning and zoning; authorizing municipalities to require the dedication of land for public purposes; providing certain terms and conditions for the dedication.

H. F. No. 2005, relating to the environment; extending the restriction on phosphorus use in fertilizers.

H. F. No. 1851, relating to bridges; deleting requirement for Regional Development Commission or Metropolitan Council approval of projects funded from state transportation fund.

H. F. No. 1898, relating to highways; repealing requirement that designation of natural preservation routes on county state-aid highways be reviewed by advisory committee.

H. F. No. 2270, relating to official publications; changing provisions for publication of public notices in newspapers; requiring a report.

H. F. No. 2235, relating to unemployment insurance; modifying definitions; making technical, housekeeping, and policy changes; modifying penalty provisions.

Sincerely,

TIM PAWLENTY
Governor

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

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Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

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<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
	2103	178	10:30 p.m. May 10	May 11
	2005	179	10:45 p.m. May 10	May 11
	1851	180	10:05 p.m. May 10	May 11
	1898	181	10:00 p.m. May 10	May 11
	2270	182	9:00 p.m. May 10	May 11
	2235	183	9:03 p.m. May 10	May 11
2387		184	8:45 p.m. May 10	May 11

1671	185	9:20 p.m. May 10	May 11
2365	186	9:15 p.m. May 10	May 11
1716	187	8:55 p.m. May 10	May 11

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 27, A House resolution expressing the sense of the House concerning benefits to members of the National Guard and other Reserve Components of the United States Armed Forces who are engaged in the nation's Global War on Terrorism.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1790, 2068 and 2647 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark, Abeler, Otremba, Eken, Hausman, Lieder, Kahn, Mariani and Walker introduced:

H. F. No. 3201, A bill for an act relating to health; providing that WIC coupons may be used to purchase organic food; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Seifert, Magnus, Finstad, Gunther and Harder introduced:

H. F. No. 3202, A bill for an act relating to human services; requiring the Board on Aging to obtain legislative approval before changing intrastate funding formulas; amending Minnesota Statutes 2002, section 256.975, by adding a subdivision.

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

Seagren, Simpson, Lanning and Zellers introduced:

H. F. No. 3203, A bill for an act relating to local government aids; establishing new local government aid accounts and allocating funding; changing funding mechanisms for existing transit aid funds and the city local government aid program; amending Minnesota Statutes 2002, sections 16A.88, subdivision 2; 477A.014, subdivision 5; Minnesota Statutes 2003 Supplement, sections 16A.88, subdivision 1; 297A.94; 297B.09, subdivision 1; 477A.013, subdivision 8; 477A.03, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Vandever; Kuisle; Lieder; Erhardt; Jacobson; Gerlach; Nelson, P., and DeLaForest introduced:

H. F. No. 3204, A resolution memorializing the Congress of the United States to dedicate certain revenue from motor fuel taxes to highway purposes.

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

Vandever, Kuisle, Lieder, Erhardt, Jacobson, Gerlach and DeLaForest introduced:

H. F. No. 3205, A resolution memorializing the Congress of the United States to provide for distribution of federal assistance to the states for highways and transit as block grants rather than through categorical assistance programs.

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

Stang introduced:

H. F. No. 3206, A bill for an act relating to housing; requiring carbon monoxide alarms in all dwellings; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Mullery introduced:

H. F. No. 3207, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; requiring the legislature to expend funds and provide by law for the equal safety of all persons.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2027, A bill for an act relating to human services; providing an exemption to the moratorium on nursing home construction; amending Minnesota Statutes 2003 Supplement, section 144A.071, subdivision 4c.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2139, A bill for an act relating to title insurance; providing for required premium reserves; defining a term; amending Minnesota Statutes 2002, sections 68A.02; 68A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 68A.

H. F. No. 2288, A bill for an act relating to courts; modifying conciliation court debtor disclosures; amending Minnesota Statutes 2002, section 491A.02, subdivision 9.

H. F. No. 2577, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2002, sections 3.971, subdivision 8; 13.07; 13.461, by adding a subdivision; 13.465, subdivision 1, by adding a subdivision; 13.475, subdivision 4; 13.4965, by adding a subdivision; 13.4967, by adding a subdivision; 13.7411, subdivision 5; 15.0591, subdivision 2; 18F.02, subdivision 2a; 60A.23, subdivision 5; 82.34, subdivision 15; 85.053, subdivision 2; 89.391; 97A.055, subdivision 4; 103B.101, subdivision 10; 115B.16, subdivision 4; 115B.18, subdivision 1; 116A.11, subdivision 1; 119A.05, subdivision 1; 126C.48, subdivision 8; 162.081, subdivision 4; 163.16, subdivision 1; 163.161; 164.05, subdivision 3; 164.08, subdivision 1; 168.12, subdivision 2d; 181.953, subdivision 1; 214.03, subdivision 1; 237.39; 256D.03, subdivision 8; 260B.175, subdivision 1; 270B.01, subdivision 8; 272.0212, subdivision 2; 273.1398, subdivisions 1, 2d, 3; 275.07, subdivision 1; 276.04, subdivision 2; 290.191, subdivision 5; 290C.04; 306.32; 325F.19, subdivision 3; 325F.69, subdivisions 1, 4; 326.10, subdivisions 1, 7; 326.12, subdivision 2; 326.13; 326.15; 336.9-531; 344.20; 348.02; 357.021, subdivision 5; 365.59; 366.17; 368.85, subdivision 9; 385.09; 395.14; 477A.011, subdivisions 21, 27, 35; 477A.015; 609.3452, subdivision 2; Minnesota Statutes 2003 Supplement, sections 13.4963, subdivision 2; 18G.14, subdivisions 1, 8; 37.31, subdivision 4; 62J.692, subdivision 10; 62J.694, subdivision 1; 97A.482; 115B.31, subdivision 1; 116J.966, subdivision 1; 119B.125, subdivision 2; 127A.45, subdivision 10; 144.395, subdivision 1; 192.501, subdivision 2; 216C.41, subdivision 1; 246.014; 256.954, subdivision 3; 256B.0943, subdivisions 5, 7, 9, 12, by adding a subdivision; 270B.03, subdivision 6; 273.1392; 273.1398, subdivision 4c; 297A.668, subdivision 3; 297A.669, subdivision 16; 308B.201; 308B.311, subdivision 6; 308B.471, subdivision 2; 308B.735, subdivision 1; 365.52, subdivision 1; 469.177, subdivision 9; 469.339, subdivision 2; 473.253, subdivision 1; Laws 2003, First Special Session chapter 11, article 2, section 21; Laws 2003, First Special Session chapter 21, article 8, section 10; repealing Minnesota Statutes 2002, sections 18.79, subdivision 11; 115B.241; 273.1398, subdivisions 1a, 2e; 275.07, subdivisions 1a, 5; Laws 2001, chapter 161, section 29; Laws 2001, First Special Session chapter 5, article 3, section 9; Laws 2002, chapter 364, section 15; Laws 2002, chapter 380, article 4, section 1; Laws 2003, chapter 112, article 2, section 35; Laws 2003, chapter 127, article 5, section 19; Laws 2003, chapter 127, article 7, section 1; Laws 2003, chapter 128, article 2, section 13; Laws 2003, chapter 128, article 3, section 44; Laws 2003, First Special Session chapter 9, article 5, section 29; Minnesota Rules, parts 1220.0200; 1220.0300; 1220.0400; 1220.0500; 1220.0600; 1220.0700; 1220.0800; 1220.0900; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240.

H. F. No. 2217, A bill for an act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2633, A bill for an act relating to the environment; providing for exemptions from environmental review for ethanol plants; amending Minnesota Statutes 2003 Supplement, section 116D.04, subdivision 2a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2671, A bill for an act relating to motor carriers; modifying provisions governing motor carriers; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 221.011, subdivision 6; 221.0269, subdivision 3; 221.0314, subdivisions 7, 9; 221.033, subdivision 1; 221.036, subdivisions 1, 3, 12; 221.037, subdivision 2; 221.605, subdivision 1; 299K.07; Minnesota Statutes 2003 Supplement, sections 169.86, subdivision 5; 221.602, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 2002, sections 221.011, subdivision 2b; 221.033, subdivision 3; 221.034; Minnesota Rules, parts 8860.0100; 8860.0200; 8860.0300; 8860.0400; 8860.0500; 8860.0600; 8860.0700; 8860.0800.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2986, A bill for an act relating to natural resources; granting certain temporary exemptions for an iron nugget production scale demonstration facility.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2175, A bill for an act relating to health; modifying requirements for various public health occupations; prescribing authority of speech-language pathology assistants; modifying requirements for physician assistants, acupuncture practitioners, licensed professional counselors, alcohol and drug counselors, dentists, dental hygienists, dental assistants, and podiatrists; modifying provisions for designating essential community providers; modifying certain immunization provisions; appropriating money; amending Minnesota Statutes 2002, sections 12.03, subdivision 4d; 12.39, subdivision 2; 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 3, 5; 147A.02; 147A.20; 147B.01, by adding a subdivision; 147B.06, subdivision 4; 148.211, subdivision 1; 148.284; 148.512, subdivisions 9, 19, by adding a subdivision; 148.6402, by adding a subdivision; 148.6403, subdivision 5; 148.6405; 148.6428; 148.6443, subdivisions 1, 5; 150A.06, as amended; 150A.08, subdivision 1; 150A.09, subdivision 4; 153.01, subdivision 2; 153.16, subdivisions 1, 2; 153.19, subdivision 1; 153.24, subdivision 4; 153.25, subdivision 1;

192.502; Minnesota Statutes 2003 Supplement, sections 13.37, subdivision 3; 62Q.19, subdivision 2; 121A.15, subdivisions 3a, 12; 147A.09, subdivision 2; 148.212, subdivision 1; 148.511; 148.512, subdivisions 12, 13; 148.513, subdivisions 1, 2; 148.5161, subdivisions 1, 4, 6; 148.5175; 148.518; 148.5193, subdivisions 1, 6a; 148.5195, subdivision 3; 148.5196, subdivision 3; 148B.52; 148B.53, subdivisions 1, 3; 148B.54; 148B.55; 148B.59; 148C.04, subdivision 6; 148C.075, subdivision 2, by adding a subdivision; 148C.11, subdivision 6, by adding a subdivision; 148C.12, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 12; 144; 148; 148B; 197; repealing Minnesota Statutes 2002, sections 147B.02, subdivision 5; Laws 2002, chapter 402, section 21; Minnesota Rules, parts 6900.0020, subparts 3, 3a, 9, 10; 6900.0400.

The Senate has appointed as such committee:

Senators Kiscaden, Lourey and Vickerman.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2207, A bill for an act relating to health; clarifying that individuals may participate in pharmaceutical manufacturer's rebate programs; amending Minnesota Statutes 2002, section 62J.23, subdivision 2.

The Senate has appointed as such committee:

Senators Kiscaden, Lourey and Solon.

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. 1897, A bill for an act relating to water; providing for the consumptive use of groundwater.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Osterman moved that the House concur in the Senate amendments to H. F. No. 1897 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1897, A bill for an act relating to water; providing for the consumptive use of groundwater.

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 107 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hilstrom	Lindner	Paulsen	Solberg
Abrams	Dempsey	Hilty	Lipman	Pelowski	Stang
Anderson, I.	Dill	Howes	Magnus	Penas	Swenson
Anderson, J.	Dorman	Jacobson	Mahoney	Peterson	Sykora
Atkins	Dorn	Johnson, J.	Mariani	Powell	Thao
Beard	Eastlund	Johnson, S.	Marquart	Pugh	Tingelstad
Bernardy	Eken	Juhnke	McNamara	Rhodes	Urdahl
Biernat	Entenza	Klinzing	Meslow	Rukavina	Vandever
Blaine	Erhardt	Knoblach	Nelson, C.	Ruth	Walker
Borrell	Erickson	Koenen	Nelson, M.	Samuelson	Walz
Boudreau	Finstad	Kuisle	Nelson, P.	Seagren	Wardlow
Bradley	Fuller	Lanning	Newman	Seifert	Wasiluk
Brod	Gerlach	Larson	Nornes	Sertich	Westerberg
Buesgens	Goodwin	Latz	Olsen, S.	Severson	Westrom
Carlson	Gunther	Lenczewski	Opatz	Sieben	Wilkin
Cornish	Haas	Lesch	Osterman	Simpson	Zellers
Cox	Hackbarth	Lieder	Otremba	Smith	Spk. Sviggum
Davids	Harder	Lindgren	Ozment	Soderstrom	

Those who voted in the negative were:

Adolphson	Greiling	Hornstein	Kohls	Otto
Anderson, B.	Hausman	Huntley	Krinkie	Paymar
Clark	Heidgerken	Jaros	Mullery	Slawik
Davnie	Holberg	Kahn	Murphy	Thissen
DeLaForest	Hoppe	Kelliher	Olson, M.	Wagenius

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

The Speaker called Abrams to the Chair.

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. 2085, A bill for an act relating to health; providing for review of hospital moratorium exceptions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Severson moved that the House concur in the Senate amendments to H. F. No. 2085 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2085, A bill for an act relating to health; specifying status of certain grants and loans to rural hospitals; providing for review of hospital moratorium exceptions; appropriating money; amending Minnesota Statutes 2002, section 144.148, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

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.

Pursuant to rule 2.05, Speaker pro tempore Abrams excused Krinkie from voting on H. F. No. 2085, as amended by the Senate.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Dill was excused between the hours of 2:25 p.m. and 3:40 p.m.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2181.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2181

A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

May 11, 2004

The Honorable James P. Metzen
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2181, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2181 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 15A.081, subdivision 8, is amended to read:

Subd. 8. [EXPENSE ALLOWANCE.] Notwithstanding any law to the contrary, positions listed in section 15A.0815, subdivisions 2 and 3, constitutional officers, ~~and~~ the commissioner of Iron Range resources and rehabilitation, and the director of the State Lottery are authorized an annual expense allowance not to exceed \$1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and postaudit. The commissioner of finance may adopt rules to assure the proper expenditure of these funds and to provide for reimbursement.

Sec. 2. Minnesota Statutes 2002, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. [DIRECTOR.] A State Lottery is established under the supervision and control of a director. The director of the State Lottery shall be appointed by the governor with the advice and consent of the senate. ~~The director must be qualified by experience and training in the operation of a lottery to supervise the lottery.~~ The director serves in the unclassified service at the pleasure of the governor. The annual salary rate authorized for the director is equal to 95 percent of the salary rate prescribed for the governor.

Sec. 3. Minnesota Statutes 2002, section 349A.10, subdivision 6, is amended to read:

Subd. 6. ~~[BUDGET APPEARANCE; PLANS.]~~ The director shall prepare and submit a biennial budget plan to the commissioner of finance. The governor shall recommend the maximum amount available for the lottery in the budget the governor submits to the legislature under section 16A.11. The maximum amount available to the lottery for operating expenses and capital expenditures shall be determined by law. Operating expenses shall not include expenses that are a direct function of lottery sales, which include the cost of lottery prizes, amounts paid to lottery retailers as sales commissions or other compensation, amounts paid to produce and deliver scratch lottery games, and amounts paid to an outside vendor to operate and maintain an on-line gaming system. In addition, the director shall appear at least once each fiscal year before the senate and house of representatives committees having jurisdiction over gambling policy to present and explain the lottery's budget plans for future games and the related advertising and promotions and spending plans for the next fiscal year.

Sec. 4. Minnesota Statutes 2002, section 349A.15, is amended to read:

349A.15 [REPORT.]

The director shall file an annual report with the governor and legislature which must include a complete statement of lottery revenues, administrative and operating costs, capital expenditures, net proceeds transferred, and other financial transactions for the period the report covers.

Sec. 5. [LOTTERY ORGANIZATION TASK FORCE.]

Subdivision 1. [CREATION; MEMBERSHIP.] A Lottery Organization Task Force is created to study and make recommendations regarding the future organization and profitability of the State Lottery. The task force is composed of nine members, to be appointed as follows:

(1) the commissioner of natural resources, or the commissioner's designee;

(2) the commissioner of finance, or the commissioner's designee;

(3) two members of the house of representatives, including one member of the minority caucus, both to be appointed by the speaker;

(4) two members of the senate, including one member of the minority caucus, both to be appointed by the senate committee on committees;

(5) the director of the State Lottery; and

(6) two members to be appointed by the governor.

The governor shall appoint one member of the task force as the chair.

Subd. 2. [CHARGE; REPORT.] (a) The task force shall examine the State Lottery and consider whether the State Lottery should:

(1) become part of another existing state agency;

(2) be accountable to an oversight board or commission to be created for that purpose;

(3) continue under its current organizational structure; or

(4) operate under other governance structures that provide appropriate oversight and accountability.

(b) The task force shall also examine the feasibility and desirability of establishing measurable performance goals for lottery proceeds and operations.

(c) The task force is encouraged to consult with the commissioner of public safety, the commissioner of revenue, and the chair of the Citizens' Advisory Committee for the Legislative Commission on Minnesota Resources. The task force shall submit a report with its findings and recommendations to the legislature and the governor by February 1, 2005.

Subd. 3. [SUNSET.] The task force expires upon the adjournment of the 2005 regular legislative session.

Sec. 6. Laws 2003, First Special Session chapter 1, article 1, section 23, is amended to read:

Sec. 23. [STATE LOTTERY.]

Notwithstanding Minnesota Statutes, section 349A.10, the operating budget must not exceed ~~\$43,538,000~~ \$27,419,000 in fiscal year 2004 and ~~\$43,538,000~~ \$27,419,000 in fiscal year 2005 and thereafter. ~~The savings must be transferred 60 percent to the general fund in the state treasury and 40 percent to the Minnesota environment and natural resources trust fund in the state treasury.~~

Sec. 7. [REPEALER.]

Minnesota Statutes 2002, section 349A.02, subdivision 2, is repealed.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Sections 2 and 7 apply to the appointment of a director of the State Lottery made on or after January 1, 2004."

Delete the title and insert:

"A bill for an act relating to the State Lottery; amending provisions relating to the director; providing for review and approval of lottery budget; creating a task force and requiring a report; amending Minnesota Statutes 2002, sections 15A.081, subdivision 8; 349A.02, subdivision 1; 349A.10, subdivision 6; 349A.15; Laws 2003, First Special Session chapter 1, article 1, section 23; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2."

We request adoption of this report and repassage of the bill.

Senate Conferees: ANN H. REST, JANE B. RANUM AND THOMAS M. NEUVILLE.

House Conferees: TIM WILKIN, BILL HAAS AND LYNDON CARLSON.

Wilkin moved that the report of the Conference Committee on S. F. No. 2181 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2181, A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. Nos. 2138, 2428, 2292, 2112, 2263 and 1866.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2138, A bill for an act relating to insurance; requiring that certain information be provided to persons whose continuation health coverage is about to expire; modifying comprehensive health association provisions; requiring a study; amending Minnesota Statutes 2002, sections 62A.65, subdivision 5; 62E.10, subdivisions 2, 10; 62E.141; Minnesota Statutes 2003 Supplement, section 62E.12.

The bill was read for the first time.

Pugh moved that S. F. No. 2138 and H. F. No. 2214, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2428, A bill for an act relating to agriculture; modifying provisions relating to shared savings loan program; establishing a livestock production policy; modifying provisions relating to certain home-processed foods and county and regional fairs; modifying ethanol plant ownership disclosure requirements; modifying eligibility and limits for certain Rural Finance Authority loans; providing for dairy modernization; changing certain requirements for veterinary practice; modifying amounts for certain grain buyers' bonds; providing for the validity of electronic documents and signatures for grain buyers and grain warehouses; modifying certain restrictions on farming by business organizations and certain restrictions on acquisition of title; modifying requirements on uses of certain vaccines in beef cattle; amending Minnesota Statutes 2002, sections 17.115, subdivisions 2, 3; 28A.15, by adding a subdivision; 35.243; 38.04; 38.12; 38.14; 38.15; 38.16; 41B.03, subdivisions 2, 3; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b, by adding a subdivision; 41B.045, subdivision 2; 41B.046, subdivision 5; 41C.02, subdivision 12; 156.12, subdivision 2, by adding a subdivision; 223.16, by adding subdivisions; 223.17, subdivision 6; 223.177, subdivision 3; 232.21, by adding subdivisions; 232.23, subdivision 4; 308A.995, subdivision 5; 500.221, subdivisions 1, 1a, 5; 500.24, subdivisions 2, 3a; Minnesota Statutes 2003 Supplement, sections 18B.07, subdivision 2; 38.02, subdivisions 1, 3; 41A.09, subdivision 3a; 223.17, subdivision 4; 308B.121, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 17; 116J; repealing Minnesota Statutes 2002, sections 38.02, subdivision 2; 38.13.

The bill was read for the first time.

Swenson moved that S. F. No. 2428 and H. F. No. 2461, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2292, A bill for an act relating to elections; conforming disclaimer requirements for campaign material to constitutional limitations; amending Minnesota Statutes 2002, sections 211B.01, subdivision 2; 211B.04.

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

S. F. No. 2112, A bill for an act relating to human services; authorizing an exception to the prohibition on asset transfers for certain charitable gifts; amending Minnesota Statutes 2003 Supplement, section 256B.0595, subdivision 1b.

The bill was read for the first time.

Bradley moved that S. F. No. 2112 and H. F. No. 2581, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2263, A bill for an act relating to transportation; providing for cost-sharing agreements with tribal authorities; authorizing commissioner of transportation to require electronic bids for highway contracts valued at \$5,000,000 or more; providing for or changing expiration of certain transportation-related committees; authorizing local governments to designate roads for transporting permitted weights; providing for seasonal load restrictions on gravel roads; making technical changes; amending Minnesota Statutes 2002, sections 161.32, subdivision 1b;

162.021, subdivision 5; 162.07, subdivision 5; 162.09, subdivision 2; 162.13, subdivision 3; 169.832, by adding a subdivision; 174.52, subdivision 3; Minnesota Statutes 2003 Supplement, sections 161.368; 162.02, subdivision 2; repealing Minnesota Statutes 2002, section 174.55, as amended.

The bill was read for the first time.

DeLaForest moved that S. F. No. 2263 and H. F. No. 2479, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1866, A bill for an act relating to state employment; ratifying certain labor agreements and compensation plans.

The bill was read for the first time.

Haas moved that S. F. No. 1866 and H. F. No. 2034, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

House Resolution No. 27 was reported to the House.

HOUSE RESOLUTION NO. 27

A House resolution expressing the sense of the House concerning benefits to members of the National Guard and other Reserve Components of the United States Armed Forces who are engaged in the nation's Global War on Terrorism.

Whereas, Congress, in bipartisan efforts, is currently considering various alternatives for enhancing benefits for National Guard and Reserve members in recognition of their ongoing sacrifices for the nation; and

Whereas, those who dedicate their lives to protecting our nation's precious freedoms during times of war and peace perform a brave and valuable service to our state and nation and are deserving of special legislative recognition; and

Whereas, in recent years, the United States has suffered significant loss of life and property in terrorist attacks, both at home and abroad, including the 1993 bombing of the World Trade Center in New York City; the 1995 bombing of the U.S. training center in Riyadh, Saudi Arabia; the 1996 bombing of the Khobar Towers in Dhahran, Saudi Arabia; the 1998 bombings of the American embassies in Kenya and Tanzania; the 2000 bombing of the USS Cole in Yemen; and the 9/11/2001 attacks on the twin towers of the World Trade Center in New York City and the Pentagon in Washington, D.C.; and

Whereas, the United States is now engaged in a Global War on Terrorism on several domestic and international fronts, being fought by all of the nation's security forces with the assistance of foreign allies, but primarily by the United States Armed Forces; and

Whereas, the size of the active duty U.S. military forces has been steadily reduced by approximately one-third since the collapse of the Soviet Union in 1989, such that National Guard and Reserve troops now account for nearly one-half of the United States' total military strength; and

Whereas, the U.S. Department of Defense has mobilized more National Guard and Reserve members for the Global War on Terrorism than for any other national emergency since World War II; and

Whereas, nearly 40 percent of U.S. military personnel currently serving in Operation Iraqi Freedom and Operation Enduring Freedom are National Guard and Reserve troops who are serving valiantly and patriotically in a manner equivalent to the service of our regular active duty troops; and

Whereas, National Guard and Reserve members must be highly skilled and fully cross-trained for both domestic emergency and counter-terrorism missions and expeditionary deployments abroad, and since 9/11/2001 they are being deployed periodically for both types of missions; and

Whereas, the sacrifices of all of the activated National Guard and Reserve troops and their families include, but are not limited to, the following burdens and risks:

- * enduring extended and often abrupt separations from family and loved ones, sometimes repeatedly, frequently lasting for 18 months or more;
- * postponement of educational and other career development and advancement opportunities;
- * forfeiting civilian job compensation and benefits, while often incurring additional expenditures and increased personal and family debt;
- * facing the grave physical and psychological dangers of advanced military training and deployment to hostile regions of the globe, including involvement in actual combat for many soldiers, and the constant fear of death or maiming from roadside bombs, conventional weapons, and other terrorist weapons;
- * facing death or injury, as National Guard and Reserve troops have suffered several dozen combat deaths - comprising over 12 percent of the total U.S. military deaths to date in the Global War on Terrorism - and a proportionate share, as well, of the more than 3,000 total combat injuries to date; and
- * enduring the challenges and difficulties of transitioning back into civilian life following each deployment, while preparing oneself, one's family, and one's employer for the anticipated next future deployment into active military duty; and

Whereas, the various federal benefits for National Guard and Reserve troops serving in active duty are often significantly less than those received by the full-time military personnel serving beside them in equivalent and often identical roles; and

Whereas, it is crucial that the nation be able to retain these highly trained and very capable citizen-soldier volunteers within the National Guard and Reserves following the completion of each deployment into active military service; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that it is the sense of the House that benefits for National Guard and Reserve members serving in the nation's global war on terrorism should be increased, as follows:

- * by designating full *veterans status* for National Guard and Reserve members who have been ordered to active military duty under U.S.C., Title 10 or Title 32, and who provide honorable service for the time period so ordered; and

* by providing eligibility to National Guard and Reserve members who are ordered to active military duty under U.S.C., Title 10 or Title 32, for a cumulative period of 180 days or more to enroll in the active duty GI Bill for educational assistance; and

* by providing eligibility to National Guard and Reserve members who are ordered to active military duty under U.S.C., Title 10 or Title 32, for a cumulative period of 30 days or more to enroll in individual and family TRICARE health insurance upon their demobilization from active duty status and return to drill status, at a co-pay and premium rate comparable to that of federal employees participating in similar health insurance programs; and

* by permitting each National Guard and Reserve member to establish a pre-tax/tax deferred savings plan, similar to but apart from a 401K retirement plan, which could be tapped without penalty to help cover financial expenses when the member is mobilized into active duty; and

* by providing eligibility for burial in a national cemetery to National Guard and Reserve members who have been ordered to active military service in an operation for which the person becomes eligible for a campaign medal; and

* by advancing the age of eligibility for retirement benefits from age 60 to one year earlier for every two years beyond 20 years that a person has provided honorable service in the National Guard or Reserve.

Lieder moved that House Resolution No. 27 be now adopted. The motion prevailed and House Resolution No. 27 was adopted.

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 bills to be placed on the Supplemental Calendar for the Day for Thursday, May 13, 2004:

S. F. Nos. 2869 and 1790; H. F. No. 2867; S. F. No. 2068; H. F. No. 2461; S. F. No. 2342; H. F. No. 2629; S. F. No. 2241; H. F. No. 2640; S. F. Nos. 1922 and 2593; and H. F. No. 2002.

There being no objection, the order of business reverted to Calendar for the Day.

CALENDAR FOR THE DAY

S. F. No. 2696 was reported to the House.

Westerberg moved to amend S. F. No. 2696 as follows:

Delete sections 5, 6, and 7, and renumber remaining sections

Page 12, line 36, delete "AND MALT LIQUOR"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2696, A bill for an act relating to liquor; providing for conformity in license fees and production levels for brewpubs and small brewers; authorizing issuance of temporary licenses to small brewers; authorizing off-sale of growlers by small brewers; clarifying restrictions on location of retail licenses in proximity to certain institutions; providing for uniform off-sale hours statewide; regulating Sunday on-sales; modifying sampling provisions; providing that the on-sale license for Elko Speedway authorizes sales on all days of the week; changing the issuer of a certain license at the state fair; authorizing the city of Duluth to issue a liquor license for Wade Municipal Stadium; authorizing the city of St. Paul to issue a liquor license for special events at the State Capitol; amending Minnesota Statutes 2002, sections 340A.404, subdivision 10; 340A.412, subdivision 4; 340A.504, subdivision 4; 340A.702; Minnesota Statutes 2003 Supplement, sections 340A.301, subdivisions 6, 7; 340A.504, subdivisions 1, 3; 340A.510, subdivision 2; Laws 2003, chapter 126, section 28; Laws 2003, chapter 126, section 29; proposing coding for new law in Minnesota Statutes, chapter 340A.

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 124 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Bernardy	Holberg	Lindner
Anderson, B.	Eastlund	Hornstein	Olson, M.

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

H. F. No. 2069 was reported to the House.

Erickson moved to amend H. F. No. 2069, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 97C.401, is amended by adding a subdivision to read:

Subd. 3. [1837 CEDED TERRITORY FISHERIES COMMITTEE.] Any meeting of the 1837 Ceded Territory Fisheries Committee, created under Protocol No. 1 as a result of Mille Lacs Band v. Minnesota, No. 3-94-1226 (D. Minn. March 29, 1996), must be open to three members of the Lake Mille Lacs Fisheries Input Group."

Howes moved to amend the Erickson amendment to H. F. No. 2069, the first engrossment, as follows:

Page 1, line 10, delete everything after "the" and insert "Muskies Inc. of Minnesota."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the Erickson amendment to H. F. No. 2069, the first engrossment. The motion prevailed and the amendment was adopted.

H. F. No. 2069, A bill for an act relating to game and fish; requiring fisheries committee meetings to be open to certain attendees; amending Minnesota Statutes 2002, section 97C.401, 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 80 yeas and 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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. 2419, A bill for an act relating to real property; providing for certain purchase money mortgages; amending Minnesota Statutes 2002, sections 507.02; 507.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kohls moved that the House concur in the Senate amendments to H. F. No. 2419 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2419, A bill for an act relating to real property; providing for certain purchase money mortgages; providing for certain mortgage foreclosures; amending Minnesota Statutes 2002, sections 507.02; 507.03; 580.04; 580.24; 580.25.

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 93 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hausman	Lenczewski	Ozment	Soderstrom
Abrams	Dorman	Heidgerken	Lindgren	Paulsen	Stang
Adolphson	Dorn	Hilstrom	Lipman	Paymar	Swenson
Anderson, J.	Eken	Hilty	Magnus	Pelowski	Sykora
Beard	Ellison	Holberg	Marquart	Penas	Tingelstad
Biernat	Entenza	Hoppe	McNamara	Powell	Urdahl
Blaine	Erhardt	Hornstein	Meslow	Pugh	Walz
Borrell	Erickson	Howes	Murphy	Rhodes	Wardlow
Boudreau	Finstad	Huntley	Nelson, C.	Ruth	Wasiluk
Bradley	Fuller	Johnson, J.	Nelson, M.	Samuelson	Westrom
Brod	Gerlach	Kelliher	Nelson, P.	Seagren	Wilkin
Cornish	Greiling	Klinzing	Newman	Seifert	Zellers
Cox	Gunther	Knoblach	Nornes	Sieben	Spk. Sviggum
Davids	Haas	Kohls	Olsen, S.	Simpson	
DeLaForest	Hackbarth	Lanning	Opatz	Slawik	
Demmer	Harder	Larson	Osterman	Smith	

Those who voted in the negative were:

Anderson, B.	Davnie	Kahn	Lindner	Peterson	Vandever
Anderson, I.	Eastlund	Koenen	Mahoney	Rukavina	Wagenius
Atkins	Goodwin	Krinkie	Mariani	Sertich	Walker
Bernardy	Jacobson	Kuisle	Mullery	Severson	Westerberg
Buesgens	Jaros	Latz	Olson, M.	Solberg	
Carlson	Johnson, S.	Lesch	Otremba	Thao	
Clark	Juhnke	Lieder	Otto	Thissen	

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

CALENDAR FOR THE DAY

S. F. No. 2342 was reported to the House.

Seifert moved to amend S. F. No. 2342 as follows:

Page 1, after line 7, insert:

"Section 1. [14.112] [LOCAL GOVERNMENT IMPACT.]

Subdivision 1. [REQUEST AND PREPARATION.] The elected governing body of a statutory or home rule city, township, county, school district, soil and water conservation district, or sanitary district may request the commissioner of finance to prepare a local fiscal impact and fiscal benefit note on a rule proposed by a state agency. The request must be made by submitting a resolution of the governing body to the commissioner of finance at least 20 days before a public hearing on a proposed rule is held or, if the agency intends to adopt the rule without a public hearing, at least 20 days before the deadline for requesting a public hearing. Upon receipt of a request, the commissioner of finance must prepare an estimate of the fiscal impact and fiscal benefit of the rule on each category of political subdivision requesting a local impact note. The commissioner may require any political subdivision or state agency to supply information necessary for the commissioner to determine fiscal impact and fiscal benefit. Relevant information submitted by a political subdivision, whether or not requested by the commissioner, must be considered by the commissioner and commented on in the local fiscal impact and fiscal benefit note. The commissioner must prepare the local fiscal impact and fiscal benefit note before the close of the hearing record or, if there is no public hearing, before the agency submits the record to the administrative law judge.

Subd. 2. [FEE.] The commissioner of finance may bill the political subdivision requesting the local fiscal impact and fiscal benefit note up to \$35 per hour for time spent preparing the note. Upon receiving a request for a note from a political subdivision, the commissioner must give the political subdivision an estimate of the fee that the commissioner will charge. The political subdivision may withdraw the request for the note. Upon completion of the note, the requesting political subdivision must pay the fee in the time and manner requested by the commissioner of finance. Fees collected under this subdivision must be deposited in the general fund.

Subd. 3. [EXCLUSION.] This section does not apply to a rule proposed by the Public Utilities Commission."

Page 1, after line 23, insert:

"Sec. 3. [APPROPRIATION.]

\$45,000 is appropriated in fiscal year 2005 from the general fund to the commissioner of finance for purposes of implementing section 1.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2342, A bill for an act relating to county recorders; providing that the county recorder may accept security deposits to guarantee payment of charges; making conforming changes; amending Minnesota Statutes 2002, section 386.78.

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 121 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernardy	Ellison	Hausman	Mullery	Thao	Wagenius
Davnie	Greiling	Jaros	Paymar	Thissen	Walker

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

S. F. No. 2241 was reported to the House.

There being no objection, S. F. No. 2241 was temporarily laid over on the Calendar for the Day.

H. F. No. 2640 was reported to the House.

Holberg and Davids moved to amend H. F. No. 2640, the fourth engrossment, as follows:

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 2002, section 13.82, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the Bureau of Criminal Apprehension, the Minnesota State Patrol, the Board of Peace Officer Standards and Training, the Division of Insurance Fraud Prevention in the Department of Commerce, and ~~the Department of Labor and Industry fraud investigation unit,~~ the program integrity section of, and county human service agency client and provider fraud prevention and control units operated or supervised by the Department of Human Services."

Page 5, lines 12 and 21, before "Department" insert "Division of Insurance Fraud Prevention in the"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Gunther, Mullery, Clark, Mahoney, Osterman, Severson, Lindner and Sertich moved to amend H. F. No. 2640, the fourth engrossment, as amended, as follows:

Page 12, after line 11, insert:

"ARTICLE 3

BARBERS AND COSMETOLOGISTS

Section 1. Minnesota Statutes 2003 Supplement, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

(i) abstracters regulated pursuant to chapter 386;

(ii) accountants regulated pursuant to chapter 326A;

(iii) adjusters regulated pursuant to chapter 72B;

(iv) architects regulated pursuant to chapter 326;

(v) assessors regulated pursuant to chapter 270;

- (vi) athletic trainers regulated pursuant to chapter 148;
- (vii) attorneys regulated pursuant to chapter 481;
- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers and cosmetologists regulated pursuant to chapter 154;
- (x) ~~beauticians regulated pursuant to chapter 155A;~~
- (~~xi~~) boiler operators regulated pursuant to chapter 183;
- (~~xii~~) (xi) chiropractors regulated pursuant to chapter 148;
- (~~xiii~~) (xii) collection agencies regulated pursuant to chapter 332;
- (~~xiv~~) ~~cosmetologists regulated pursuant to chapter 155A;~~
- (~~xv~~) (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (~~xvi~~) (xiv) detectives regulated pursuant to chapter 326;
- (~~xvii~~) (xv) electricians regulated pursuant to chapter 326;
- (~~xviii~~) (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
- (~~xix~~) (xvii) engineers regulated pursuant to chapter 326;
- (~~xx~~) (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (~~xxi~~) (xix) certified interior designers regulated pursuant to chapter 326;
- (~~xxii~~) (xx) midwives regulated pursuant to chapter 147D;
- (~~xxiii~~) (xxi) nursing home administrators regulated pursuant to chapter 144A;
- (~~xxiv~~) (xxii) optometrists regulated pursuant to chapter 148;
- (~~xxv~~) (xxiii) osteopathic physicians regulated pursuant to chapter 147;
- (~~xxvi~~) (xxiv) pharmacists regulated pursuant to chapter 151;
- (~~xxvii~~) (xxv) physical therapists regulated pursuant to chapter 148;
- (~~xxviii~~) (xxvi) physician assistants regulated pursuant to chapter 147A;
- (~~xxix~~) (xxvii) physicians and surgeons regulated pursuant to chapter 147;
- (~~xxx~~) (xxviii) plumbers regulated pursuant to chapter 326;
- (~~xxxi~~) (xxix) podiatrists regulated pursuant to chapter 153;

- ~~(xxxii)~~ (xxx) practical nurses regulated pursuant to chapter 148;
- ~~(xxxiii)~~ (xxxi) professional fund-raisers regulated pursuant to chapter 309;
- ~~(xxxiv)~~ (xxxii) psychologists regulated pursuant to chapter 148;
- ~~(xxxv)~~ (xxxiii) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- ~~(xxxvi)~~ (xxxiv) registered nurses regulated pursuant to chapter 148;
- ~~(xxxvii)~~ (xxxv) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- ~~(xxxviii)~~ (xxxvi) steamfitters regulated pursuant to chapter 326;
- ~~(xxxix)~~ (xxxvii) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- ~~(xl)~~ (xxxviii) veterinarians regulated pursuant to chapter 156;
- ~~(xli)~~ (xxxix) water conditioning contractors and installers regulated pursuant to chapter 326;
- ~~(xlii)~~ (xl) water well contractors regulated pursuant to chapter 103I;
- ~~(xliii)~~ (xli) water and waste treatment operators regulated pursuant to chapter 115;
- ~~(xliv)~~ (xlii) motor carriers regulated pursuant to chapter 221;
- ~~(xlv)~~ (xliii) professional firms regulated under chapter 319B;
- ~~(xlvi)~~ (xliv) real estate appraisers regulated pursuant to chapter 82B;
- ~~(xlvii)~~ (xlv) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- ~~(xlviii)~~ (xlvi) licensed professional counselors regulated pursuant to chapter 148B;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the Pollution Control Agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2002, section 154.01, is amended to read:

154.01 [REGISTRATION MANDATORY.]

(a) No person shall practice, offer to practice, or attempt to practice barbering without a current certificate of registration as a registered barber, issued pursuant to provisions of ~~this chapter~~ sections 154.01 to 154.26 by the Board of Barber and Cosmetologist Examiners.

(b) No person shall serve, offer to serve, or attempt to serve as an apprentice under a registered barber without a current certificate of registration as a registered apprentice or temporary apprentice permit issued pursuant to provisions of ~~this chapter~~ sections 154.01 to 154.26 by the Board of Barber and Cosmetologist Examiners. The registered apprentice shall, prior to or immediately upon issuance of the apprentice's certificate of registration, and immediately after changing employment, advise the board of the name, address, and certificate number of the registered barber under whom the registered apprentice is working.

(c) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber and the owner or operator of the barber shop possesses a current shop registration card, issued under ~~this chapter~~ sections 154.01 to 154.26 by the Board of Barber and Cosmetologist Examiners.

(d) No person shall serve, offer to serve, or attempt to serve as an instructor of barbering without a current certificate of registration as a registered instructor of barbering or a temporary permit as an instructor of barbering, as provided for the board by rule, issued under ~~this chapter~~ sections 154.01 to 154.26 by the Board of Barber and Cosmetologist Examiners.

(e) No person shall operate a barber school unless the owner or operator possesses a current certificate of registration as a barber school, issued under ~~this chapter~~ sections 154.01 to 154.26 by the Board of Barber and Cosmetologist Examiners.

Sec. 3. Minnesota Statutes 2002, section 154.02, is amended to read:

154.02 [WHAT CONSTITUTES BARBERING.]

Any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of ~~this chapter~~ sections 154.01 to 154.26: to shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward received by the person performing such service or any other person; to give facial and scalp massage or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

Sec. 4. Minnesota Statutes 2002, section 154.03, is amended to read:

154.03 [APPRENTICES MAY BE EMPLOYED.]

A registered apprentice may practice barbering only if the registered apprentice is, at all times, under the immediate personal supervision of a registered barber and is in compliance with ~~this chapter~~ sections 154.01 to 154.26 and the rules of the board.

Sec. 5. Minnesota Statutes 2002, section 154.04, is amended to read:

154.04 [PERSONS EXEMPT FROM REGISTRATION.]

The following persons are exempt from the provisions of ~~this chapter~~ sections 154.01 to 154.26 while in the proper discharge of their professional duties:

- (1) persons authorized by the law of this state to practice medicine, surgery, osteopathy, and chiropractic;
- (2) commissioned medical or surgical officers of the United States armed services;
- (3) registered nurses, licensed practical nurses, and nursing aides performing services under the direction and supervision of a registered nurse, provided, however, that no additional compensation shall be paid for such service and patients who are so attended shall not be charged for barbering;
- (4) ~~persons practicing beauty culture cosmetologists~~, provided, however, that ~~persons practicing beauty culture cosmetologists~~ shall not hold themselves out as barbers or, except in the case of manicurists, practice their occupation in a barber shop; and
- (5) persons who perform barbering services for charitable purposes in nursing homes, shelters, missions, or other similar facilities, provided, however, that no direct or indirect compensation is received for the services, and that persons who receive barbering services are not charged for the services.

Sec. 6. Minnesota Statutes 2002, section 154.06, is amended to read:

154.06 [WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED APPRENTICE.]

A person is qualified to receive a certificate of registration as a registered apprentice:

- (1) who has completed at least ten grades of an approved school;
- (2) who has graduated from a barber school approved by the board; and
- (3) who has passed an examination conducted by the board to determine fitness to practice as a registered apprentice.

An applicant for a certificate of registration to practice as an apprentice who fails to pass the examination conducted by the board is required to complete a further course of study of at least 500 hours, of not more than eight hours in any one working day, in a barber school approved by the board.

A certificate of registration of an apprentice shall be valid for four years from the date the certificate of registration is issued by the board and shall not be renewed. During ~~such~~ the four-year period the certificate of registration shall remain in full force and effect only if the apprentice complies with all the provisions of ~~this chapter, as amended~~ sections 154.01 to 154.26, including the payment of an annual fee, and the rules of the board.

If ~~any~~ a registered apprentice ~~shall~~, during the term in which the certificate of registration is in effect, ~~enter full time~~ enters full-time active duty in the armed forces of the United States of America, the expiration date of the certificate of registration shall be extended by a period of time equal to the period or periods of active duty.

Sec. 7. Minnesota Statutes 2002, section 154.07, as amended by Laws 2003, chapter 130, section 12, is amended to read:

154.07 [BARBER SCHOOLS; REQUIREMENTS.]

Subdivision 1. [ADMISSION REQUIREMENTS; COURSE OF INSTRUCTION.] No barber school shall be approved by the board unless it requires, as a prerequisite to admission ~~thereto~~, ten grades of an approved school or its equivalent, as determined by an examination conducted by the commissioner of education, which shall issue a certificate that the student has passed the required examination, and unless it requires, as a prerequisite to graduation, a course of instruction of at least 1,500 hours, of not more than eight hours in any one working day; ~~such~~. The course of instruction ~~to~~ must include the following subjects: scientific fundamentals for barbering; hygiene; practical study of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, and glands; massaging and manipulating the muscles of the face and neck; haircutting; shaving, ~~and~~ trimming the beard; bleaching, tinting and dyeing the hair; and the chemical straightening of hair.

Subd. 3. [COSTS.] It ~~shall be~~ is permissible for barber schools to make a reasonable charge for materials used and services rendered by students for work done in ~~such~~ the schools by students.

Subd. 3a. [NUMBER OF INSTRUCTORS.] There ~~shall~~ must be one registered instructor of barbering for every 17 students or minor fraction in excess of 17. ~~No~~ Instruction ~~shall~~ must not be performed by persons not possessing a certificate of registration as an instructor of barbering or a temporary permit as an instructor of barbering.

Subd. 4. [BUILDING REQUIREMENTS.] Each barber school ~~shall~~ must be conducted and operated in one building, or in connecting buildings, and ~~no~~ a barber school ~~shall~~ must not have any department or branch in a building completely separated or removed from the remainder of the barber school.

Subd. 5. [OWNER'S REQUIREMENTS.] Any person may own and operate a barber school if the person has had six years' continuous experience as a barber, provided the person first secures from the board an annual certificate of registration as a barber school, keeps it prominently displayed, and before commencing business:

(1) files with the secretary of state a bond to the state approved by the attorney general in the sum of \$25,000, conditioned upon the faithful compliance of the barber school with ~~all the provisions herein~~ sections 154.01 to 154.26, and to pay all judgments that may be obtained against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit practiced by them or their agents; and

(2) keeps prominently displayed on the exterior a substantial sign indicating that the establishment is a barber school.

Subd. 5a. [STUDENT PERMITS.] All barber schools upon receiving students shall immediately apply to the board for student permits upon forms for that purpose furnished by the board.

Subd. 5b. [DESIGNATED OPERATOR.] When a person who owns a barber school does not meet the requirements of this section to operate a barber school, the owner shall notify the board in writing and under oath of the identity of the person designated to operate the barber school and shall notify the board of any change of operator by telephone within 24 hours of such change, exclusive of Saturdays, Sundays, and legal holidays, and shall notify the board in writing and under oath within 72 hours of such change.

Subd. 6. [OPERATION BY TECHNICAL COLLEGE OR STATE INSTITUTION.] A public technical college or a state institution may operate a barber school provided it has in its employment a qualified instructor holding a current certificate of registration as a barber instructor and provided that it secures from the board ~~of Barber~~

~~Examiners~~ an annual certificate of registration and does so in accordance with ~~this chapter~~ sections 154.01 to 154.26 and the rules of the board for barber schools but without the requirement to file a performance bond with the secretary of state.

Sec. 8. Minnesota Statutes 2002, section 154.08, is amended to read:

154.08 [APPLICATION; FEE.]

Each applicant for an examination shall:

(1) make application to the Board of Barber and Cosmetologist Examiners on blank forms prepared and furnished by it, ~~such~~ the application to contain proof under the applicant's oath of the particular qualifications of the applicant;

(2) furnish to the board two five inch x three inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination; and

(3) pay to the board the required fee.

Sec. 9. Minnesota Statutes 2002, section 154.11, is amended to read:

154.11 [EXAMINATION OF NONRESIDENT BARBERS AND INSTRUCTORS OF BARBERING; TEMPORARY APPRENTICE PERMITS.]

Subdivision 1. [EXAMINATION OF NONRESIDENTS.] A person who meets all of the requirements for ~~licensure~~ barber registration in ~~this chapter~~ sections 154.01 to 154.26 and either has a license, certificate of registration, or an equivalent as a practicing barber or instructor of barbering from another state or country which in the discretion of the board has substantially the same requirements for ~~licensing or~~ registering barbers and instructors of barbering as required by ~~this chapter~~ sections 154.01 to 154.26 or can prove by sworn affidavits practice as a barber or instructor of barbering in another state or country for at least five years immediately prior to making application in this state, shall, upon payment of the required fee, be issued a certificate of registration without examination, provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.

Subd. 2. [TEMPORARY APPRENTICE PERMITS FOR NONRESIDENTS.] Any person who qualifies for examination as a registered barber under this section may apply for a temporary apprentice permit which is effective no longer than six months. All persons holding a temporary apprentice permit are subject to all provisions of ~~this chapter~~ sections 154.01 to 154.26 and the rules adopted by the board under ~~it~~ those sections concerning the conduct and obligations of registered apprentices.

Sec. 10. Minnesota Statutes 2002, section 154.12, is amended to read:

154.12 [EXAMINATION OF NONRESIDENT APPRENTICES.]

A person who meets all of the requirements for ~~licensure~~ registration as a barber in ~~this chapter~~ sections 154.01 to 154.26 and who has a license, a certificate of registration, or ~~their~~ its equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by ~~this chapter~~ sections 154.01 to 154.26, shall, upon payment of the required fee, be issued a certificate of registration without examination, provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.

Sec. 11. Minnesota Statutes 2002, section 154.161, subdivision 2, is amended to read:

Subd. 2. [LEGAL ACTIONS.] (a) When necessary to prevent an imminent violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce, the board, or a complaint committee if authorized by the board, may bring an action in the name of the state in the District Court of Ramsey County in which jurisdiction is proper to enjoin the act or practice and to enforce compliance with the statute, rule, or order. On a showing that a person has engaged in or is about to engage in an act or practice that constitutes a violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce, the court shall grant a permanent or temporary injunction, restraining order, or other appropriate relief.

(b) For purposes of injunctive relief under this subdivision, irreparable harm exists when the board shows that a person has engaged in or is about to engage in an act or practice that constitutes violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce.

(c) Injunctive relief granted under paragraph (a) does not relieve an enjoined person from criminal prosecution by a competent authority, or from action by the board under subdivision 3, 4, 5, or 6 with respect to the person's license registration, certificate, or application for examination, license registration, or renewal.

Sec. 12. Minnesota Statutes 2002, section 154.161, subdivision 4, is amended to read:

Subd. 4. [LICENSE REGISTRATION ACTIONS.] (a) With respect to a person who is a holder of or applicant for a licensee registration or a shop registration card under ~~this chapter~~ sections 154.01 to 154.26, the board may by order deny, refuse to renew, suspend, temporarily suspend, or revoke the application, certificate of registration, or shop registration card, censure or reprimand the person, refuse to permit the person to sit for examination, or refuse to release the person's examination grades, if the board finds that such an order is in the public interest and that, based on a preponderance of the evidence presented, the person has:

- (1) violated a statute, rule, or order that the board has adopted or issued or is empowered to enforce;
- (2) engaged in conduct or acts that are fraudulent, deceptive, or dishonest, whether or not the conduct or acts relate to the practice of barbering, if the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of barbering;
- (3) engaged in conduct or acts that constitute malpractice, are negligent, demonstrate incompetence, or are otherwise in violation of the standards in the rules of the board, where the conduct or acts relate to the practice of barbering;
- (4) employed fraud or deception in obtaining a certificate of registration, shop registration card, renewal, or reinstatement, or in passing all or a portion of the examination;
- (5) had a certificate of registration or shop registration card, right to examine, or other similar authority revoked in another jurisdiction;
- (6) failed to meet any requirement for issuance or renewal of the person's certificate of registration or shop registration card;
- (7) practiced as a barber while having an infectious or contagious disease;
- (8) advertised by means of false or deceptive statements;

(9) demonstrated intoxication or indulgence in the use of drugs, including but not limited to narcotics as defined in section 152.01 or in United States Code, title 26, section 4731, barbiturates, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;

(10) demonstrated unprofessional conduct or practice;

(11) permitted an employee or other person under the person's supervision or control to practice as a registered barber, registered apprentice, or registered instructor of barbering unless that person has (i) a current certificate of registration as a registered barber, registered apprentice, or registered instructor of barbering, (ii) a temporary apprentice permit, or (iii) a temporary permit as an instructor of barbering;

(12) practices, offered to practice, or attempted to practice by misrepresentation;

(13) failed to display a certificate of registration as required by section 154.14;

(14) used any room or place of barbering that is also used for any other purpose, or used any room or place of barbering that violates the board's rules governing sanitation;

(15) in the case of a barber, apprentice, or other person working in or in charge of any barber shop, or any person in a barber school engaging in the practice of barbering, failed to use separate and clean towels for each customer or patron, or to discard and launder each towel after being used once;

(16) in the case of a barber or other person in charge of any barber shop or barber school, (i) failed to supply in a sanitary manner clean hot and cold water in quantities necessary to conduct the shop or barbering service for the school, (ii) failed to have water and sewer connections from the shop or barber school with municipal water and sewer systems where they are available for use, or (iii) failed or refused to maintain a receptacle for hot water of a capacity of at least five gallons;

(17) refused to permit the board to make an inspection permitted or required by ~~this chapter~~ sections 154.01 to 154.26, or failed to provide the board or the attorney general on behalf of the board with any documents or records they request;

(18) failed promptly to renew a certificate of registration or shop registration card when remaining in practice, pay the required fee, or issue a worthless check;

(19) failed to supervise a registered apprentice or temporary apprentice, or permitted the practice of barbering by a person not registered with the board or not holding a temporary permit;

(20) refused to serve a customer because of race, color, creed, religion, disability, national origin, or sex;

(21) failed to comply with a provision of chapter 141 or a provision of another chapter that relates to barber schools; or

(22) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that the board, or complaint committee if authorized by the board, has determined may result or may have resulted in an immediate threat to the public.

(b) In lieu of or in addition to any remedy under paragraph (a), the board may as a condition of continued registration, termination of suspension, reinstatement of registration, examination, or release of examination results, require that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in a manner and by a person or entity that the board determines; or

(2) complete to the board's satisfaction continuing education as the board requires.

(c) Service of an order under this subdivision is effective if the order is served personally on, or is served by certified mail to the most recent address provided to the board by, the ~~licensee~~, certificate holder, applicant, or counsel of record. The order must state the reason for the entry of the order.

(d) Except as provided in subdivision 5, paragraph (c), all hearings under this subdivision must be conducted in accordance with the Administrative Procedure Act.

Sec. 13. Minnesota Statutes 2002, section 154.161, subdivision 5, is amended to read:

Subd. 5. [TEMPORARY SUSPENSION.] (a) When the board, or complaint committee if authorized by the board, issues a temporary suspension order, the suspension provided for in the order is effective on service of a written copy of the order on the ~~licensee~~, certificate holder, or counsel of record. The order must specify the statute, rule, or order violated by the ~~licensee~~ or certificate holder. The order remains in effect until the board issues a final order in the matter after a hearing, or on agreement between the board and the ~~licensee~~ or certificate holder.

(b) An order under this subdivision may (1) prohibit the ~~licensee~~ or certificate holder from engaging in the practice of barbering in whole or in part, as the facts require, and (2) condition the termination of the suspension on compliance with a statute, rule, or order that the board has adopted or issued or is empowered to enforce. The order must state the reasons for entering the order and must set forth the right to a hearing as provided in this subdivision.

(c) Within ten days after service of an order under this subdivision the ~~licensee~~ or certificate holder may request a hearing in writing. The board must hold a hearing before its own members within five working days of the request for a hearing. The sole issue at such a hearing must be whether there is a reasonable basis to continue, modify, or terminate the temporary suspension. The hearing is not subject to the Administrative Procedure Act. Evidence presented to the board or the ~~licensee~~ or certificate holder may be in affidavit form only. The ~~licensee~~, certificate holder, or counsel of record may appear for oral argument.

(d) Within five working days after the hearing, the board shall issue its order and, if the order continues the suspension, shall schedule a contested case hearing within 30 days of the issuance of the order. Notwithstanding any rule to the contrary, the administrative law judge shall issue a report within 30 days after the closing of the contested case hearing record. The board shall issue a final order within 30 days of receiving the report.

Sec. 14. Minnesota Statutes 2002, section 154.161, subdivision 7, is amended to read:

Subd. 7. [REINSTATEMENT.] The board may reinstate a suspended, revoked, or surrendered certificate of registration or shop registration card, on petition of the former or suspended registrant. The board may in its sole discretion place any conditions on reinstatement of a suspended, revoked, or surrendered certificate of registration or shop registration card that it finds appropriate and necessary to ensure that the purposes of ~~this chapter~~ sections 154.01 to 154.26 are met. No certificate of registration or shop registration card may be reinstated until the former registrant has completed at least one-half of the suspension period.

Sec. 15. Minnesota Statutes 2002, section 154.18, is amended to read:

154.18 [FEES.]

(a) The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid in advance by September 1 of the year in which they are due to the executive secretary of the board. The executive secretary shall deposit the fees in the general fund in the state treasury, to be disbursed by the executive secretary on the order of the chair in payment of expenses lawfully incurred by the board.

(b) The board shall charge the following fees:

(1) examination and certificate, registered barber, \$65;

(2) examination and certificate, apprentice, \$60;

(3) examination, instructor, \$160;

(4) certificate, instructor, \$45;

(5) temporary teacher or apprentice permit, \$50;

(6) renewal of license, registered barber, \$50;

(7) renewal of license, apprentice, \$45;

(8) renewal of license, instructor, \$60;

(9) renewal of temporary teacher permit, \$35;

(10) student permit, \$25;

(11) initial shop registration, \$60;

(12) initial school registration, \$1,010;

(13) renewal shop registration, \$60;

(14) renewal school registration, \$260;

(15) restoration of registered barber license, \$75;

(16) restoration of apprentice license, \$70;

(17) restoration of shop registration, \$85;

(18) change of ownership or location, \$35;

(19) duplicate license, \$20; and

(20) home study course, \$75.

Sec. 16. Minnesota Statutes 2002, section 154.19, is amended to read:

154.19 [VIOLATIONS.]

Each of the following constitutes a misdemeanor:

(1) The violation of any of the provisions of section 154.01;

(2) Permitting any person in one's employ, supervision, or control to practice as a registered barber or registered apprentice unless that person has a certificate of registration as a registered barber or registered apprentice;

(3) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation;

(4) Practicing or attempting to practice by fraudulent misrepresentation;

(5) The willful failure to display a certificate of registration as required by section 154.14;

(6) The use of any room or place for barbering which is also used for residential or business purposes, except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package, and such commodities as are used and sold in barber shops, and except that shoe-shining and an agency for the reception and delivery of laundry, or either, may be conducted in a barber shop without the same being construed as a violation of this section, unless a substantial partition of ceiling height separates the portion used for residential or business purposes, and where a barber shop is situated in a residence, poolroom, confectionery, store, restaurant, garage, clothing store, liquor store, hardware store, or soft drink parlor, there must be an outside entrance leading into the barber shop independent of any entrance leading into such business establishment, except that this provision as to an outside entrance shall not apply to barber shops in operation at the time of the passage of this ~~chapter~~ section and except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by partition of ceiling height;

(7) The failure or refusal of any barber or other person in charge of any barber shop, or any person in barber schools or colleges doing barber service work, to use separate and clean towels for each customer or patron, or to discard and launder each towel after once being used;

(8) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college, in a sanitary manner, or the failure or refusal of any such person to have water and sewer connections from such shop, or barber school or college, with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of not less than five gallons;

(9) For the purposes of ~~this chapter~~ sections 154.01 to 154.26, barbers, students, apprentices, or the proprietor or manager of a barber shop, or barber school or barber college, shall be responsible for all violations of the sanitary provisions of ~~this chapter~~ sections 154.01 to 154.26, and if any barber shop, or barber school or barber college, upon inspection, shall be found to be in an unsanitary condition, the person making such inspection shall immediately issue an order to place the barber shop, or barber school, or barber college, in a sanitary condition, in a manner and within a time satisfactory to the Board of Barber and Cosmetologist Examiners, and for the failure to comply with such order the board shall immediately file a complaint for the arrest of the persons upon whom the order was issued, and any ~~licensed~~ registered barber who shall fail to comply with the rules adopted by the Board of Barber and Cosmetologist Examiners, with the approval of the state commissioner of health, or the violation or commission of any of the offenses described in section 154.16, clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), and of clauses (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this section, shall be fined not less than \$10 or imprisoned for ten days and not more than \$100 or imprisoned for 90 days.

Sec. 17. Minnesota Statutes 2002, section 154.21, is amended to read:

154.21 [PERJURY.]

The willful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of ~~this chapter~~ sections 154.01 to 154.26 is perjury and punishable as such.

Sec. 18. Minnesota Statutes 2002, section 154.22, is amended to read:

154.22 [BOARD OF BARBER AND COSMETOLOGIST EXAMINERS CREATED; TERMS.]

(a) A Board of Barber and Cosmetologist Examiners is established to consist of ~~four~~ three barber members, three cosmetologist members, and one public member, as defined in section 214.02, appointed by the governor. ~~Three of such~~

(b) The barber members shall be persons who have practiced as a registered ~~barber~~ barbers in this state for at least five years immediately prior to their appointment; shall be graduates from the 12th grade of a high school or have equivalent education, and shall have knowledge of the matters to be taught in registered barber schools, as set forth in section 154.07. ~~The remaining member of the board shall be a public member as defined by section 214.02.~~ One of the members shall be a member of, or recommended by, a union of journeymen barbers ~~which shall have that~~ has existed at least two years, and one shall be a member of, or recommended by, a professional organization of barbers.

(c) All members must be currently licensed in the state of Minnesota, have practiced in the licensed occupation for at least five years immediately prior to their appointment, be graduates from the 12th grade of high school or have equivalent education, and have knowledge of sections 155A.01 to 155A.16 and Minnesota Rules, chapters 2642 and 2644. The members shall be members of, or recommended by, a professional organization of cosmetologists, manicurists, or estheticians.

(d) Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

(e) Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors.

(f) The barber members of the board shall separately oversee administration, enforcement, and regulation of, and adoption of rules under, sections 154.01 to 154.26. The cosmetologist members of the board shall separately oversee administration, enforcement, and regulation of, and adoption of rules under, sections 155A.01 to 155A.16. Staff hired by the board, including inspectors, shall serve both professions.

Sec. 19. Minnesota Statutes 2002, section 154.23, is amended to read:

154.23 [OFFICERS; COMPENSATION; FEES; EXPENSES.]

The Board of Barber and Cosmetologist Examiners shall annually elect a chair and secretary. It shall adopt and use a common seal for the authentication of its orders and records. The board shall appoint an executive secretary who shall not be a member of the board and who shall be in the unclassified civil service.

The executive secretary shall keep a record of all proceedings of the board. The expenses of administering ~~sections 154.01 to 154.26~~ this chapter shall be paid from the appropriations made to the Board of Barber and Cosmetologist Examiners.

Each member of the board shall take the oath provided by law for public officers.

A majority of the board, in meeting assembled, may perform and exercise all the duties and powers devolving upon the board.

The members of the board shall receive compensation for each day spent on board activities, but not to exceed 20 days in any calendar month nor 100 days in any calendar year.

The board shall have authority to employ such inspectors, clerks, deputies, and other assistants as it may deem necessary to carry out the provisions of this chapter.

Sec. 20. Minnesota Statutes 2002, section 154.24, is amended to read:

154.24 [RULES.]

The Board of Barber and Cosmetologist Examiners shall have authority to make reasonable rules for the administration of the provisions of ~~this chapter~~ sections 154.01 to 154.26 and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the state commissioner of health. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules adopted by the board shall be furnished by it to the owner or manager of each barber shop or barber school and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall contain the name, place of business and residence of each registered barber and registered apprentice, and the date and number of the certificate of registration. This record shall be open to public inspection at all reasonable times.

Sec. 21. Minnesota Statutes 2002, section 154.25, is amended to read:

154.25 [NOT TO SERVE CERTAIN PERSONS.]

No person practicing the occupation of a barber in any barber shop, barber school, or college in this state shall knowingly serve a person afflicted, in a dangerous or infectious state of the disease, with erysipelas, eczema, impetigo, sycosis, tuberculosis, or any other contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school, or college in this state. Any violation of this section shall be considered a misdemeanor as provided for in ~~this chapter~~ sections 154.01 to 154.26.

Sec. 22. Minnesota Statutes 2002, section 155A.01, is amended to read:

155A.01 [POLICY.]

The legislature finds that the health and safety of the people of the state are served by the licensing of the practice of cosmetology because of the use of chemicals, apparatus, and other appliances requiring special skills and education.

To this end, the public will best be served by vesting these responsibilities in the ~~commissioner of commerce~~ Board of Barber and Cosmetologist Examiners.

Sec. 23. Minnesota Statutes 2002, section 155A.02, is amended to read:

155A.02 [PROHIBITION; LIMITATION.]

It shall be unlawful for any person to engage in cosmetology, or to conduct or operate a cosmetology school or salon, except as ~~hereinafter~~ provided in sections 155A.03 to 155A.16.

Sec. 24. Minnesota Statutes 2002, section 155A.03, subdivision 1, is amended to read:

Subdivision 1. [TERMS.] For purposes of ~~this chapter~~ sections 155A.03 to 155A.26, and unless the context clearly requires otherwise, the words defined in this section have the meanings given them.

Sec. 25. Minnesota Statutes 2002, section 155A.03, is amended by adding a subdivision to read:

Subd. 1a. [BOARD.] "Board" means the Board of Barber and Cosmetologist Examiners.

Sec. 26. Minnesota Statutes 2002, section 155A.03, subdivision 2, is amended to read:

Subd. 2. [COSMETOLOGY.] "Cosmetology" is the practice of personal services, for compensation, for the cosmetic care of the hair, nails, and skin. These services include cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in the areas of the head, scalp, face, arms, hands, legs, and feet, except where these services are performed by a ~~licensed barber under chapter 154~~ sections 154.01 to 154.26.

Sec. 27. Minnesota Statutes 2002, section 155A.03, is amended by adding a subdivision to read:

Subd. 4a. [LICENSED PRACTICE.] "Licensed practice" means the practice of cosmetology in a licensed salon or the practice of an esthetician in a licensed physician's office.

Sec. 28. Minnesota Statutes 2002, section 155A.03, subdivision 7, is amended to read:

Subd. 7. [SALON.] A "salon" is an area, room, or rooms employed to offer personal services, as defined in subdivision 2. "Salon" does not include the home of a customer but the ~~commissioner~~ board may adopt health and sanitation rules governing practice in the homes of customers.

Sec. 29. Minnesota Statutes 2002, section 155A.045, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE.] The fee schedule for licensees is as follows:

(a) Three-year license fees:

(1) cosmetologist, manicurist, esthetician, ~~\$45~~ \$90 for each initial license, and ~~\$30~~ \$60 for each renewal;

(2) instructor, manager, ~~\$60~~ \$120 for each initial license, and ~~\$45~~ \$90 for each renewal;

(3) licensed physician's office, \$130 for each initial license, and \$100 for each renewal;

(4) salon, \$65 \$130 for each initial license, and \$50 \$100 for each renewal; and

~~(4)~~ (5) school, ~~\$750~~ \$1,500.

(b) Penalties:

(1) reinspection fee, variable; and

(2) manager with lapsed practitioner, \$25.

(c) Administrative fees:

(1) certificate of identification, \$20; and

(2) school original application, \$150.

(d) All fees established in this subdivision must be paid to the executive secretary of the board on or before September 1 of the year in which they become due. The executive secretary of the board shall deposit the fees in the general fund in the state treasury, to be disbursed by the executive secretary on the order of the chair in payment of expenses lawfully incurred by the board.

Sec. 30. Minnesota Statutes 2002, section 155A.05, is amended to read:

155A.05 [RULES.]

The ~~commissioner~~ board may develop and adopt rules according to chapter 14 that the ~~commissioner~~ board considers necessary to carry out ~~this chapter~~ sections 155A.01 to 155A.16.

Sec. 31. Minnesota Statutes 2002, section 155A.07, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS.] Qualifications for licensing in each classification shall be determined by the ~~commissioner~~ board and established by rule, and shall include educational and experiential prerequisites. The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.

Sec. 32. Minnesota Statutes 2002, section 155A.07, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS.] Persons licensed to provide cosmetology services in other states visiting this state for cosmetology demonstrations shall be exempted from the licensing provisions of ~~this chapter~~ sections 155A.01 to 155A.16 if services to consumers are in the physical presence of a licensed cosmetologist.

Sec. 33. Minnesota Statutes 2002, section 155A.07, is amended by adding a subdivision to read:

Subd. 10. [NONRESIDENT LICENSES.] A nonresident cosmetologist, manicurist, or esthetician may be licensed in Minnesota if the individual has completed cosmetology school in a state or country with the same or greater school hour requirements, has an active license in that state or country, and has passed the Minnesota-specific written operator examination for cosmetologist, manicurist, or esthetician. If a test is used to verify the qualifications of trained cosmetologists, the test should be translated into their native language within the limits of available resources. Licenses shall not be issued under this subdivision for managers or instructors.

Sec. 34. Minnesota Statutes 2002, section 155A.08, subdivision 1, is amended to read:

Subdivision 1. [LICENSING.] Any person who offers cosmetology services for compensation in this state shall be licensed as a salon if not employed by another licensed salon or as an esthetician in a licensed physician's area.

Sec. 35. Minnesota Statutes 2002, section 155A.08, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS.] (a) The conditions and process by which a salon is licensed shall be established by the ~~commissioner~~ board by rule. In addition to those requirements, no license shall be issued unless the ~~commissioner~~ board first determines that ~~paragraphs (a) to (e)~~ the conditions in clauses (1) to (5) have been satisfied:

~~(a)~~ (1) compliance with all local and state laws, particularly relating to matters of sanitation, health, and safety;

(b) (2) the employment of a manager, as defined in section 155A.03, subdivision 6;

(c) (3) inspection and licensing prior to the commencing of business;

(d) (4) if applicable, evidence of compliance with section 176.182; and

(e) (5) evidence of continued professional liability insurance coverage of at least \$25,000 for each claim and \$50,000 total coverage for each policy year for each operator.

(b) A licensed esthetician or manicurist who complies with the health, safety, sanitation, inspection, and insurance rules promulgated by the ~~commissioner~~ board to operate a salon solely for the performance of those personal services defined in section 155A.03, subdivision 4, in the case of an esthetician, or subdivision 5, in the case of a manicurist.

Sec. 36. Minnesota Statutes 2002, section 155A.08, subdivision 3, is amended to read:

Subd. 3. [HEALTH AND SANITARY STANDARDS.] Minimum health and sanitary standards for the operation of a salon shall be established by rule. A salon shall not be located in a room used for residential purposes. If a salon is in the residence of a person practicing cosmetology, the rooms used for the practice of cosmetology shall be completely partitioned off from the living quarters. The salon may be inspected as often as the ~~commissioner~~ board considers necessary to affirm compliance.

Sec. 37. Minnesota Statutes 2002, section 155A.09, is amended to read:

155A.09 [SCHOOLS.]

Subdivision 1. [LICENSING.] Any person who establishes or conducts a school in this state shall be licensed.

Subd. 2. [STANDARDS.] The ~~commissioner~~ board shall by rule establish minimum standards of course content and length specific to the educational preparation prerequisite to testing and licensing as cosmetologist, esthetician, and manicurist.

Subd. 3. [APPLICATIONS.] Application for a license shall be prepared on forms furnished by the ~~commissioner~~ board and shall contain the following and such other information as may be required:

(a) (1) The name of the school, together with ownership and controlling officers, members, and managing employees ~~and commissioner~~;

(b) (2) The specific fields of instruction which will be offered and reconciliation of the course content and length to meet the minimum standards, as prescribed in subdivision 2;

(c) (3) The place or places where instruction will be given;

(d) (4) A listing of the equipment available for instruction in each course offered;

(e) (5) The maximum enrollment to be accommodated;

(f) (6) A listing of instructors, all of whom shall be licensed as provided in section 155A.07, subdivision 2, except that any school may use occasional instructors or lecturers who would add to the general or specialized knowledge of the students but who need not be licensed;

~~(g)~~ (7) A current balance sheet, income statement or documentation to show sufficient financial worth and responsibility to properly conduct a school and to assure financial resources ample to meet the school's financial obligations;

~~(h)~~ (8) Other financial guarantees which would assure protection of the public as determined by rule; and

~~(i)~~ (9) A copy of all written material which the school uses to solicit prospective students, including but not limited to a tuition and fee schedule, and all catalogues, brochures and other recruitment advertisements. Each school shall annually, on a date determined by the ~~commissioner board~~, file with the ~~director board~~ any new or amended materials which it has distributed during the past year.

Subd. 4. [VERIFICATION OF APPLICATION.] Each application shall be signed and certified to under oath by the proprietor if the applicant is a proprietorship, by the managing partner if the applicant is a partnership, or by the authorized officers of the applicant if the applicant is a corporation, association, company, firm, society or trust.

Subd. 5. [CONDITIONS PRECEDENT TO ISSUANCE.] ~~No~~ A license ~~shall~~ must not be issued unless the ~~commissioner board~~ first determines:

~~(a)~~ that the applicant has met the requirements in clauses (1) to (8).

~~(1)~~ The applicant ~~has~~ must have a sound financial condition with sufficient resources available to meet the school's financial obligations; to refund all tuition and other charges, within a reasonable period of time, in the event of dissolution of the school or in the event of any justifiable claims for refund against the school; to provide adequate service to its students and prospective students; and ~~for the~~ to maintain proper use and support of the school ~~to be maintained.~~

~~(b) That~~ (2) The applicant ~~has~~ must have satisfactory training facilities with sufficient tools and equipment and the necessary number of work stations to adequately train the students currently enrolled, and those proposed to be enrolled;

~~(c) That~~ (3) The applicant ~~employs~~ must employ a sufficient number of qualified instructors trained by experience and education to give the training contemplated;

~~(d) That~~ (4) The premises and conditions under which the students work and study ~~are~~ must be sanitary, healthful, and safe according to modern standards;

~~(e) That~~ (5) Each occupational course or program of instruction or study ~~shall~~ must be of such quality and content as to provide education and training which will adequately prepare enrolled students for testing, licensing, and entry level positions as a cosmetologist, esthetician, or manicurist;

~~(f) Evidence of~~ (6) The school's ~~school~~ must have coverage by professional liability insurance of at least \$25,000 per incident and an accumulation of \$150,000 for each premium year;

~~(g)~~ (7) The applicant shall provide evidence of the school's compliance with section 176.182; ~~and.~~

~~(h)~~ (8) The applicant, except the state and its political subdivisions as described in section 471.617, subdivision 1, shall file with the ~~commissioner board~~ a continuous corporate surety bond in the amount of \$10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant

with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed \$10,000. The surety of the bond may cancel it upon giving 60 days' notice in writing to the ~~commissioner~~ board and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subd. 6. [FEES; RENEWALS.] (a) Applications for initial license under ~~this chapter~~ sections 155A.01 to 155A.16 shall be accompanied by a nonrefundable application fee set forth in section 155A.045.

(b) License duration shall be three years. Each renewal application shall be accompanied by a nonrefundable renewal fee set forth in section 155A.045.

(c) Application for renewal of license shall be made as provided in rules adopted by the ~~commissioner~~ board and on forms supplied by the ~~commissioner~~ board.

Subd. 7. [INSPECTIONS.] All schools may be inspected as often as the ~~commissioner~~ board considers necessary to affirm compliance. The ~~commissioner~~ board shall have the authority to assess the cost of the inspection to the school.

Subd. 8. [LIST OF LICENSED SCHOOLS; AVAILABILITY.] The ~~commissioner~~ board shall maintain and make available to the public a list of licensed schools.

Subd. 9. [SEPARATION OF SCHOOL AND PROFESSIONAL DEPARTMENTS.] A school shall display in the entrance reception room of its student section a sign prominently and conspicuously indicating that all work therein is done exclusively by students. Professional departments of a school shall be run as entirely separate and distinct businesses and shall have separate entrances.

Nothing contained in ~~this chapter~~ sections 155A.01 to 155A.16 shall prevent a school from charging for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All of the student work shall be prominently and conspicuously advertised and held forth as being student work and not otherwise.

Subd. 10. [DISCRIMINATION PROHIBITED.] No school, duly approved under ~~this chapter~~ sections 155A.01 to 155A.16, shall refuse to teach any student, otherwise qualified, on account of race, sex, creed, color, citizenship, national origin, or sexual preference.

Sec. 38. Minnesota Statutes 2002, section 155A.095, is amended to read:

155A.095 [INSPECTIONS.]

The ~~commissioner~~ board is responsible for inspecting salons and schools licensed pursuant to ~~this chapter~~ sections 155A.01 to 155A.16 to assure compliance with the requirements of ~~this chapter~~ sections 155A.01 to 155A.16. The ~~commissioner~~ board shall direct ~~department~~ board resources first to the inspection of those licensees who fail to meet the requirements of law, have indicated that they present a greater risk to the public, or have otherwise, in the opinion of the ~~commissioner~~ board, demonstrated that they require a greater degree of regulatory attention.

Sec. 39. Minnesota Statutes 2002, section 155A.10, is amended to read:

155A.10 [DISPLAY OF LICENSE.]

(a) Every holder of a license granted by the ~~commissioner~~ board shall display it in a conspicuous place in the place of business.

(b) Notwithstanding the provisions of paragraph (a), nothing contained in ~~this chapter~~ sections 155A.01 to 155A.16 shall be construed to prohibit a person licensed to provide cosmetology services from engaging in any practices defined in ~~this chapter~~ sections 155A.01 to 155A.16 in the homes of customers or patrons, under the sanitary and health rules promulgated by the ~~commissioner~~ board.

Sec. 40. Minnesota Statutes 2002, section 155A.135, is amended to read:

155A.135 [ENFORCEMENT.]

The provisions of section 45.027 apply to the administration of ~~this chapter~~ sections 155A.01 to 155A.16.

Sec. 41. Minnesota Statutes 2002, section 155A.14, is amended to read:

155A.14 [SERVICES EXCEPTED; EMERGENCY.]

Nothing in ~~this chapter~~ sections 155A.01 to 155A.16 prohibits services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor in the practice of medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner.

Sec. 42. Minnesota Statutes 2002, section 155A.15, is amended to read:

155A.15 [APPOINTMENT OF AGENT FOR SERVICE OF PROCESS.]

Any person, firm, partnership, or corporation, not a resident of Minnesota, who engages in Minnesota in the practices regulated in ~~this chapter~~ sections 155A.01 to 155A.16 shall file with the ~~commissioner~~ board the name and address of a duly authorized agent for service of legal process, which agent for service shall be a resident of the state of Minnesota.

Sec. 43. Minnesota Statutes 2002, section 155A.16, is amended to read:

155A.16 [VIOLATIONS; PENALTIES.]

Any person who violates any of the provisions of ~~this chapter~~ sections 155A.01 to 155A.16 is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment for not more than 90 days or fined not more than \$700, or both, per violation.

Sec. 44. [APPROPRIATION.]

\$572,000 is appropriated from the general fund to the Board of Barber and Cosmetologist Examiners for the fiscal year ending June 30, 2005. This appropriation is in addition to the appropriation made in Laws 2003, First Special Session chapter 1, article 3, section 5, and is added to the board's base."

Correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2640, A bill for an act relating to commerce; creating a law enforcement agency to deal with insurance fraud; prescribing its powers and duties; establishing insurance assessments to fund the insurance fraud prevention account; providing for disclosure of certain data to the Department of Commerce; transferring the automobile theft prevention program to the Department of Commerce; modifying provisions relating to barbers and cosmetologists; creating a Board of Barber and Cosmetologist Examiners; appropriating money; amending Minnesota Statutes 2002, sections 13.82, subdivision 1; 45.0135, subdivision 6, by adding subdivisions; 154.01; 154.02; 154.03; 154.04; 154.06; 154.07, as amended; 154.08; 154.11; 154.12; 154.161, subdivisions 2, 4, 5, 7; 154.18; 154.19; 154.21; 154.22; 154.23; 154.24; 154.25; 155A.01; 155A.02; 155A.03, subdivisions 1, 2, 7, by adding subdivisions; 155A.045, subdivision 1; 155A.05; 155A.07, subdivisions 2, 8, by adding a subdivision; 155A.08, subdivisions 1, 2, 3; 155A.09; 155A.095; 155A.10; 155A.135; 155A.14; 155A.15; 155A.16; 299A.75, subdivisions 1, 2, 3; 626.84, subdivision 1; Minnesota Statutes 2003 Supplement, sections 116J.70, subdivision 2a; 268.19, subdivision 1; repealing Minnesota Statutes 2002, section 45.0135, subdivisions 1, 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 117 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Hausman	Johnson, S.	Murphy	Paymar	Vandevveer
Buesgens	Huntley	Krinkie	Olson, M.	Thao	
Davnie	Jacobson	Lesch	Otremba	Thissen	

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

S. F. No. 2241, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

S. F. No. 2241, A bill for an act relating to state government operations; appropriating money for technology projects.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

H. F. No. 2212 was reported to the House.

Ozment moved to amend H. F. No. 2212, the third engrossment, as follows:

Page 3, after line 18, insert:

"Sec. 4. Minnesota Statutes 2003 Supplement, section 84.773, is amended to read:

84.773 [RESTRICTIONS ON OPERATION.]

Subdivision 1. [RESTRICTIONS.] A person may not intentionally operate an off-highway vehicle:

(1) on a trail on public land that is designated or signed for nonmotorized use only;

(2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access; ~~or~~

(3) except as specifically authorized by law or rule adopted by the commissioner, in: ~~type 3, 4, 5, and 8 wetlands~~ ~~or~~ unfrozen public waters, as defined in section 103G.005; in a state park; in a scientific and natural area; or in a wildlife management area; or

(4) in a calcareous fen, as identified by the commissioner.

Subd. 2. [WETLAND DISTURBANCE.] A person may not recklessly operate an off-highway vehicle in such a manner as to:

(1) indicate either a willful or a wanton disregard for the safety of persons or property;

(2) unnecessarily disturb a wetland or public waters wetland; or

(3) impact a wetland or public waters wetland in excess of the amounts authorized in section 103G.2241, subdivision 9, unless the impacts are repaired according to section 103G.2242 and rules promulgated thereunder.

Subd. 3. [PRIVATE LAND ACCESS.] The commissioner may grant a permit to exempt a private landowner or leaseholder from this section when the only reasonable access to a permit applicant's land is across forestry administered lands in state forests."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Thissen and Latz moved to amend the Ozment amendment to H. F. No. 2212, the third engrossment, as follows:

Page 1, line 21, delete "recklessly"

Page 2, line 2, after "impact" insert "the functions and values, or destroy vegetation of"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 45 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Abrams	Ellison	Hornstein	Lenczewski	Otto	Thao
Atkins	Entenza	Huntley	Lesch	Paymar	Thissen
Bernardy	Erhardt	Jaros	Mariani	Pelowski	Wagenius
Biernat	Goodwin	Johnson, S.	Meslow	Pugh	Walker
Carlson	Greiling	Kahn	Mullery	Rhodes	Wasiluk
Clark	Hausman	Kelliher	Nelson, M.	Seagren	
Cox	Hilstrom	Larson	Nelson, P.	Sieben	
Davnie	Hoppe	Latz	Osterman	Slawik	

Those who voted in the negative were:

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

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

The question recurred on the Ozment amendment and the roll was called. There were 109 yeas and 24 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernardy	Ellison	Hilstrom	Kahn	Meslow	Slawik
Biernat	Entenza	Hornstein	Kelliher	Mullery	Thao
Clark	Goodwin	Jaros	Larson	Paymar	Wagenius
Davnie	Greiling	Johnson, S.	Lesch	Sieben	Walker

The motion prevailed and the amendment was adopted.

Ozment moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 3, after line 18, insert:

"Sec. 4. Minnesota Statutes 2002, section 84.8205, subdivision 5, is amended to read:

Subd. 5. [AGENT'S FEE.] In addition to the fee for a sticker shall be increased by the amount of an issuing fee of \$1 per sticker shall be charged. The issuing fee may be retained by the seller of the sticker. Issuing fees for stickers issued by the commissioner shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and retained for the operation of the electronic licensing system."

Page 18, after line 28, insert:

"Sec. 33. [ABOLISHMENT OF ACCOUNT; TRANSFER OF FUNDS.]

The cross-country ski account in the special revenue fund is abolished. All amounts remaining in the cross-country ski account in the special revenue fund are transferred to the cross-country ski account in the natural resources fund.

Sec. 34. [REPORT.]

By January 31, 2005, the commissioner of natural resources shall report to the chairs of the house Environment and Natural Resources Finance Committee and the senate Environment, Agriculture and Economic Development Budget Division on the amounts appropriated for the electronic licensing system under Minnesota Statutes, section 84.027, subdivision 15, paragraph (c), for fiscal years 2005, 2006, and 2007. The report shall identify estimated receipts for each individual fee and commission and estimated spending for transaction costs, system modifications costs, and any other costs for which the money is planned to be spent.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Ozment moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 7, insert:

"Sec. 32. Minnesota Statutes 2003 Supplement, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public

value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

(e) Except as provided in paragraph (f), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(f) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(g) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(h) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(i) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(j) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

(k) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

(l) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

(m) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

(n) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local

government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

(o) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph (n) or provide a reason why the petition is denied.

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

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Penas, Hackbarth, Otto, Ozment and Wagenius moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 1, after line 33, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 16B.24, subdivision 5, is amended to read:

Subd. 5. [RENTING OUT STATE PROPERTY.] (a) [AUTHORITY.] The commissioner may rent out state property, real or personal, that is not needed for public use, if the rental is not otherwise provided for or prohibited by law. The property may not be rented out for more than five years at a time without the approval of the State Executive Council and may never be rented out for more than 25 years. A rental agreement may provide that the state will reimburse a tenant for a portion of capital improvements that the tenant makes to state real property if the state does not permit the tenant to renew the lease at the end of the rental agreement.

(b) [RESTRICTIONS.] Paragraph (a) does not apply to state trust fund lands, other state lands under the jurisdiction of the Department of Natural Resources, lands forfeited for delinquent taxes, lands acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the Department of Agriculture.

(c) ~~[FORT SNELLING CHAPEL; RENTAL.] The Fort Snelling Chapel, located within the boundaries of Fort Snelling State Park, is available for use only on payment of a rental fee. The commissioner shall establish rental fees for both public and private use. The rental fee for private use by an organization or individual must reflect the reasonable value of equivalent rental space. Rental fees collected under this section must be deposited in the general fund.~~

~~(d)~~ [RENTAL OF LIVING ACCOMMODATIONS.] The commissioner shall establish rental rates for all living accommodations provided by the state for its employees. Money collected as rent by state agencies pursuant to this paragraph must be deposited in the state treasury and credited to the general fund.

~~(e)~~ (d) [LEASE OF SPACE IN CERTAIN STATE BUILDINGS TO STATE AGENCIES.] The commissioner may lease portions of the state-owned buildings in the Capitol complex, the Capitol Square Building, the Health Building, and the building at 1246 University Avenue, St. Paul, Minnesota, to state agencies and the court

administrator on behalf of the judicial branch of state government and charge rent on the basis of space occupied. Notwithstanding any law to the contrary, all money collected as rent pursuant to the terms of this section shall be deposited in the state treasury. Money collected as rent to recover the bond interest costs of a building funded from the state bond proceeds fund shall be credited to the general fund. Money collected as rent to recover the depreciation costs of a building funded from the state bond proceeds fund and money collected as rent to recover capital expenditures from capital asset preservation and replacement appropriations and statewide building access appropriations shall be credited to a segregated account in a special revenue fund. Fifty percent of the money credited to the account each fiscal year must be transferred to the general fund. The remaining money in the account is appropriated to the commissioner to be expended for asset preservation projects as determined by the commissioner. Money collected as rent to recover the depreciation and interest costs of a building built with other state dedicated funds shall be credited to the dedicated fund which funded the original acquisition or construction. All other money received shall be credited to the general services revolving fund."

Page 8, after line 15, insert:

"Sec. 12. Minnesota Statutes 2002, section 85.052, subdivision 4, is amended to read:

Subd. 4. [DEPOSIT OF FEES.] (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the general fund.

Sec. 13. Minnesota Statutes 2002, section 85.054, subdivision 7, is amended to read:

Subd. 7. [TETTEGOUCHE STATE PARK.] A state park permit is not required and a fee may not be charged for motor vehicle entry at Palisade Head in Tettegouche State Park, provided that motor vehicles entering the park under this provision may not be parked at Palisade Head for more than one hour. A state park permit is not required and a fee may not be charged for the Class I rest area parking area at Tettegouche State Park.

Sec. 14. Minnesota Statutes 2002, section 85.054, is amended by adding a subdivision to read:

Subd. 10. [RED RIVER STATE RECREATION AREA.] A state park permit is not required and a fee may not be charged for any portion of the Red River State Recreation Area located outside of the campground.

Sec. 15. Minnesota Statutes 2002, section 85.22, subdivision 2a, is amended to read:

Subd. 2a. [RECEIPTS, APPROPRIATION.] All receipts derived from the rental or sale of state park items, tours at Forestville State Park, and operation of Douglas Lodge shall be deposited in the state treasury and be credited to the state parks working capital account. Receipts and expenses from Douglas Lodge shall be tracked separately within the account. Money in the account is annually appropriated for the purchase and payment of expenses attributable to items for resale or rental and operation of Douglas Lodge. Any excess receipts in this account are annually appropriated for state park management and interpretive programs.

Sec. 16. Minnesota Statutes 2002, section 85.34, is amended by adding a subdivision to read:

Subd. 6. [MINNEAPOLIS LEASE.] A lease to the Minneapolis Park and Recreation Board for the purposes of athletic fields and golf course operations is subject to subdivisions 1 to 5, except as provided in this subdivision. Approval of the Executive Council is not required for the lease or the issuance of a liquor license. A lease of any

portion of Officer's Row or Area J may include a charge to be paid by the tenant for repayment of a portion of the costs incurred by the Minneapolis Park and Recreation Board for the installation of a new water line on the upper bluff. The total amount to be repaid to the Minneapolis Park and Recreation Board by tenants of Officer's Row and Area J shall not exceed \$450,000.

Sec. 17. Minnesota Statutes 2002, section 85.34, is amended by adding a subdivision to read:

Subd. 7. [DISPOSITION OF PROCEEDS.] (a) All revenue derived from the lease of the Fort Snelling upper bluff, with the exception of payment for costs of the water line as described in subdivision 6, shall be deposited in the natural resources fund and credited to a state park account.

(b) Revenue and expenses from the upper bluff shall be tracked separately within the account. Money in the account derived from the leasing or operation of the property described in subdivision 1 may be appropriated for the payment of expenses attributable to the leasing and operation of the property described in subdivision 1, including but not limited to, the maintenance, repair, and rehabilitation of historic buildings and landscapes."

Page 19, line 2, after the first semicolon, insert "85.34, subdivision 4:"

Page 19, line 6, delete "15" and insert "22"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Smith moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 7, insert:

"Sec. 32. Minnesota Statutes 2002, section 103B.611, subdivision 3, is amended to read:

Subd. 3. [POWERS.] Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

- (1) to regulate the types of boats permitted to use the lake and set service fees;
- (2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;
- (3) to limit by rule the use of the lake at various times and the use of various parts of the lake;
- (4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;

(5) to contract with other law enforcement agencies to police the lake and its shore;

(6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;

(7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;

(8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where the marinas are located;

(9) to contract with other governmental bodies to perform any of the functions of the district;

(10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;

(11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and

(12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district."

Page 19, line 6, delete "Section 15 is" and insert "Sections 15 and 32 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Tingelstad moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 1, after line 33, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 84.026, is amended to read:

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

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Hoppe moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 19, line 1, before "Minnesota" insert "(a)"

Page 19, after line 4, insert:

"(b) A law enacted in the 2004 legislative session as chapter 215, sections 15 and 23, are repealed."

Page 19, line 6, delete "is" and insert "and section 34, clause (b), are"

The motion prevailed and the amendment was adopted.

Tingelstad moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 28, insert:

"Sec. 33. [MINNESOTA FUTURE RESOURCES FUND; ENVIRONMENT AND NATURAL RESOURCES TRUST FUND; APPROPRIATIONS CARRYFORWARD.]

(a) The availability of the appropriations for the following projects is extended to June 30, 2005, or for the period of any federal money received for the project: Laws 1999, chapter 231, section 16, subdivision 4, paragraph (b), as extended by Laws 2001, First Special Session chapter 2, section 14, subdivision 18, paragraph (b), Mesabi trail land acquisition and development-continuation; and Laws 2001, First Special Session chapter 2, section 14, subdivision 5, paragraph (i), as extended by Laws 2003, chapter 128, article 1, section 9, subdivision 20, paragraph (a), Gateway Trail Bridge.

(b) The availability of the appropriation for the following project is extended to June 30, 2006: Laws 2003, chapter 128, article 1, section 9, subdivision 11, paragraph (b), bucks and buckthorn: engaging young hunters in restoration.

(c) The availability of the appropriation for the following project is extended to June 30, 2006: Laws 2001, First Special Session chapter 2, section 14, subdivision 4, paragraph (e), restoring Minnesota's fish and wildlife habitat corridors, and after June 30, 2004, the appropriation may be spent as provided in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (a), restoring Minnesota's fish and wildlife habitat corridors-phase II.

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

Sec. 34. [LCMR PARKS STUDY.]

Subdivision 1. [REGIONAL PARKS.] The Legislative Commission on Minnesota Resources shall continue studying park issues, including the study of funding for operation and maintenance costs at regional parks within the seven-county metropolitan area and outside the seven-county metropolitan area. The commission may make additional recommendations on park issues to the 2005 legislature.

Subd. 2. [FUNDING AUTHORIZATION.] To begin implementing the recommendations in the Legislative Commission on Minnesota Resources February 2004 parks report, up to \$6,000 of the appropriation in Laws 2003, chapter 128, article 1, section 9, subdivision 3, paragraph (b), is for an agreement with the Association of Minnesota Counties to identify and develop a comprehensive list of regional parks outside of the seven-county metropolitan area, including an inventory of park facilities.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Slawik was excused between the hours of 5:15 p.m. and 7:50 p.m.

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

MOTION FOR RECONSIDERATION

Entenza moved that the vote whereby the Smith amendment to H. F. No. 2212, the third engrossment, as amended, was adopted, be now reconsidered.

POINT OF ORDER

Lipman raised a point of order pursuant to section 124 of "Mason's Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. Speaker pro tempore Olson, M., ruled the point of order not well taken.

The question recurred on the Entenza motion that the vote whereby the Smith amendment to H. F. No. 2212, the third engrossment, as amended, was adopted, be now reconsidered. The motion prevailed.

The Smith amendment to H. F. No. 2212, the third engrossment, as amended, was again reported to the House.

There being no objection, the Smith amendment to H. F. No. 2212, the third engrossment, as amended, was temporarily laid over.

Hackbarth moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 28, insert:

"Sec. 33. Minnesota Statutes 2002, section 97B.721, as amended by Laws 2004, chapter 215, section 26, if enacted, is amended to read:

97B.721 [LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.]

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and a turkey stamp validation.

(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18. An unlicensed adult age 18 or older may assist a licensed wild turkey hunter ~~under the age of 16~~. The unlicensed adult may not shoot or possess a firearm or bow while assisting a ~~youth~~ hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kahn and Biernat moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 35, insert:

"Sec. 34. [OPEN SPACE SYSTEM.]

(a) For purposes of Minnesota Statutes, section 473.351, Columbia Parkway, Ridgeway Parkway, and Stinson Boulevard are considered to be part of the metropolitan regional recreation open space system.

(b) This section expires July 1, 2007."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

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

The Speaker called Stang to the Chair.

Kahn and Biernat moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 35, insert:

"Sec. 34. [OPEN SPACE SYSTEM.]

(a) For purposes of Minnesota Statutes, section 473.351, Columbia Parkway, Ridgeway Parkway, and Stinson Boulevard are considered to be part of the metropolitan regional recreation open space system.

(b) This section expires August 1, 2007."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Smith amendment to H. F. No. 2212, the third engrossment, as amended, which was temporarily laid over earlier today, was again reported to the House.

Smith moved to amend H. F. No. 2212, the third engrossment, as amended, as follows:

Page 18, after line 7, insert:

"Sec. 32. Minnesota Statutes 2002, section 103B.611, subdivision 3, is amended to read:

Subd. 3. [POWERS.] Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

- (1) to regulate the types of boats permitted to use the lake and set service fees;
- (2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;
- (3) to limit by rule the use of the lake at various times and the use of various parts of the lake;
- (4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (5) to contract with other law enforcement agencies to police the lake and its shore;
- (6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;

(8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where the marinas are located;

(9) to contract with other governmental bodies to perform any of the functions of the district;

(10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;

(11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and

(12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district."

Page 19, line 6, delete "Section 15 is" and insert "Sections 15 and 32 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Smith moved to amend the Smith amendment to H. F. No. 2212, the third engrossment, as amended, as follows:

Page 2, line 29, after the period, insert:

"For purposes of this subdivision "watercourses connected to the lake" does not include channels connecting portions of the lake to one another."

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

The question recurred on the Smith amendment, as amended, to H. F. No. 2212, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

MOTION FOR RECONSIDERATION

Tingelstad moved that the vote whereby the first Tingelstad amendment to H. F. No. 2212, the third engrossment, as amended, was adopted earlier today, be now reconsidered. The motion prevailed.

Tingelstad withdrew her first amendment to H. F. No. 2212, the third engrossment, as amended.

Tingelstad moved to amend H. F. No. 2212, the third engrossment, as amended, in lieu of the first Tingelstad amendment which had been withdrawn, as follows:

Page 1, after line 33, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 84.026, is amended to read:

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

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

Page 3, after line 2, insert:

"Sec. 3. [84.0857] [FACILITIES MANAGEMENT ACCOUNT.]

The commissioner of natural resources may bill organizational units within the Department of Natural Resources for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2212, A bill for an act relating to natural resources; modifying varying public facility lease, rental, and usage provisions; providing for contractual and grant agreements for certain natural resource services and facilities; modifying electronic licensing provisions; clarifying certain wild rice provisions; modifying disposition of certain proceeds; providing for accounts; modifying snowmobile training and operating requirements; regulating operation of all-terrain vehicles and off-highway vehicles; modifying certain fee provisions; eliminating RIM work plan requirement; modifying reporting requirements; modifying motorboat equipment and noise provisions; modifying provisions for cross-country ski passes; providing for certain refunds, fees, and commissions; modifying authority to issue and sell licenses and appoint agents; regulating the taking of turkeys; modifying nonresident minnow transport requirements; prescribing powers relating to Lake Minnetonka; extending availability of appropriations for certain natural resource projects; including specific area in metropolitan regional recreation open space system; removing provision setting the fee for live bait retailer license; removing prohibition on taking albino deer; providing for rulemaking; requiring a report and a study; appropriating money; amending Minnesota Statutes 2002, sections 84.027, subdivision 15; 84.091, subdivision 1; 84.8205, subdivision 5; 84.83, subdivision 2; 84.86, subdivision 1; 84.862, subdivisions 1, 3; 84.872, subdivision 1; 84.9257; 84.928, subdivision 2; 85.052, subdivision 4; 85.054, subdivision 7, by adding a subdivision; 85.22, subdivision 2a; 85.34, by adding subdivisions; 85.41, subdivisions 2, 4, 5; 85.43; 86B.321, subdivision 2; 86B.521, subdivisions 1, 2; 97A.055, subdivision 4; 97A.311, by adding a subdivision; 97A.434, subdivision 3; 97A.4742, subdivision 4; 97A.485, subdivisions 3, 4, 5, 7, 11; 97B.721, as amended; 97C.501, subdivision 4; 97C.525, subdivisions 3, 5; 103B.611, subdivision 3; Minnesota Statutes 2003 Supplement, sections 16B.24, subdivision 5; 84.026; 84.773; 84.862, subdivision 2a; 97A.475, subdivision 26; 97A.485, subdivision 6; 103G.222, subdivision 1; 103G.615, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision 3; 85.34, subdivision 4; 97A.485, subdivisions 2, 8, 10; Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28.

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 100 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hoppe	Mahoney	Paulsen	Solberg
Abrams	Dempsey	Howes	Mariani	Pelowski	Stang
Adolphson	Dill	Huntley	Marquart	Penas	Strachan
Anderson, B.	Dorman	Jacobson	McNamara	Peterson	Swenson
Anderson, I.	Dorn	Johnson, J.	Meslow	Powell	Sykora
Anderson, J.	Eastlund	Juhnke	Murphy	Pugh	Tingelstad
Atkins	Eken	Kahn	Nelson, C.	Rhodes	Urdahl
Beard	Erickson	Klinzing	Nelson, M.	Rukavina	Vandever
Blaine	Finstad	Knobloch	Nelson, P.	Ruth	Walz
Boudreau	Fuller	Koenen	Newman	Samuelson	Wardlow
Bradley	Gunther	Kohls	Nornes	Seagren	Westerberg
Brod	Haas	Kuisle	Olsen, S.	Seifert	Westrom
Carlson	Hackbarth	Lanning	Olson, M.	Sertich	Wilkin
Cornish	Harder	Lieder	Opatz	Severson	Zellers
Cox	Heidgerken	Lindgren	Osterman	Simpson	Spk. Sviggum
Davids	Hilty	Lipman	Otremba	Smith	
DeLaForest	Holberg	Magnus	Ozment	Soderstrom	

Those who voted in the negative were:

Bernardy	Entenza	Hilstrom	Larson	Otto	Walker
Biernat	Erhardt	Hornstein	Latz	Paymar	Wasiluk
Buesgens	Gerlach	Jaros	Lenczewski	Sieben	
Clark	Goodwin	Johnson, S.	Lesch	Thao	
Davnie	Greiling	Kelliher	Lindner	Thissen	
Ellison	Hausman	Krinkie	Mullery	Wagenius	

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

H. F. No. 2867, A bill for an act relating to state government; appropriating money for prekindergarten through grade 12 education, including general education, education excellence, special programs, and facilities and technology; early childhood and family education, including prevention and self-sufficiency and lifelong learning; and health and human services; amending Minnesota Statutes 2003 Supplement, section 123B.54; Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, 3, 5, 6, 11, 12; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, 3, 4, 5, 7, 9, 12; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 4, 5, 6, 7, 8, 9; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivision 3; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2; Laws 2003, First Special Session chapter 14, article 13C, sections 1; 2, subdivisions 1, 3, 6, 7, 9, 11; 10, subdivisions 1, 2.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2453 was reported to the House.

Atkins moved to amend H. F. No. 2453, the first engrossment, as follows:

Page 1, line 13, after "if" insert "; (1)"

Page 1, line 15, before the period, insert "; and (2) the agreement on which the action for the recovery of fees for services is based contains a provision that costs, disbursements, and reasonable attorney fees may be awarded to the funeral provider in an action for the recovery of fees for services provided"

The motion prevailed and the amendment was adopted.

H. F. No. 2453, A bill for an act relating to civil actions; authorizing the recovery of attorney fees by funeral providers in actions to recover costs of services; proposing coding for new law in Minnesota Statutes, chapter 149A.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

S. F. No. 2869 was reported to the House.

Solberg and Bradley moved to amend S. F. No. 2869 as follows:

Page 9, after line 1, insert:

"Sec. 6. [HOSPITAL CONSTRUCTION MORATORIUM EXEMPTION; EFFECTIVE DATE.]

Laws 2004, chapter 187, is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2869, A bill for an act relating to health; modifying fees for radioactive and nuclear material; approving state agreement with the Nuclear Regulatory Commission; amending Minnesota Statutes 2002, section 144.1205, subdivisions 2, 4, 8, 9; repealing Minnesota Statutes 2003 Supplement, section 144.1202, subdivision 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 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernardy	Greiling	Kahn	Otto	Paymar
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The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 2629 was reported to the House.

Haas moved to amend H. F. No. 2629, the second engrossment, as follows:

Pages 8 and 9, delete section 15

Pages 19 and 20, delete sections 29 and 30

Pages 22 and 23, delete section 34

Pages 23 to 27, delete sections 36 to 41

Pages 28 and 29, delete sections 43 and 44

Pages 29 to 33, delete sections 46 to 49

Page 33, delete lines 31 to 36

Page 34, line 1, delete "(b)" and insert "(a)"

Page 34, line 3, delete "(c)" and insert "(b)"

Page 34, delete lines 12 and 13

Page 34, line 14, delete "(4)" and insert "(3)"

Page 34, line 16, delete "(5)" and insert "(4)"

Page 34, line 17, delete "(6)" and insert "(5)"

Page 34, line 21, delete "(7)" and insert "(6)"

Page 34, delete section 52

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Howes moved to amend the Haas amendment to H. F. No. 2629, the second engrossment, as follows:

Page 1, delete line 3

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 68 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Eastlund	Hilty	Johnson, S.	Lindgren
Adolphson	Davids	Eken	Holberg	Koenen	Lipman
Anderson, B.	Davnie	Erickson	Hoppe	Kohls	Magnus
Atkins	DeLaForest	Goodwin	Hornstein	Krinkie	Meslow
Bernardy	Demmer	Gunther	Howes	Kuisle	Mullery
Biernat	Dill	Harder	Huntley	Larson	Murphy
Blaine	Dorman	Heidgerken	Jacobson	Lieder	Nelson, P.

Newman	Ozment	Sertich	Swenson	Walker	Spk. Sviggum
Olson, M.	Peterson	Severson	Sykora	Walz	
Osterman	Powell	Simpson	Tingelstad	Wardlow	
Otremba	Rukavina	Soderstrom	Urdahl	Westerberg	
Otto	Seifert	Solberg	Vanderveer	Westrom	

Those who voted in the negative were:

Abrams	Dempsey	Hausman	Lesch	Paulsen	Stang
Anderson, I.	Dorn	Hilstrom	Lindner	Paymar	Strachan
Anderson, J.	Ellison	Jaros	Mahoney	Pelowski	Thao
Beard	Entenza	Johnson, J.	Mariani	Penas	Thissen
Boudreau	Erhardt	Kahn	Marquart	Pugh	Wasiluk
Bradley	Finstad	Kelliher	McNamara	Rhodes	Wilkin
Brod	Fuller	Klinzing	Nelson, C.	Ruth	Zellers
Buesgens	Gerlach	Knoblach	Nelson, M.	Samuelson	
Carlson	Greiling	Lanning	Nornes	Seagren	
Cornish	Haas	Latz	Olsen, S.	Sieben	
Cox	Hackbarth	Lenczewski	Opatz	Smith	

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

The question recurred on the Haas amendment, as amended, and the roll was called. There were 113 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Davnie	Krinkie	Ozment	Swenson
Anderson, B.	Goodwin	Newman	Severson	Thissen
Clark	Jaros	Olson, M.	Soderstrom	Westerberg

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

Nelson, P.; Blaine; Howes; Walz; Kuisle; Anderson, B.; Kohls; Hoppe; Soderstrom; Eastlund; Heidgerken; Rukavina; Erickson and Wardlow moved to amend H. F. No. 2629, the second engrossment, as amended, as follows:

Page 27, after line 3, insert:

"Sec. 41. Minnesota Statutes 2002, section 414.031, is amended by adding a subdivision to read:

Subd. 9. [MORATORIUM ON ANNEXATION BY ORDER OF 500 ACRES OR MORE.] (a) An order for annexation under this section must not include more than 500 acres.

(b) Paragraph (a) does not apply to (1) proposed annexation within the metropolitan area as defined in section 473.121, subdivision 2, or (2) proposed annexation within a job opportunity building zone (JOBZ) designated by the commissioner of the Department of Employment and Economic Development (DEED) under section 469.314.

[EFFECTIVE DATE.] This section is effective the day following final enactment and expires June 1, 2006. This section applies to annexation proceedings pending or commenced on or after the effective date of this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Hilstrom moved to amend the Nelson, P., et al amendment to H. F. No. 2629, the second engrossment, as amended, as follows:

Page 1, after line 14, insert:

"(c) A new septic permit must not be issued in an area excluded from an annexation order under paragraph (a) and not excepted under paragraph (b). The prohibition does not apply if a potential annexing city that is subject to the moratorium agrees to the issuance of the new septic permit."

Haas moved that H. F. No. 2629, as amended, be continued on the Calendar for the Day. The motion prevailed.

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

The Speaker called Abrams to the Chair.

H. F. No. 2002 was reported to the House.

Knoblach, Opatz, Holberg and Lipman moved to amend H. F. No. 2002 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [549.255] [ATTORNEY FEES AWARDS.]

When a statute provides for the award of attorney fees to a party that has recovered money damages, the court, in setting the amount of attorney fees, may take into consideration the reasonableness of the attorney fees sought to the amount of damages awarded to the party.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to actions commenced on or after that date."

A roll call was requested and properly seconded.

The question was taken on the Knoblach et al amendment and the roll was called. There were 88 yeas and 44 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Eken	Huntley	Mahoney	Rukavina	Thissen
Anderson, I.	Entenza	Jaros	Mariani	Sertich	Wagenius
Atkins	Goodwin	Johnson, S.	Murphy	Sieben	Walker
Bernardy	Greiling	Kahn	Nelson, M.	Slawik	Wasiluk
Biernat	Hausman	Kelliher	Paymar	Smith	
Clark	Hilstrom	Latz	Peterson	Solberg	
Davnie	Hilty	Lenczewski	Pugh	Swenson	
Dill	Hornstein	Lesch	Rhodes	Thao	

The motion prevailed and the amendment was adopted.

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

Goodwin, Pugh and Sieben moved to amend H. F. No. 2002, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2002, section 327A.05, subdivision 1, is amended to read:

Subdivision 1. [NEW HOME WARRANTIES.] Upon breach of any warranty imposed by section 327A.02, subdivision 1, the vendee shall have a cause of action against the vendor for damages arising out of the breach, or for specific performance. If the vendee is the prevailing party, judgment must be entered for the vendee for the actual damages sustained and for all reasonable attorney fees and costs incurred by the vendee. The court may also grant additional equitable relief. Damages shall be limited to:

(a) the amount necessary to remedy the defect or breach; or

(b) the difference between the value of the dwelling without the defect and the value of the dwelling with the defect."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Knoblach moved that H. F. No. 2002, as amended, be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 1922, A bill for an act relating to insurance; regulating underwriting of homeowner's insurance; amending Minnesota Statutes 2002, section 65A.30.

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 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2151, A bill for an act relating to telecommunications; regulating certain payments, credits, and interest charges; changing various cable system provisions; establishing consumer protections for wireless customers; expanding call areas; providing alternative regulation plans for telephone companies; amending Minnesota Statutes 2002, sections 237.01, subdivision 3; 237.06; 237.766; 237.773, subdivision 3; 238.02, subdivision 3; 238.03; 238.08, subdivisions 3, 4; 238.081; 238.083, subdivisions 2, 4; 238.084, subdivision 1; 238.11, subdivision 2; 238.22, subdivision 13; 238.23; 238.24, subdivisions 3, 4, 6, 9, 10; 238.242, subdivisions 1, 3; 238.25, subdivisions 5, 10; 238.35, subdivisions 1, 4; 238.36, subdivision 2; 238.39; 238.40; 238.43, subdivision 1; 325E.02; proposing coding for new law in Minnesota Statutes, chapters 237; 325F; repealing Minnesota Statutes 2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, 25; 238.082; 238.083, subdivisions 3, 5; 238.084, subdivisions 2, 3, 5; 238.12, subdivision 1a; 238.36, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Westrom moved that the House refuse to concur in the Senate amendments to H. F. No. 2151, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1006, A bill for an act relating to elections; providing for conformity with the federal Help America Vote Act; creating a complaint process; requiring a report; imposing a penalty; appropriating money; amending

Minnesota Statutes 2002, sections 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15; 201.155; 201.161; 201.171; 201.221, subdivisions 2, 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.12, subdivision 2; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.47; 204C.10; 206.57, by adding subdivisions; 206.81; proposing coding for new law in Minnesota Statutes, chapters 5; 200; 201; 204C.

PATRICK E. FLAHAVEN, Secretary of the Senate

Boudreau moved that the House refuse to concur in the Senate amendments to H. F. No. 1006, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1836, 653 and 2313.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1836, A bill for an act relating to state government; the Office of the Secretary of State; simplifying filing procedures; eliminating certain filing requirements; regulating notary appointments and commissions; appropriating money; amending Minnesota Statutes 2002, sections 184.30; 302A.821, subdivisions 1, 2, 4; 308A.995, subdivision 5; 317A.823, subdivision 1; 322B.960, subdivisions 1, 2, 5; 325A.06, subdivision 1; 326.40, subdivision 2; 326.48, subdivision 3; 330.01, subdivision 1; 330.08; 330.09; 336.9-525; 340A.416, subdivision 4; 359.01; 359.071; 398.10; Minnesota Statutes 2003 Supplement, section 308B.121, subdivision 5.

The bill was read for the first time.

Kohls moved that S. F. No. 1836 and H. F. No. 1798, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 653, A bill for an act relating to public safety; modifying 911 emergency telecommunications provisions governing multiline telephone systems; amending Minnesota Statutes 2002, sections 403.01, subdivision 6; 403.02, by adding subdivisions; 403.07, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 403.

The bill was read for the first time.

Strachan moved that S. F. No. 653 and H. F. No. 622, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2313, A bill for an act relating to economic development; modifying bonding authority for the Minnesota Public Facilities Authority; amending Minnesota Statutes 2002, sections 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1006:

Boudreau, Lipman and Hilty.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2151:

Westrom, Beard and Hoppe.

MOTIONS AND RESOLUTIONS

Cox moved that the name of Bernardy be added as an author on H. F. No. 882. The motion prevailed.

Kahn moved that the name of Gerlach be added as an author on H. F. No. 1925. The motion prevailed.

Erickson moved that the name of Olson, M., be added as an author on H. F. No. 2069. The motion prevailed.

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

Buesgens moved that the name of Nelson, P., be added as an author on H. F. No. 3200. The motion prevailed.

Olsen, S.; Ellison and Walker introduced:

House Resolution No. 29, A House resolution recognizing July 26-30, 2004, as Liberian Week in Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

Ellison, Mullery, Walker, Walz, Hoppe and Strachan introduced:

House Resolution No. 30, A House resolution honoring Carl Eller on his induction in the National Football League Hall of Fame and contributions to the State of Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

Ellison, Sykora, Walker, Seagren, Greiling, Clark and Mariani introduced:

House Resolution No. 31, A House resolution recognizing the Brown v. Board of Education ruling.

The resolution was referred to the Committee on Rules and Legislative Administration.

Clark, Howes, Fuller, Lindgren and Eken introduced:

House Resolution No. 32, A House resolution expressing support for the revitalization of the Dakota and Ojibwe languages.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, May 14, 2004. 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., Friday, May 14, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

