

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

## TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 14, 2005

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Joel Severson, Cross of Life Community Church and a Chaplain in the United States Army, Princeton, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dill	Heidgerken	Lanning	Olson	Sieben
Abrams	Dittrich	Hilstrom	Larson	Opatz	Simon
Anderson, B.	Dorman	Hilty	Latz	Ozment	Simpson
Anderson, I.	Dorn	Holberg	Lenczewski	Paulsen	Slawik
Atkins	Eastlund	Hoppe	Lesch	Paymar	Smith
Beard	Eken	Hornstein	Liebling	Pelowski	Soderstrom
Bernardy	Ellison	Hortman	Lieder	Penas	Solberg
Blaine	Emmer	Hosch	Lillie	Peppin	Sykora
Bradley	Entenza	Howes	Loeffler	Peterson, A.	Thao
Brod	Erhardt	Huntley	Magnus	Peterson, N.	Thissen
Buesgens	Erickson	Jaros	Mahoney	Peterson, S.	Tingelstad
Carlson	Finstad	Johnson, J.	Mariani	Poppe	Urdahl
Charron	Fritz	Johnson, R.	Marquart	Powell	Vandevveer
Clark	Garofalo	Johnson, S.	McNamara	Rukavina	Wagenius
Cornish	Gazelka	Juhnke	Meslow	Ruth	Walker
Cybart	Goodwin	Kahn	Moe	Ruud	Wardlow
Davids	Greiling	Kelliher	Mullery	Sailer	Welti
Davnie	Gunther	Klinzing	Murphy	Samuelson	Westerberg
Dean	Hackbarth	Knoblach	Nelson, M.	Scalze	Westrom
DeLaForest	Hamilton	Koenen	Nelson, P.	Seifert	Wilkin
Demmer	Hansen	Kohls	Newman	Sertich	Zellers
Dempsey	Hausman	Krinkie	Nornes	Severson	Spk. Sviggum

A quorum was present.

Otremba was excused.

Cox was excused until 3:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Newman 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. 1254 and H. F. No. 1240, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Severson moved that the rules be so far suspended that S. F. No. 1254 be substituted for H. F. No. 1240 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1268 and H. F. No. 685, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Severson moved that the rules be so far suspended that S. F. No. 1268 be substituted for H. F. No. 685 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Olson from the Committee on Local Government to which was referred:

H. F. No. 478, A bill for an act relating to counties; providing for alternative filing of surveys if there is no county surveyor; amending Minnesota Statutes 2004, section 389.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 160.15, subdivision 4, is amended to read:

Subd. 4. [FILING OF CERTIFICATE; FEE.] The land surveyor placing and establishing the markers or monuments shall, no later than one year after placing and establishing them, file a certificate to that effect in the office of the ~~county recorder, or in the office of the~~ county surveyor ~~where, if the county maintains a full-time office, in the county or counties~~ wherein in which the markers or monuments were placed. If a county in which the markers or monuments were placed does not have a full-time office of the county surveyor, then the land surveyor shall record the certificate in the office of the county recorder of that county. If the land surveyor does not file or record the certificate within 30 days after placing and establishing the markers or monuments, the land surveyor shall, within that 30-day period, file a copy of the survey notes that relate to the markers or monuments, including the field ties, which determined the placement or establishment of the marker or monument, in the office of the county surveyor if the county maintains a full-time office of the county surveyor and, if not, in the office of the county engineer. The office in which the survey notes are filed must make them available to the public upon request until the certificate is filed or recorded. Each certificate must contain only the record of markers and monuments at one corner. ~~The county recorder may charge a fee of 50 cents for each certificate filed.~~

[EFFECTIVE DATE; APPLICATION.] This section is effective August 1, 2005, and applies to markers and monuments placed and established on or after that date.

Sec. 2. Minnesota Statutes 2004, section 381.12, subdivision 1, is amended to read:

Subdivision 1. [SURVEYOR, EMPLOYMENT.] When the county board determines that the monuments established by the United States in the public lands survey to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a licensed surveyor to preserve, restore and mark the corners with a durable magnetic monument. The surveyor shall make full and accurate notes and records from which the entire survey can be relocated, and shall, no later than one year after preserving, restoring, and marking the corners, file a certified copy of the same, with a plat, in the office of the county recorder ~~or the office of the county surveyor if an office is maintained in a building maintained by the county for county purposes on a full-time basis, and if not, shall record it in the office of the county recorder.~~ If the land surveyor does not file or record the certificate within 30 days after placing and establishing the markers or monuments, the land surveyor shall, within that 30-day period, file a copy of the survey notes that relate to the markers or monuments, including the field ties, which determined the placement or establishment of the marker or monument, in the office of the county surveyor if the county maintains a full-time office of the county surveyor and, if not, in the office of the county engineer. The office in which the survey notes are filed must make them available to the public upon request until the certificate is filed or recorded. The monuments are prima facie evidence of the original United States public land survey corners.

**[EFFECTIVE DATE; APPLICATION.]** This section is effective August 1, 2005, and applies to corners preserved, restored, and marked on or after that date.

Sec. 3. Minnesota Statutes 2004, section 381.12, subdivision 3, is amended to read:

Subd. 3. [U.S. PUBLIC LAND SURVEY MONUMENT RECORD.] (a) A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:

(1) there is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or

(3) the witness ties referred to in an existing United States public land survey monument record have been destroyed.

(b) A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in section 160.15, subdivision 5.

(c) A United States public land survey monument record must show the position of the corner and must include all the following elements:

(1) the identity of the corner, as referenced to the United States public land survey system;

(2) a description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;

(3) if possible, reference ties to at least three witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;

(4) a plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;

(5) a description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;

(6) whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;

(7) whether the corner was restored through lost corner proportionate methods;

(8) the directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and

(9) the signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

(d) No later than one year after perpetuating or restoring the survey corner, the land surveyor shall file or record the certificate in the same manner as required under subdivision 1. If the land surveyor does not file or record the certificate within 30 days after perpetuating or restoring the survey corner, the land surveyor shall, within that 30-day period, file a copy of the survey notes that relate to the markers or monuments, including the field ties, in the same manner as required under subdivision 1. The county office in which the survey notes are filed shall make them available to the public upon request until the land surveyor files or records the certificate.

(e) A reasonable fee for professional services may be paid to the surveyor filing or recording the certificate with the respective county, on approval and determination of the fee by resolution of the county board.

**[EFFECTIVE DATE; APPLICATION.]** This section is effective August 1, 2005, and applies to corners perpetuated or restored on or after that date.

Sec. 4. Minnesota Statutes 2004, section 389.03, is amended to read:

389.03 [COMPENSATION; RECORDS.]

(a) Except as otherwise provided by law, the county board shall fix the compensation of county surveyors or their deputies, including their necessary expenses. All records of surveys are public records and must be made available by the county surveyor at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide to the county surveyor all proper and necessary files for keeping these records. The county survey records must be kept in the office of the county surveyor or of the county recorder of the county. If an office for the county surveyor is maintained in a building maintained by the county for county purposes on a full-time basis, then the records shall be kept in the office of the county surveyor.

(b) If a county closes an office of the county surveyor that the county maintained in a building maintained by the county for county purposes on a full-time basis, the county shall transfer all certificates of location of corners filed with that office under section 160.15, subdivision 4, or 381.12, subdivisions 1 and 3, to be recorded in the office of the county recorder.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005."

Delete the title and insert:

"A bill for an act relating to counties; providing for alternative filing of surveys; modifying requirements for land surveyors; providing for a transfer of records; amending Minnesota Statutes 2004, sections 160.15, subdivision 4; 381.12, subdivisions 1, 3; 389.03."

With the recommendation that when so amended the bill pass.

The report was adopted.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance to which was referred:

H. F. No. 551, A bill for an act relating to local governments; modifying payments to counties for natural resources land; amending Minnesota Statutes 2004, sections 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 26, delete everything after "land" and insert a semicolon

Page 2, delete lines 27 and 28

Page 3, line 31, delete everything after "county"

Page 3, lines 32 to 34, delete the new language

Page 4, line 6, delete the new language and reinstate the stricken language

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

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 572, A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of methamphetamine precursor drugs; authorizing reporting of suspicious transactions involving these drugs and providing civil immunity for so doing; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine and recodifying this crime; establishing new methamphetamine-related crimes; clarifying the definition of "narcotic drug"; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that vehicles and other property used to manufacture methamphetamine indicate this in the title or by an affidavit; requiring notice to schools when children are taken into protective custody after being found at a methamphetamine laboratory; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; imposing criminal penalties; providing for ten new Bureau of Criminal Apprehension agents dedicated to methamphetamine enforcement; appropriating money; amending

Minnesota Statutes 2004, sections 152.01, subdivision 10; 152.02, subdivision 6; 152.021, subdivisions 2a, 3; 152.027, subdivisions 1, 2; 152.135, subdivision 2; 168A.05, subdivision 3; 260B.171, by adding a subdivision; 609.1095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 152; 446A; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5.

Reported the same back with the following amendments:

Page 4, line 4, delete "and are" and insert "or inside a locked display case"

Page 4, delete line 5

Page 4, line 6, delete everything before the period

Page 4, line 10, after "written" insert "or electronic"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 604, A bill for an act relating to health; authorizing the limited use of zero-depth public swimming pools without a lifeguard; amending Minnesota Statutes 2004, section 144.1222, by adding a subdivision.

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

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 681, A bill for an act relating to health; authorizing an additional hospital accrediting organization for presumptive licensure purposes; amending Minnesota Statutes 2004, sections 144.122; 144.55, subdivisions 2, 4, 5.

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

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 684, A bill for an act relating to natural resources; modifying certain temporary permit provisions for recreational vehicles; allowing refunds for certain registrations, licenses, and titles; extending availability of critical habitat license plates; amending Minnesota Statutes 2004, sections 84.027, subdivision 15; 84.788, subdivision 3, by adding a subdivision; 84.798, subdivision 3, by adding a subdivision; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2, by adding a subdivision; 86B.415, by adding a subdivision; 168.1296, subdivision 1.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 4

Page 6, line 4, delete the colon and insert "the vehicle was registered incorrectly by the commissioner or the deputy registrar."

Page 6, delete lines 5 to 8

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "subdivision 3,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 732, A bill for an act relating to local government; authorizing electric or utility special assessments exceeding standards on petition of all affected owners; amending Minnesota Statutes 2004, section 429.021, subdivision 1.

Reported the same back with the following amendments:

Page 3, delete lines 14 to 19 and insert:

"(20) To enter an agreement with a private or cooperative electric or communications utility to pay all or a portion of the incremental costs to bury or alter an existing service distribution system within the public right-of-way, which exceeds the design and construction standards set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 776, A bill for an act relating to insurance; broadening an existing right to purchase Medicare supplement coverage under certain circumstances; amending Minnesota Statutes 2004, section 62A.31, subdivision 1h.

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

The report was adopted.

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

H. F. No. 789, A bill for an act relating to waters; providing for administrative penalty orders; providing civil penalties; requiring an implementation plan; providing a rulemaking exemption; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the following amendments:

Page 6, line 22, delete everything after the period and insert "The commissioner may use the expedited rulemaking process in Minnesota Statutes, section 14.389, to adopt the plan."

Page 6, delete lines 23 to 26

Amend the title as follows:

Page 1, lines 4 and 5, delete "a rulemaking exemption" and insert "for expedited rulemaking"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

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

H. F. No. 847, A bill for an act relating to game and fish; modifying certain definitions; providing for disposition and use of certain revenue; providing for special fish management tags; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.071, subdivision 2; 97A.075; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivision 7; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.085; 97C.203; 97C.327; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapters 97B; 97C; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

Reported the same back with the following amendments:

Page 18, line 10, delete "migratory waterfowl" and insert "regular duck"



Page 23, line 11, delete "section 34" and insert "sections 34 and 35"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 865, A bill for an act relating to elections; changing certain procedures in cases of annexations affecting precinct boundaries; amending Minnesota Statutes 2004, section 204B.14, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 13, delete "and"

Page 1, line 14, delete "a corrected precinct finder" and reinstate the stricken language and before "county" insert "and"

Page 1, line 20, strike "The" and delete the new language

Page 1, lines 21 to 24, delete the new language and strike the old language

Page 1, line 25, delete "secretary of state" and strike the period and insert "The municipal clerk shall prepare a corrected precinct map and provide the corrected map to the county auditor, who shall correct the precinct finder in the statewide voter registration system and make the corrected map and precinct finder available for public inspection, and to the secretary of state, who shall update the precinct boundary database."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 898, A bill for an act relating to unemployment insurance; conforming various provisions to federal requirements; making technical and housekeeping changes; amending Minnesota Statutes 2004, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 21, 26; 268.042, subdivision 1; 268.043; 268.044, subdivisions 2, 3; 268.051, subdivisions 1, 4, 6, 7, by adding a subdivision; 268.052, subdivision 2; 268.053, subdivision 1; 268.065, subdivision 2; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 12; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 8, 10, 11; 268.101, subdivisions 1, 3a; 268.103, subdivision 2; 268.105; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.045, subdivisions 2, 3, 4; 268.086, subdivision 4; Laws 1997, chapter 66, section 64, subdivision 1; Minnesota Rules, parts 3310.2926; 3310.5000; 3315.0910, subpart 9; 3315.1020; 3315.1301; 3315.1315, subparts 1, 2, 3; 3315.1650; 3315.2210; 3315.3210; 3315.3220.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 2, line 27, delete "[268.0436]" and insert "[268.0435]"

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 2004, section 268.044, subdivision 1, is amended to read:

Subdivision 1. [WAGE DETAIL REPORT.] (a) Each employer that has employees in covered employment shall submit, under the account provided for in section 268.045 or 268.046, a quarterly wage detail report by electronic transmission, in a format prescribed by the commissioner. The report shall include for each employee in covered employment, the employee's name, Social Security number, the total wages paid to the employee, and total number of paid hours worked. For employees exempt from the definition of employee in section 177.23, subdivision 7, clause (6), the employer shall report 40 hours worked for each week any duties were performed by a full-time employee and shall report a reasonable estimate of the hours worked for each week duties were performed by a part-time employee. In addition, the wage detail report shall include the number of employees employed on the 12th day of each calendar month and, if required by the commissioner, the report shall be broken down by business location and ~~type of employment~~, if section 268.046, subdivision 1, paragraph (b), or subdivision 2, paragraph (b), applies, by separate unit. If the information required is not submitted in a manner and format prescribed by the commissioner, it shall not be considered a wage detail report. The report is due and must be received by the commissioner on or before the last day of the month following the end of the calendar quarter. The commissioner may delay the due date on a specific calendar quarter in the event the department is unable to accept wage detail reports electronically.

(b) The employer may report the wages paid to the next lower whole dollar amount.

(c) An employer need not include the name of the employee or other required information on the wage detail report if disclosure is specifically exempted from being reported by federal law.

(d) A wage detail report must be submitted for each calendar quarter even though no wages were paid, unless the employer has notified the commissioner, under section 268.042, subdivision 1, paragraph (c), of termination of business."

Page 3, after line 22, insert:

"Sec. 4. Minnesota Statutes 2004, section 268.045, subdivision 1, is amended to read:

Subdivision 1. [ACCOUNT FOR EACH EMPLOYER.] The commissioner shall maintain (1) a tax account for each taxpaying employer and (2) a reimbursable account for each nonprofit or government employer that has elected under section 268.052 or 268.053 to be liable for reimbursements ~~if that employer has employees in covered employment in the current or the prior calendar year~~, except as provided in ~~this~~ section 268.046. The commissioner shall assess the tax account ~~of a taxpaying employer~~ for all the taxes due under section 268.051 and credit the tax account with all taxes paid. The commissioner shall charge the reimbursable account ~~of a nonprofit or government employer that elects to make reimbursements~~ for any unemployment benefits determined chargeable ~~to the employer~~ under section 268.047 and shall credit the reimbursable account with the payments made.

Sec. 5. [268.046] [TAX AND REIMBURSABLE ACCOUNTS ASSIGNED TO EMPLOYEE LEASING COMPANIES, PROFESSIONAL EMPLOYER ORGANIZATIONS, OR SIMILAR PERSON.]

Subdivision 1. [TAX ACCOUNTS ASSIGNED.] (a) Any person that contracts with a taxpaying employer to have that person obtain the taxpaying employer's workforce and provide workers to the taxpaying employer for a fee shall, as of the effective date of the contract, be assigned for the duration of the contract the taxpaying employer's

account under section 268.045. That tax account must be maintained by the person separate and distinct from every other tax account held by the person and identified in a manner prescribed by the commissioner. The tax account shall, for the duration of the contract, be considered that person's account for all purposes of this chapter. The workers obtained from the taxpaying employer and any other workers provided by that person to the taxpaying employer must, under section 268.044, be reported on the wage detail report under that tax account, and that person shall pay any taxes due at the tax rate computed for that account under section 268.051, subdivision 2.

(b) Any workers of the taxpaying employer who are not covered by the contract under paragraph (a) must be reported by the taxpaying employer as a separate unit on the wage detail report under the tax account assigned under paragraph (a). Taxes and any other amounts due on the wages reported by the taxpaying employer under this paragraph may be paid directly by the taxpaying employer.

(c) If the taxpaying employer that contracts with a person under paragraph (a) does not have a tax account at the time of the execution of the contract, an account must be registered for the taxpaying employer under section 268.042, and the new employer tax rate under section 268.051, subdivision 5, must be assigned. The tax account shall then be assigned to the person as provided for in paragraph (a).

(d) A person that contracts with a taxpaying employer under paragraph (a) must, within 30 calendar days of the execution or termination of a contract, notify the commissioner by electronic transmission, in a format prescribed by the commissioner, of that execution or termination. The taxpaying employer's name, the account number assigned, and any other information required by the commissioner must be provided by that person.

(e) Any contract subject to paragraph (a) must specifically inform the taxpaying employer of the assignment of the tax account under this section and the taxpaying employer's obligation under paragraph (b). If there is a termination of the contract, the tax account shall, as of the date of termination, immediately be assigned to the taxpaying employer.

Subd. 2. [NONPROFIT AND GOVERNMENT REIMBURSABLE ACCOUNTS ASSIGNED.] (a) Any person that contracts with a nonprofit or government employer that is a reimbursing employer to have that person obtain the nonprofit or government employer's workforce and provide workers to the nonprofit or government employer for a fee, shall, as of the effective date of the contract, be assigned for the duration of the contract the nonprofit or government employer's account under section 268.045. That reimbursable account must be maintained by the person separate and distinct from every other account held by the person and identified in a manner prescribed by the commissioner. That reimbursable account shall, for the duration of the contract, be considered that person's account for all purposes of this chapter. The workers obtained from the nonprofit or government employer and any other workers provided by that person to the nonprofit or government employer must, under section 268.044, be reported on the wage detail report under that reimbursable account, and that person shall pay any reimbursements due.

(b) Any workers of the nonprofit or government employer who are not covered by the contract under paragraph (a) must be reported by the nonprofit or government employer as a separate unit on the wage detail report under the reimbursable account assigned under paragraph (a). Reimbursements and any other amounts due on the wages reported by the nonprofit or government employer under this paragraph may be paid directly by the nonprofit or government employer.

(c) If the nonprofit or government employer that contracts with a person under paragraph (a) does not have an account at the time of the execution of the contract, an account must be registered for the nonprofit or government employer under section 268.042. The reimbursable account shall then be assigned to the person as provided for in paragraph (a).

(d) A person that contracts with a nonprofit or government employer under paragraph (a) must, within 30 calendar days of the execution or termination of a contract, notify the commissioner of that execution or termination by electronic transmission, in a format prescribed by the commissioner. The nonprofit or government employer's name, the account number assigned, and any other information required by the commissioner must be provided by that person.

(e) Any contract subject to paragraph (a) must specifically inform the nonprofit or government employer of the assignment of the reimbursable account under this section and the nonprofit or government employer's obligation under paragraph (b). If there is a termination of the contract, the reimbursable account shall, as of the date of termination, immediately be assigned to the nonprofit or government employer.

Subd. 3. [PENALTIES; APPLICATION.] (a) Any person that violates the requirements of this section and any taxpaying employer that violates subdivision 1, paragraph (b), or any nonprofit or government employer that violates subdivision 2, paragraph (b), shall be subject to the penalties under section 268.184, subdivision 1a. Penalties shall be credited to the administration account to be used to ensure integrity in the unemployment insurance program.

(b) Section 268.051, subdivision 4, does not apply to contracts under this section. This section shall not limit or prevent the application of section 268.051, subdivision 4, to any other transactions or acquisitions involving the taxpaying employer. This section shall not limit or prevent the application of section 268.051, subdivision 4a.

(c) An assignment of an account upon the execution of a contract under this section and a termination of a contract with the corresponding assignment of the account shall not be considered a separation from employment of any worker covered by the contract. Nothing under this subdivision shall cause the person to be liable for any amounts past due under this chapter from the taxpaying employer or the nonprofit or government employer.

(d) This section applies to, but is not limited to, persons registered under section 79.255, but does not apply to persons that obtain an exemption from registration under section 79.255, subdivision 9.

**[EFFECTIVE DATE.]** This section applies to all contracts executed on and after January 1, 2006."

Page 8, delete lines 7 and 8

Page 9, line 32, strike "FIRMS" and insert "COMPANY, PROFESSIONAL EMPLOYER ORGANIZATION, OR SIMILAR PERSON"

Page 9, line 34, strike "firms" and insert "company, professional employer organization, or similar person"

Page 10, line 2, strike "firm" and insert "company, professional employer organization, or similar person"

Page 11, line 30, delete "268.0436" and insert "268.046"

Page 11, line 32, delete "268.0436" and insert "268.046"

Page 15, after line 28, insert:

"An employee leasing company, professional employer organization, or similar person, that has been assigned a tax or reimbursable account under section 268.046 is an employer for purposes of this chapter."

Page 26, after line 2, insert:

"Sec. 14. Minnesota Statutes 2004, section 268.057, subdivision 7, is amended to read:

Subd. 7. [CREDIT ADJUSTMENTS, REFUNDS.] (a) If an employer makes an application for a credit adjustment of any amount paid under this chapter or section 116L.20 within four years of the ~~year~~ date that the payment was ~~made due~~, in a manner and format prescribed by the commissioner, and the commissioner determines that the payment or any portion was erroneous, the commissioner shall make an adjustment and issue a credit without interest. If a credit cannot be used, the commissioner shall refund, without interest, the amount erroneously paid. The commissioner, on the commissioner's own motion, may make a credit adjustment or refund under this subdivision.

Any refund returned to the commissioner shall be considered unclaimed property under chapter 345.

(b) If a credit adjustment or refund is denied in whole or in part, a notice of denial shall be sent to the employer by mail or electronic transmission. Within 30 calendar days after sending of the notice of denial, the employer may protest.

Upon receipt of a timely protest, the commissioner shall review the denial and either affirm the denial or redetermine the credit adjustment or refund. The affirmation of denial or redetermination of the credit adjustment or refund, sent by mail or electronic transmission, shall be final unless an employer files an appeal within 30 calendar days after sending. Proceedings on the appeal shall be conducted in accordance with section 268.105."

Pages 40 to 48, delete section 32 and insert:

"Sec. 33. Minnesota Statutes 2004, section 268.105, is amended to read:

268.105 [APPEALS.]

Subdivision 1. [EVIDENTIARY HEARING BY AN UNEMPLOYMENT LAW JUDGE.] (a) Upon a timely appeal having been filed, the department shall send, by mail or electronic transmission, a notice of appeal to all involved parties that an appeal has been filed, that a de novo due process evidentiary hearing will be scheduled, and that the parties have certain rights and responsibilities regarding the hearing. The department shall set a time and place for a de novo due process evidentiary hearing and send notice to any involved applicant and any involved employer, by mail or electronic transmission, not less than ten calendar days prior to the date of the hearing.

(b) The evidentiary hearing shall be conducted by an unemployment law judge without regard to any common law burden of proof as an evidence gathering inquiry and not an adversarial proceeding. The unemployment law judge shall ensure that all relevant facts are clearly and fully developed. The department shall adopt rules on evidentiary hearings. The rules need not conform to common law or statutory rules of evidence and other technical rules of procedure. The department shall have discretion regarding the method by which the evidentiary hearing is conducted. A report of any employee of the department, except a determination, made in the regular course of the employee's duties, shall be competent evidence of the facts contained in it.

(c) After the conclusion of the hearing, upon the evidence obtained, the unemployment law judge shall make findings of fact and decision and send those, by mail or electronic transmission, to all involved parties. When the credibility of an involved party or witness testifying in an evidentiary hearing has a significant effect on the outcome of a decision, the unemployment law judge must set out the reason for crediting or discrediting that testimony. The unemployment law judge's decision is ~~the final department decision~~ unless a ~~further appeal~~ request for reconsideration is filed pursuant to subdivision 2.

(d) Only employees of the department who are attorneys shall serve as unemployment law judges. ~~A senior unemployment review judge. The commissioner may personally hear or transfer to another unemployment law judge any proceedings pending before an unemployment law judge. Any proceedings removed to a senior unemployment review judge shall be heard in accordance with this subdivision.~~

Subd. 2. ~~[DE NOVO REVIEW BY A SENIOR UNEMPLOYMENT REVIEW JUDGE.]~~ (a) ~~Except as provided under subdivision 2a, any involved applicant or involved employer may appeal a decision of an unemployment law judge and obtain a de novo review by a senior unemployment review judge by filing with a senior unemployment review judge an appeal within 30 calendar days after the sending of the unemployment law judge's decision. A senior unemployment review judge within the same period of time may, on a senior unemployment review judge's own motion, order a de novo review of any decision of an unemployment law judge.~~

~~(b) A senior unemployment review judge shall be an attorney who is an employee of the department.~~

~~(c) Upon de novo review, a senior unemployment review judge shall, on the basis of that evidence submitted at the evidentiary hearing under subdivision 1, make findings of fact and decision, or remand the matter back to an unemployment law judge for the taking of additional evidence and the making of new findings and decision based on all the evidence. A senior unemployment review judge shall, independent of the findings of fact and decision of the unemployment law judge, examine the evidence and make those findings of fact as the evidence, in the judgment of the senior unemployment review judge require, and make that decision as the facts found by the senior unemployment review judge require.~~

~~(d) A senior unemployment review judge may conduct a de novo review without argument by any involved party, or a senior unemployment review judge may allow written argument. A senior unemployment review judge shall not, except for purposes of deciding whether to remand a matter to an unemployment law judge for a further evidentiary hearing, consider any evidence that was not submitted at the hearing before the unemployment law judge.~~

~~(e) The senior unemployment review judge shall send, by mail or electronic transmission, to any involved party the senior unemployment review judge's findings of fact and decision. The decision of the senior unemployment review judge is the final decision of the department. Unless judicial review is sought under subdivision 7, the decision of the senior unemployment review judge shall become final 30 calendar days after sending.~~

Subd. 2a. ~~[ORDERS BY A SENIOR UNEMPLOYMENT REVIEW JUDGE.]~~ (a) ~~If an applicant or employer files an appeal in a matter where an unemployment law judge affirmed a determination issued under section 268.101, and there is no dispute regarding the determinative facts, a senior unemployment review judge shall have the discretion to decline to conduct a de novo review. If de novo review is declined, the senior unemployment review judge shall issue an order adopting the unemployment law judge's findings of fact and decision.~~

~~(b) If an involved party fails, without good cause, to appear and participate at the evidentiary hearing conducted by an unemployment law judge under subdivision 1, and that party files an appeal, a senior unemployment review judge shall have the discretion to decline to conduct a de novo review. If de novo review is declined, the senior unemployment review judge shall issue an order dismissing the appeal.~~

~~Submission of a written statement shall not constitute an appearance and participation at an evidentiary hearing for purposes of this paragraph.~~

~~All involved parties must be notified of this paragraph with the notice of appeal and notice of hearing provided for under subdivision 1. The senior unemployment review judge shall allow for the submission of a written argument on the issue of good cause before dismissing an appeal under this paragraph.~~

~~"Good cause" for purposes of this paragraph is a compelling reason that would have prevented a reasonable person acting with due diligence from appearing and participating at the evidentiary hearing.~~

~~(e) The senior unemployment review judge shall send to any involved party the order issued under this subdivision. The order may be sent by mail or electronic transmission. Unless judicial review is sought under subdivision 7, the order of a senior unemployment review judge becomes final 30 calendar days after sending. [REQUEST FOR RECONSIDERATION.] (a) Any involved applicant, involved employer, or the commissioner may, within 30 calendar days of the sending of the unemployment law judge's decision under subdivision 1, file a request for reconsideration asking the unemployment law judge to reconsider that decision. Section 268.103 shall apply to a request for reconsideration. If a request for reconsideration is timely filed, the unemployment law judge shall issue an order:~~

~~(1) modifying the findings of fact and decision issued under subdivision 1;~~

~~(2) setting aside the findings of fact and decision issued under subdivision 1 and directing that an additional evidentiary hearing be conducted under subdivision 1; or~~

~~(3) affirming the findings of fact and decision issued under subdivision 1.~~

~~(b) Upon a timely request for reconsideration having been filed, the department shall send a notice, by mail or electronic transmission, to all involved parties that a request for reconsideration has been filed. The notice shall inform the involved parties:~~

~~(1) of the opportunity to provide comment on the request for reconsideration, and the right under subdivision 5 to obtain a copy of any recorded testimony and exhibits offered or received into evidence at the evidentiary hearing;~~

~~(2) that providing specific comments as to a perceived factual or legal error in the decision, or a perceived error in procedure during the evidentiary hearing, will assist the unemployment law judge in deciding the request for reconsideration;~~

~~(3) of the right to obtain any comments and submissions provided by the other involved party regarding the request for reconsideration; and~~

~~(4) of the provisions of paragraph (c) regarding additional evidence.~~

~~This paragraph shall not apply if paragraph (d) is applicable.~~

~~(c) In deciding a request for reconsideration, the unemployment law judge shall not, except for purposes of determining whether to order an additional evidentiary hearing, consider any evidence that was not submitted at the evidentiary hearing conducted under subdivision 1.~~

~~The unemployment law judge must order an additional evidentiary hearing if an involved party shows that evidence which was not submitted at the evidentiary hearing: (1) would likely change the outcome of the decision and there was good cause for not having previously submitted that evidence; or (2) would show that the evidence that was submitted at the evidentiary hearing was likely false and that the likely false evidence had an effect on the outcome of the decision.~~

~~(d) If the involved applicant or involved employer who filed the request for reconsideration failed to participate in the evidentiary hearing conducted under subdivision 1, an order setting aside the findings of fact and decision and directing that an additional evidentiary hearing be conducted must be issued if the party who failed to participate had good cause for failing to do so. In the notice of the request for reconsideration, the party who failed to participate~~

shall be informed of the requirement, and provided the opportunity, to show good cause for failing to participate. If the unemployment law judge determines that good cause for failure to participate has not been shown, the unemployment law judge must state that in the order issued under paragraph (a).

Submission of a written statement at the evidentiary hearing under subdivision 1 shall not constitute participation for purposes of this paragraph.

All involved parties must be informed of this paragraph with the notice of appeal and notice of hearing provided for in subdivision 1.

"Good cause" for purposes of this paragraph is a reason that would have prevented a reasonable person acting with due diligence from participating at the evidentiary hearing.

(e) A request for reconsideration shall be decided by the unemployment law judge who issued the findings of fact and decision under subdivision 1 unless that unemployment law judge: (1) is no longer employed by the department; (2) is on an extended or indefinite leave; (3) has been disqualified from the proceedings on the judge's own motion; or (4) has been removed from the proceedings as provided for under subdivision 1 or applicable rule.

(f) The unemployment law judge shall send to any involved applicant or involved employer, by mail or electronic transmission, the order issued under this subdivision. An order modifying the previously issued findings of fact and decision or an order affirming the previously issued findings of fact and decision shall be the final department decision on the matter and shall be final and binding on the involved applicant and involved employer unless judicial review is sought under subdivision 7.

Subd. 3. [WITHDRAWAL OF APPEAL.] (a) Any appeal that is pending before an unemployment law judge ~~or a senior unemployment review judge~~ may be withdrawn by the appealing person, or an authorized representative of that person, upon filing of a notice of withdrawal.

(b) The appeal shall, by order, be dismissed if a notice of withdrawal is filed, unless an unemployment law judge ~~or a senior unemployment review judge, by order,~~ directs that further adjudication is required for a proper result.

(c) A notice of withdrawal may be filed by mail or by electronic transmission.

Subd. 3a. [DECISIONS.] (a) If an unemployment law judge's decision ~~or a senior unemployment review judge's decision~~ or order allows unemployment benefits to an applicant, the unemployment benefits shall be paid regardless of any ~~appeal period~~ request for reconsideration or any appeal to the Minnesota Court of Appeals having been filed.

(b) If an unemployment law judge's decision or order modifies or reverses a determination, or prior decision of the unemployment law judge, allowing unemployment benefits to an applicant, any benefits paid pursuant to the determination, or prior decision of the unemployment law judge, is considered an overpayment of those unemployment benefits under section 268.18, subdivision 1.

~~(c) If a senior unemployment review judge's decision modifies or reverses an unemployment law judge's decision allowing unemployment benefits to an applicant, any unemployment benefits paid pursuant to the unemployment law judge's decision is considered an overpayment of those unemployment benefits under section 268.18, subdivision 1.~~

~~(d) If a senior unemployment review judge affirms an unemployment law judge's decision on an issue of disqualification that order under subdivision 2 allows unemployment benefits to an applicant under section 268.095 because of a quit or discharge and the senior unemployment review law judge's decision or order is reversed by the Minnesota Court of Appeals or the Supreme Court of Minnesota, any unemployment benefits paid the applicant shall not be disqualified from considered an overpayment of those unemployment benefits under section 268.095 268.18, subdivision 1.~~



(e) ~~(d)~~ If ~~a senior~~ an unemployment review law judge, pursuant to subdivision 2, ~~remands a matter to an unemployment law judge for~~ orders the taking of additional evidence, the ~~prior~~ unemployment law judge's prior decision shall continue to be enforced until new findings of fact and decision are made by ~~an~~ the unemployment law judge.

Subd. 4. [TESTIMONIAL POWERS.] An unemployment law judge ~~and a senior unemployment review judge~~ may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of documents and other personal property considered necessary as evidence in connection with the subject matter of an evidentiary hearing. The subpoenas shall be enforceable through the district court in the district that the subpoena is issued. Witnesses subpoenaed, other than an involved applicant or involved employer or officers and employees of an involved employer, shall be paid by the department the same witness fees as in a civil action in district court.

Subd. 5. [USE OF EVIDENCE; DATA PRIVACY.] (a) All testimony at any evidentiary hearing conducted pursuant to subdivision 1 shall be recorded. A copy of any recorded testimony and exhibits offered or received into evidence at the hearing shall, upon request, ~~or upon directive of a senior unemployment review judge,~~ be furnished to a party at no cost during the time period for filing ~~an appeal to a senior unemployment review judge~~ a request for reconsideration or while ~~such an appeal~~ a request for reconsideration is pending. ~~If requested, the department shall make available a device for listening to the recording if an appeal is pending before a senior unemployment review judge under subdivision 2.~~

(b) Regardless of any provision of law to the contrary, if recorded testimony and exhibits received into evidence at the evidentiary hearing are not requested during the time period for filing ~~an appeal to a senior unemployment review judge~~ a request for reconsideration, or while ~~such an appeal~~ a request for reconsideration is pending, that testimony and other evidence shall later be made available ~~to an involved party~~ only pursuant to a district court order. A subpoena shall not be considered a district court order.

(c) Testimony obtained under subdivision 1, may not be used or considered for any purpose, including impeachment, in any civil, administrative, or contractual proceeding, except by a local, state, or federal human rights agency with enforcement powers, unless the proceeding is initiated by the department.

Subd. 5a. [NO COLLATERAL ESTOPPEL.] No findings of fact or decision or order issued by an unemployment law judge ~~or a senior unemployment review judge~~ may be held conclusive or binding or used as evidence in any separate or subsequent action in any other forum, be it contractual, administrative, or judicial, except proceedings provided for under this chapter, regardless of whether the action involves the same or related parties or involves the same facts.

Subd. 6. [REPRESENTATION; FEES.] (a) In any proceeding under subdivision 1; ~~or 2; or 2a,~~ an applicant or involved employer may be represented by any agent.

(b) Except for services provided by an attorney-at-law, an applicant shall not be charged fees, costs, or disbursements of any kind in a proceeding before an unemployment law judge, ~~a senior unemployment review judge,~~ the Minnesota Court of Appeals, or the Supreme Court of Minnesota.

Subd. 7. [JUDICIAL REVIEW.] (a) The Minnesota Court of Appeals shall, by writ of certiorari to the department, review the ~~senior~~ unemployment review law judge's decision ~~under subdivision 2 or order under subdivision 2a,~~ provided a petition for the writ is filed with the court and a copy is served upon the ~~senior~~ unemployment review law judge or the commissioner and any other involved party within 30 calendar days of the sending of the ~~senior~~ unemployment review law judge's decision ~~under subdivision 2 or order under subdivision 2a~~ 2.

(b) Any employer petitioning for a writ of certiorari shall pay to the court the required filing fee and upon the service of the writ shall furnish a cost bond to the department in accordance with the Rules of Civil Appellate Procedure. If the employer requests a written transcript of the testimony received at the evidentiary hearing conducted pursuant to subdivision 1, the employer shall pay to the department the cost of preparing the transcript. That money shall be credited to the administration account.

(c) Upon issuance by the Minnesota Court of Appeals of a writ of certiorari as a result of an applicant's petition, the department shall furnish to the applicant at no cost a written transcript of any testimony received at the evidentiary hearing conducted pursuant to subdivision 1, and, if requested, a copy of all exhibits entered into evidence. No filing fee or cost bond shall be required of an applicant petitioning the Minnesota Court of Appeals for a writ of certiorari.

(d) The Minnesota Court of Appeals may affirm the decision of the unemployment law judge or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the findings, inferences, conclusion, or decision are:

(1) in violation of constitutional provisions;

(2) in excess of the statutory authority or jurisdiction of the department;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) unsupported by substantial evidence in view of the entire record as submitted; or

(6) arbitrary or capricious.

(e) The department shall be considered the primary responding party to any judicial action involving ~~a senior an~~ an unemployment ~~review law~~ law judge's decision ~~or order~~. The department may be represented by an attorney who is an employee of the department.

**[EFFECTIVE DATE.]** This section applies to unemployment law judge decisions issued on or after 30 days following final enactment of this act."

Page 54, line 1, delete "31, 33 to 38, and 40" and insert "32, 34 to 39, and 41"

Page 54, line 2, delete "39" and insert "40"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying appeal procedures;"

Page 1, line 7, delete "2, 3;" and insert "1, 2, 3; 268.045, subdivision 1;"

Page 1, line 10, after the first semicolon, insert "268.057, subdivision 7;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 899, A bill for an act relating to local government; authorizing the state auditor to waive certain rules and laws applying to local government units; creating a grants board to fund cooperative efforts in public service delivery; proposing coding for new law in Minnesota Statutes, chapter 6.

Reported the same back with the following amendments:

Page 4, line 2, delete "(d)" and insert "(c)"

Page 4, line 13, delete "(e)" and insert "(d)"

Page 4, line 32, delete "(f)" and insert "(e)"

Page 5, line 2, delete "denied" and insert "objected to"

Page 6, line 36, delete "DATE" and insert "DATA"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 934, A bill for an act relating to gambling; appropriating money for compulsive gambling prevention and education.

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

The report was adopted.

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

H. F. No. 945, A bill for an act relating to transportation; authorizing billing for highway sign program and establishing special account; modifying eligibility criteria for certain business signs; modifying provisions relating to state-aid highways and streets, traffic signals, and railroads in quiet zones; removing expiration for commuter rail corridor coordinating committee; appropriating money; amending Minnesota Statutes 2004, sections 160.80,

subdivision 1a; 162.02, subdivisions 2, 3a; 162.06, subdivision 2; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 169.06, subdivisions 5, 6; 169.28, subdivision 2; 174.86, subdivision 5; 219.166; 219.567; proposing coding for new law in Minnesota Statutes, chapters 160; 162.

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

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 952, A bill for an act relating to health; providing for grants and public information related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Pages 1 to 4, delete section 2 and insert:

"Sec. 2. [145.4231] [POSITIVE ABORTION ALTERNATIVES.]

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

(1) "abortion" means the use of any means to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the unborn child. For purposes of this section, abortion does not include an abortion necessary to prevent the death of the mother; and

(2) "unborn child" means an individual organism of the species Homo sapiens from fertilization until birth.

Subd. 2. [ELIGIBILITY FOR GRANTS.] (a) The commissioner of health shall award grants to eligible applicants under paragraph (c) for the reasonable expenses of programs to support, encourage, and assist women in carrying their pregnancies to term by providing information on, referral to, and assistance with securing necessary services that enable women to carry their pregnancies to term. Necessary services include, but are not limited to:

(1) medical care;

(2) nutritional services;

(3) housing assistance;

(4) adoption services;

(5) education and employment assistance;

(6) parenting education and support services; and

(7) child care assistance.

(b) In addition to providing information and referral under paragraph (a), an eligible program may provide one or more of the necessary services under paragraph (a) that assists women in carrying their pregnancies to term. To avoid duplication of efforts, grantees may refer to other public or private programs, rather than provide the care directly, if a woman meets eligibility criteria for the other programs.

(c) To be eligible for a grant, an agency or organization must:

(1) be a private, nonprofit organization;

(2) demonstrate that the program is conducted under appropriate supervision;

(3) not charge women for services provided under the program;

(4) provide each pregnant woman counseled with accurate information on the developmental characteristics of unborn children, including offering the printed information described in section 145.4243;

(5) ensure that the alternatives to abortion program's sole purposes are to assist and encourage women in carrying their pregnancies to term and to maximize their potentials thereafter;

(6) ensure that none of the funds provided are used to encourage or counsel a woman to have an abortion not necessary to prevent her death, to provide her such an abortion, or to refer her for such an abortion; and

(7) have had the alternatives to abortion program in existence for at least one year as of July 1, 2005.

(d) The provisions, words, phrases, and clauses of paragraph (c) are inseverable from this subdivision, and if any provision, word, phrase, or clause of paragraph (c) or the application thereof to any person or circumstance is held invalid, such invalidity shall apply to all of this subdivision.

(e) An organization that provides abortions, promotes abortions, or directly refers for abortions is ineligible to receive a grant under this program. An affiliate of an organization that provides abortions, promotes abortions, or directly refers for abortions is ineligible to receive a grant under this section unless the organizations are separately incorporated and independent from each other. To be independent, the organizations may not share any of the following:

(1) the same or a similar name;

(2) medical facilities or nonmedical facilities, including, but not limited to, business offices, treatment rooms, consultation rooms, examination rooms, and waiting rooms;

(3) expenses;

(4) employee wages or salaries; or

(5) equipment or supplies, including, but not limited to, computers, telephone systems, telecommunications equipment, and office supplies.

(f) An organization that receives a grant under this section and that is affiliated with an organization that provides abortion services must maintain financial records that demonstrate strict compliance with this subdivision and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from the grant under this section.

Subd. 3. [DUTIES OF COMMISSIONER.] The commissioner of health shall make grants under subdivision 2 beginning no later than July 1, 2006. The commissioner shall monitor and review the programs of each grantee to ensure that the grantee carefully adheres to the purposes and requirements of subdivision 2 and shall cease funding a grantee that fails to do so.

Subd. 4. [SEVERABILITY.] Except as provided in subdivision 2, paragraph (d), if any provision, word, phrase, or clause of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or applications of this section that can be given effect without the invalid provision, word, phrase, clause, or application and to this end, the provisions, words, phrases, and clauses of this section are declared to be severable.

Sec. 3. [APPROPRIATIONS; COMMUNITY HEALTH AND FAMILY PROMOTION.]

Of the general fund appropriation to the commissioner of health in fiscal year 2007, \$2,500,000 is for positive abortion alternatives under Minnesota Statutes, section 145.4231. Of this amount, \$100,000 may be used for administrative costs of implementing the grant program. An additional \$50,000 is appropriated from the general fund to the commissioner of health in fiscal year 2006 for administrative costs of program implementation."

Amend the title as follows:

Page 1, lines 2 and 3, delete "and public information"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Sykora from the Committee on Education Finance to which was referred:

H. F. No. 967, A bill for an act relating to education finance; authorizing a classroom contribution refund; appropriating money; amending Minnesota Statutes 2004, section 290.06, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

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

H. F. No. 980, A bill for an act relating to human services; modifying programs and services for persons with disabilities; amending Minnesota Statutes 2004, sections 252.27, subdivision 2a; 256B.04, by adding a subdivision; 256B.056, subdivisions 3, 5c; 256B.057, subdivision 9; 256B.0575; 256B.0621, subdivisions 4, 6, by adding a subdivision; 256B.0625, subdivision 9; 256B.0916, by adding a subdivision; 256B.092, subdivisions 2a, 4b; 256B.35, subdivision 1; 256B.49, subdivisions 13, 16; 256B.5012, by adding a subdivision; 256B.69, subdivision 23; 256B.765; 256D.03, subdivision 4; 256L.03, subdivisions 1, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Pages 5 to 7, delete section 2

Page 34, after line 6, insert:

"Sec. 26. [DISABILITY SERVICES INTERAGENCY WORK GROUP.]

Subdivision 1. [MEMBERSHIP.] The Department of Human Services, the Minnesota Housing Finance Agency, and the Minnesota State Council on Disability shall convene an interagency work group which includes interested stakeholders including other state agencies, counties, public housing authorities, the Metropolitan Council, disability service providers, and representatives from disability advocacy organizations to identify barriers, strengthen coordination, recommend policy and funding changes, and pursue federal financing that will assist Minnesotans with disabilities who are attempting to relocate from or avoid placement in institutional settings.

Subd. 2. [WORK GROUP ACTIVITIES.] The work group shall make recommendations to the state agencies and the legislature related to:

(1) coordinating the availability of housing, transportation, and support services needed to discharge persons with disabilities from institutions;

(2) improving information and assistance needed to make an informed choice about relocating from an institutional placement to community-based services;

(3) identifying gaps in human services, transportation, or housing access which are barriers to moving to community services;

(4) identifying strategies which would result in earlier identification of persons most at risk of institutional placement in order to promote diversion to community service or reduce length of stay in an institutional facility;

(5) identifying funding mechanisms and financial strategies to assure a financially sustainable community support system that diverts and relocates individuals from institutional placement; and

(6) identifying state changes needed to address any federal changes affecting policies, benefits, or funding used to support persons with disabilities to avoid institutional placement.

Subd. 3. [RECOMMENDATIONS.] Recommendations of the work group will be submitted to each participating state agency and to the chairs of the health and human services policy and finance committees of the senate and house of representatives by October 15, 2006."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete the semicolon

Page 1, delete line 14

Page 1, line 15, delete "chapter 256"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health Policy and Finance.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1134, A bill for an act relating to motor vehicles; regulating registration plates and stickers; regulating certain fees; amending Minnesota Statutes 2004, sections 168.27, by adding a subdivision; 168.33, subdivision 7; 168.66, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 168.27, is amended by adding a subdivision to read:

Subd. 28. [DISTRIBUTION OF PLATES AND STICKERS.] The commissioner may distribute registration plates and stickers to be held and issued by new and used motor vehicle dealers. A dealer may issue registration plates and stickers only in conjunction with and at the time of the sale of a vehicle by the dealer. A dealer permitted to hold and issue registration plates and stickers must be equipped with electronic transmission technology and trained in its use. Before receiving registration plates and stickers under this subdivision a dealer must adopt and implement security and record-keeping requirements satisfactory to the commissioner. The commissioner may revoke the authority granted under this subdivision for any violation of law or rule governing the issuance of registration plates and stickers, any violation of the dealer's security and record-keeping plan, or any other action that in the commissioner's opinion adversely affects the registration system. The dealer is financially responsible for the cost and tax value of any unaccounted inventory.

Sec. 2. Minnesota Statutes 2004, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FILING FEE.] (a) In addition to all other statutory fees and taxes, a filing fee of:

(i) \$4.50 is imposed on every motor vehicle registration renewal, excluding pro rate transactions; and

(ii) \$7 is imposed on every other type of vehicle transaction, including pro rate transactions;

except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the Department of Public Safety, a licensed auto dealer, or a deputy registrar. The filing fee must be shown as a separate item on all registration renewal notices sent out by the department. No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle.

(b) Filing fees collected under this subdivision by the department must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of motor vehicles. Filing fees collected for registrations of motor vehicles in conjunction with a title transfer or first application in this state must be paid into the state treasury with 50 percent of the money credited to the general fund and 50 percent credited to the highway user tax distribution fund.

~~(c) A motor vehicle dealer shall retain \$2.50 of each filing fee imposed under this subdivision for a completed transaction involving the sale of a motor vehicle to or by a licensed dealer, if the dealer electronically transmits the transaction to the department or deputy registrar. The department shall develop procedures to implement this subdivision in consultation with the Minnesota Deputy Registrar Association and the Minnesota Automobile Dealers Association. Deputy registrars shall not be prohibited from receiving and processing required documents supporting an electronic transaction.~~



Sec. 3. Minnesota Statutes 2004, section 168.33, is amended by adding a subdivision to read:

Subd. 8a. [ELECTRONIC TRANSMISSION.] If the commissioner accepts electronic transmission of a motor vehicle transfer and registration by a new or used motor vehicle dealer, a deputy registrar who is equipped with electronic transmission technology and trained in its use shall receive the filing fee provided for in subdivision 7 and review the transfer of each new or used motor vehicle to determine its genuineness and regularity before issuance of a certificate of title, and shall receive and retain the filing fee under subdivision 7, paragraph (a), clause (ii).

Sec. 4. Minnesota Statutes 2004, section 168.66, subdivision 14, is amended to read:

Subd. 14. [CASH SALE PRICE.] "Cash sale price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include any taxes, charges for delivery, servicing, repairing, or improving the motor vehicle, including accessories and their installation, and any other charges agreed upon between the parties. The cash price may not include a documentary fee or document administration fee in excess of \$50 for services actually rendered to, for, or on behalf of, the retail buyer in preparing, handling, and processing documents relating to the motor vehicle and the closing of the retail sale. "Documentary fee" and "document administration fee" do not include an optional electronic transfer fee as defined under subdivision 25.

Sec. 5. Minnesota Statutes 2004, section 168.66, is amended by adding a subdivision to read:

Subd. 25. [OPTIONAL ELECTRONIC TRANSFER FEE.] "Optional electronic transfer fee" means a charge for services agreed upon between the parties for electronic transmission of ownership records. The charge must be separately stated and identified as "optional electronic transfer fee" on the sales agreement maintained under Minnesota Rules, part 7400.5200. At least half of the fee must be paid to an electronic transmission service provider."

Delete the title and insert:

"A bill for an act relating to motor vehicles; providing for issuance of registration plates and stickers to motor vehicle dealers; providing for electronic transmission of motor vehicle transfers; authorizing an optional electronic transfer fee for electronic transfer of ownership records; amending Minnesota Statutes 2004, sections 168.27, by adding a subdivision; 168.33, subdivision 7, by adding a subdivision; 168.66, subdivision 14, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1214, A bill for an act relating to telecommunications; establishing an accessible electronic information service for blind and disabled persons; appropriating money; amending Minnesota Statutes 2004, section 237.52, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 248.

Reported the same back with the following amendments:

Page 1, line 15, delete "248.061" and insert "248.062"

Page 1, line 17, after the period, insert "The maximum annual budget to implement section 248.062 may not exceed \$100,000."

Page 2, line 12, delete "multistate"

Page 2, delete line 16, and insert:

"Subd. 3. [ELIGIBLE INDIVIDUAL.] Eligible individual"

Page 2, line 17, delete "person"

Page 2, line 26, delete "person" and insert "individual"

Page 2, line 28, after the semicolon, insert "or"

Page 2, delete lines 29 to 32

Page 2, line 33, delete "(3)" and insert "(2)"

Page 2, line 36, delete "an agreement" and insert "agreements" and delete "a"

Page 3, line 1, delete "entity" and insert "entities"

Page 3, line 2, delete "blind and disabled persons" and insert "eligible individuals"

Page 3, after line 3, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment and apply to the budget for Minnesota Statutes, section 248.062, for services provided after April 15, 2005."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1220, A bill for an act relating to unemployment insurance; authorizing the use of certain data by local and state welfare agencies; amending Minnesota Statutes 2004, section 268.19, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1244, A bill for an act relating to crime prevention; requiring all persons arrested for or convicted of committing a felony to submit a DNA sample to law enforcement at the time of booking; appropriating money; amending Minnesota Statutes 2004, sections 299C.03; 299C.08; 299C.11; 299C.155; 299C.21; 609.117; 609A.02, subdivision 3; 609A.03, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 299C; repealing Minnesota Statutes 2004, section 609.119.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2004, section 13.6905, subdivision 17, is amended to read:

Subd. 17. [DNA EVIDENCE.] DNA identification data maintained by the Bureau of Criminal Apprehension are governed by ~~section~~ sections 299C.11 and 299C.155."

Page 4, line 1, delete "2009" and insert "2010"

Page 6, delete lines 19 to 28 and insert:

"(b) No petition under chapter 609A is required if the person has not been convicted of any felony, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

(1) all charges were dismissed prior to a determination of probable cause; or

(2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment. Where these conditions are met, the bureau or agency shall, upon demand, remove the person's information from the bureau's combined DNA index system and return to the arrested person the biological specimen, all related records, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall remove the person's information from the bureau's combined DNA index system and seal the biological specimen, all related records, and all copies and duplicates of them, if the arrested person has not been convicted of any felony, either within or without the state, within the period of ten years immediately preceding such determination. The remedies in section 13.08 apply to a violation of this subdivision."

Page 7, line 30, delete "Information" and insert "Data"

Page 7, line 31, delete "considered"

Page 7, line 35, before "purposes" insert "identification"

Page 7, line 35, after the period, insert "The remedies in section 13.08 apply to a violation of this subdivision."

Page 8, line 9, delete "shall be considered" and insert "are"

Page 8, line 11, before "purposes" insert "identification" and after the period, insert "The remedies in section 13.08 apply to a violation of this subdivision."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "sections" insert "13.6905, subdivision 17;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 1258, A bill for an act relating to local government; authorizing local governments to charge a fee to provide mosquito abatement; amending Minnesota Statutes 2004, section 18G.14, subdivisions 12, 16, by adding a subdivision.

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

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1295, A bill for an act relating to courts; clarifying the life span and interest rate of foreign judgments; providing for the docketing and payment in United States dollars of judgments on foreign-money claims; amending Minnesota Statutes 2004, sections 548.27; 548.46.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 1320, A bill for an act relating to Hennepin County; modifying regional park district provisions; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 2, 4; 383B.703; 383B.71; 383B.73, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2004, section 383B.68, subdivision 1, is amended to read:

Subdivision 1. [AS PROVIDED IN THIS SECTION.] ~~Effective January 1, 1983, and~~ Notwithstanding any provision of sections 398.02 to 398.04, or any other law to the contrary, the Board of Park District Commissioners of the ~~Hennepin County Park Reserve~~ Three Rivers Park District shall consist of seven commissioners appointed or elected as provided in this section."

Page 2, after line 28, insert:

"Sec. 4. Minnesota Statutes 2004, section 383B.70, is amended to read:

383B.70 [COMPENSATION OF COMMISSIONERS.]

Notwithstanding the provisions of section 398.05 or any other law, the compensation of commissioners of the ~~suburban Hennepin regional~~ Three Rivers Park District must be set by the board of park commissioners.

Sec. 5. Minnesota Statutes 2004, section 383B.702, is amended to read:

383B.702 [DEPOSITORIES.]

Notwithstanding section 398.18, the ~~Hennepin County Park Reserve~~ Three Rivers Park District may exercise the powers of a municipality under chapter 118A."

Page 2, line 32, delete "Three Rivers" and insert "Suburban Hennepin Regional"

Page 3, after line 15, insert:

"Sec. 8. Minnesota Statutes 2004, section 383B.72, is amended to read:

383B.72 [LAND ACQUISITION; TOWN CONSENT.]

Notwithstanding the provisions of section 398.09, the Board of Park District Commissioners of the ~~Hennepin County Park Reserve~~ Three Rivers Park District, before acquiring by purchase or condemnation real estate located within the boundaries of any organized town in Hennepin County, other than real estate located within an area designated for development of a park in the most recent revised plan which has been prepared by the district in accordance with section 398.19, and is on file on June 9, 1971, with the state department of parks, shall secure the consent of the town board of such town to such acquisition, by resolution duly adopted by such board."

Page 4, after line 20, insert:

"Sec. 10. Minnesota Statutes 2004, section 398.10, is amended to read:

398.10 [PARK SUPERINTENDENT; EMPLOYEES.]

The board shall, by secret ballot, elect a park superintendent to serve as the chief administrative officer of the park district. Such election shall be for terms of not to exceed ~~two~~ five years and the superintendent shall serve at the pleasure of the board. No person shall be elected superintendent unless the person has had at least ten years experience in business or in public administration, at least five years of which shall have been in a responsible administrative capacity and at least three years in the administration of parks or recreation. The salary of the superintendent shall be set by the board. The superintendent or a designee shall serve as secretary to the board. The secretary shall, promptly after selection, file with the board a bond in the penal sum of \$10,000, with good and sufficient sureties acceptable to the board of park district commissioners.

The board shall have power to appoint such officers, agents and employees as it deems necessary for the proper administration of the district. The officers, agents and employees shall perform such duties and receive such compensation as the board may determine and shall be removable at the pleasure of the board.

Sec. 11. Minnesota Statutes 2004, section 473.351, subdivision 1, is amended to read:

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

(a) "Implementing agency" means the counties of Anoka, Washington, Ramsey, Scott, Carver, Dakota, the city of St. Paul, the city of Bloomington, the Minneapolis Park and Recreation Board, and the ~~Hennepin County Park Reserve~~ Three Rivers Park District.

(b) "Operation and maintenance expenditures" means the cost of providing for the operation and maintenance of waters, lands, and facilities that are a part of the metropolitan area regional park and open space system, including but not limited to, the provision of fire, police, maintenance, forestry, rehabilitation expenses pertaining to routine care, and the allocation of the administrative overhead costs of the regional park and open space systems.

(c) "Operation and maintenance money" means money appropriated by the legislature to the commissioner of employment and economic development for distribution by the Metropolitan Council.

(d) "Regional recreation open space systems" means those parks that have been designated by the Metropolitan Council under section 473.145.

Sec. 12. Minnesota Statutes 2004, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the ~~Suburban Hennepin Regional~~ Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j);

609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to local government; modifying regional park district provisions for Hennepin County; changing the term limit for a park superintendent; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 1, 2, 4; 383B.70; 383B.702; 383B.703; 383B.71; 383B.72; 383B.73, subdivision 1; 398.10; 473.351, subdivision 1; 609.531, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1327, A bill for an act relating to water; providing for the consumptive use of groundwater.

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

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1352, A bill for an act relating to public safety; modifying provisions regulating motor vehicle and driver applications and records; modifying vehicle accident reports and procedures, including provision for vehicle accident "long arm" statute; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 168.346; 168A.04, by adding a subdivision; 169.09, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, by adding subdivisions; 171.07, subdivisions 1, 3; 171.12, subdivision 7; repealing Minnesota Statutes 2004, sections 169.09, subdivision 10; 170.55.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1354, A bill for an act relating to transportation; increasing a motor vehicle transaction fee; increasing filing fee for processing license applications and fees; amending Minnesota Statutes 2004, sections 168.33, subdivision 7; 171.06, subdivision 2; 171.061, subdivision 4; 171.26.

Reported the same back with the following amendments:

Page 1, line 14, delete "\$9.50" and insert "\$8.50"

Page 1, line 16, delete "\$13" and insert "\$12"

Page 1, lines 24 to 26, delete the new language

Page 2, lines 1 to 7, delete the new language

Page 2, line 13, strike "(c)"

Page 2, lines 23 to 33, delete the new language

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1365, A bill for an act relating to local government; authorizing inverse condemnation by a mixed municipal solid waste services business when a governmental entity occupies the market; proposing coding for new law in Minnesota Statutes, chapter 117.

Reported the same back with the following amendments:

Page 1, line 10, after "1." insert "[DEFINITION.] As used in this section, "political subdivision" means a statutory or home rule charter city or a town.

Subd. 2."

Page 1, lines 14, 18, and 23, after "waste" insert "collection"

Page 1, line 16, delete "state or"

Page 2, lines 1 and 5, after "waste" insert "collection"

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

Page 2, line 9, after the period, insert "A person may not maintain an action against a political subdivision under subdivision 1 if the political subdivision prohibits a person providing mixed municipal solid waste collection services from providing the services because the person engaged in criminal or fraudulent conduct."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government.

The report was adopted.



Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1438, A bill for an act relating to natural resources; providing for an official map of state forest roads as an alternative recording method; proposing coding for new law in Minnesota Statutes, chapter 89.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs.

The report was adopted.

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

H. F. No. 1460, A bill for an act relating to state government; regulating state construction contracts; amending Minnesota Statutes 2004, sections 16B.31, subdivision 1; 16B.33, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16C.

Reported the same back with the following amendments:

Page 8, line 8, after "persons" insert "or a firm with persons who are"

Page 10, line 8, delete everything after "Register"

Page 10, line 9, delete everything before the period

Page 10, lines 16 and 27, after "commissioner" insert "of administration"

Page 11, line 19, after "experience" insert "as a constructor or primary designer"

Page 11, lines 21 and 22, delete "as a constructor or primary designer"

Page 11, line 34, after "request" insert "for"

Page 13, line 15, after "experience" insert "as a constructor or primary designer"

Page 13, line 22, delete everything after "(c)"

Page 13, delete lines 23 to 26

Page 13, line 27, delete everything before "With"

Page 13, line 33, after the period, insert "A named mechanical or electrical subcontractor member of a design-builder's team shall competitively bid all subcontracted portions of the mechanical or electrical subcontractor's work from a list of qualified firms. Such qualified firms shall be determined as described in paragraph (b). The commissioner and the design-builder shall agree to a list of materials and equipment that shall be competitively bid."

Page 14, line 18, after "experience" insert "as a constructor or primary designer"

Page 15, line 33, delete "section" and insert "subdivision"

Page 17, line 17, delete "fee or the"

Page 17, line 21, delete "reaching an executed" and insert "executing a"

Page 19, line 4, delete everything after "Register"

Page 19, delete line 5

Page 19, line 6, delete "subdivision 4"

Page 19, line 25, after "experience" insert "as a constructor"

Page 19, line 28, delete "as a constructor"

Page 20, line 10, delete everything after "electrical"

Page 20, line 11, delete "electrical"

Page 21, line 3, after "(e)" insert "With the approval of the commissioner, the construction manager at risk proposal may name either or both a mechanical or electrical subcontractor or subcontractors as a named member of the construction at risk team, and except as described below, if either or both a mechanical or electrical subcontractors or subcontractor is so named, the construction manager at risk is not required to competitively bid the mechanical or electrical trade contract work."

Page 21, lines 8 and 9, delete ", in addition to the proposed price."

Page 21, line 9, after "experience" insert "as constructors"

Page 21, line 16, delete everything after the period

Page 21, delete lines 17 to 22

Page 21, line 23, delete everything before "With"

Page 21, lines 28 and 29, delete "all trade contract."

Page 21, lines 30 and 31, delete ", and all material purchases for the project"

Page 21, line 32, after the period, insert "The commissioner and the construction manager at risk shall agree to a list of materials and equipment that shall be competitively bid."

Page 21, line 33, delete "electrical or mechanical and"

Page 22, line 17, after the period, insert "To the extent practical, the commissioner must give notice to representatives of targeted group businesses designated under section 16C.16."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1461, A bill for an act relating to motor vehicles; modifying and simplifying provisions related to parking for persons with disabilities; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 85.052, subdivision 3; 85.053, subdivision 7; 168.011, subdivision 4, by adding a subdivision; 168.021; 168.33, subdivision 8; 169.345; 169.346, subdivisions 1, 2, 2a, 3.

Reported the same back with the following amendments:

Page 8, line 17, delete "Intermediate-term certificate" and insert "Long-term certificate"

Page 8, line 20, delete "Long-term certificate" and insert "Six-year certificate"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 1465, A bill for an act relating to civil actions; providing limits on certain liability of long-term care providers; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144A.80] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to section 144A.81.

Subd. 2. [LONG-TERM CARE PROVIDER.] "Long-term care provider" means:

(1) a boarding care home licensed under sections 144.56 and 144A.02 to 144A.08;

(2) a provider that furnishes continuing care within the meaning of section 80D.02, subdivision 2;

(3) a home care provider as defined in section 144A.43;

(4) a hospice provider as defined by section 144A.75, subdivision 5;

(5) a housing with services establishment as defined by section 144D.01, subdivision 4;

(6) day training and habilitation services licensed under sections 245B.01 to 245B.08; or

(7) a nursing home as defined by section 144A.01, subdivision 5.

Subd. 3. [CONSUMER.] "Consumer" means a recipient of goods or services from a long-term care provider, or the recipient's agents, assigns, successors, heirs, or third-party beneficiaries.

Subd. 4. [NONECONOMIC DAMAGES.] "Noneconomic damages" means subjective, nonpecuniary damages arising from death, disfigurement, pain, suffering, inconvenience, mental anguish, worry, emotional distress, loss of society or companionship, loss of consortium, bystander injury, physical impairment, injury to reputation, humiliation, embarrassment, loss of the enjoyment of life, hedonic damages, other nonpecuniary damages, and any similar kinds of damages, such as fear of loss, illness, or injury. Noneconomic damages does not include economic damages.

Subd. 5. [ECONOMIC DAMAGES.] "Economic damages" means objectively verifiable pecuniary damages arising from medical expenses and medical care, rehabilitation services, custodial care, disabilities, loss of earnings and earning capacity, loss of income, loss of use of property, cost of repair or replacement of property, cost of obtaining substitute domestic services, loss of employment, loss of business opportunities, burial costs, and other objectively verifiable monetary losses.

Sec. 2. [144A.81] [DAMAGE LIMITATION.]

(a) In an action by a consumer against a long-term care provider that arises out of the care or treatment of, or provision of other services to, the consumer, the amount of noneconomic damages awarded against the long-term provider may not exceed the dollar limits provided for total damages against a municipality under section 466.04.

(b) The limitation on noneconomic damages in paragraph (a) does not apply unless the long-term care provider has insurance against liability for the type of claim described in paragraph (a), and the insurance has limits on total liability coverage for that type of claim that are at least as high as the dollar limits for total liability provided in section 466.04.

(c) This section does not apply if the long-term care provider was grossly negligent or intended to cause the harm.

Sec. 3. [MEDICAL MALPRACTICE INSURANCE REPORT.]

(a) The commissioner of commerce shall provide to the legislature, no later than March 1 of each year, a brief written report on the status of the market for medical malpractice insurance in Minnesota. The report must summarize, interpret, explain, and analyze information on that subject available to the commissioner, through annual statements filed by insurance companies, information obtained under paragraph (c), and other sources.

(b) The annual report must consider, to the extent possible, Minnesota-specific data on market shares; premiums received; amounts paid to settle claims that were not litigated, claims that were settled after litigation began, and claims that were litigated to court judgment; amounts spent on processing, investigation, litigation, and otherwise handling claims; other sales and administrative costs; and the loss ratios of the insurers.

(c) Each insurance company that provides medical malpractice insurance in this state shall, no later than February 1 of each year, file with the commissioner of commerce, on a form prescribed by the commissioner, the Minnesota-specific data referenced in paragraph (b), other than market share, for the previous calendar year for that insurance company, shown separately for the categories of coverage provided to hospitals, medical clinics, nursing homes, emergency medicine physicians, and obstetrician-gynecologists. An insurance company need not comply with this paragraph if its direct premium written in the state for the previous calendar year is less than \$2,000,000.

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

Sections 1 and 2 are effective the day following final enactment and apply to claims for liability arising from incidents occurring on or after that date."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a medical malpractice insurance report;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1605, A bill for an act relating to natural resources; modifying snowmobile state trail sticker provisions; providing for payment of trail maintenance costs; providing for trail easement acquisition; appropriating money; amending Minnesota Statutes 2004, sections 84.8205, subdivision 1; 84.83, by adding subdivisions.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

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

House Concurrent Resolution No. 2, A House concurrent resolution relating to the adoption of revenue targets under Minnesota Statutes 2004, section 16A.102, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 15, delete the first "...." and insert "15.9" and delete the second "...." and insert "15.6"

Page 1, line 18, delete the first ".." and insert "61" and delete the second ".." and insert "61"

Page 1, line 19, delete the first ".." and insert "39" and delete the second ".." and insert "39"

With the recommendation that when so amended the concurrent resolution be adopted.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 478, 604, 681, 732, 776, 1134, 1258, 1295, 1320, 1327 and 1460 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 1254 and 1268 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Blaine, Davids, Krinkie, Sviggum, Dill, Finstad, Brod, Simpson, Knoblach, Hamilton, Juhnke, Dorman, Howes, Urdahl, Heidgerken, Penas, Koenen, Otremba, Marquart, Magnus and Lanning introduced:

H. F. No. 1743, A bill for an act relating to taxation; exempting certain vending machine products from sales tax; amending Minnesota Statutes 2004, section 297A.61, subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development.

Sykora, Paulsen, Buesgens, Erickson, Meslow and Newman introduced:

H. F. No. 1744, A bill for an act relating to education; providing for alternative compensation for teachers and staff development; amending Minnesota Statutes 2004, sections 122A.413; 122A.414; 122A.415, subdivisions 1, 3; 122A.61, subdivision 1; 126C.10, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2004, section 122A.60.

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

Lesch, Mahoney, Dempsey, Smith, Slawik, Clark and Rukavina introduced:

H. F. No. 1745, A bill for an act relating to unemployment insurance; eliminating the one-week waiting period from the eligibility requirements for benefits; amending Minnesota Statutes 2004, section 268.085, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Urdahl; Peterson, A.; Penas; Cornish and Davids introduced:

H. F. No. 1746, A bill for an act relating to agriculture; appropriating money for the Veterinary Diagnostic Laboratory.

The bill was read for the first time and referred to the Committee on Agriculture, Environment and Natural Resources Finance.

Poppe and Davids introduced:

H. F. No. 1747, A bill for an act relating to agriculture; changing certain limits on agriculture best management practices loans; amending Minnesota Statutes 2004, section 17.117, subdivision 11.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development.

Hoppe introduced:

H. F. No. 1748, A bill for an act relating to state employees; modifying grievance appeal procedures; eliminating a medical examination requirement; amending Minnesota Statutes 2004, sections 43A.33, subdivisions 3, 4; 43A.34, subdivision 3.

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

Zellers; Atkins; Kohls; Lesch; Simpson; Soderstrom; Beard; Brod; Finstad; Nelson, P.; Lanning and Westerberg introduced:

H. F. No. 1749, A bill for an act relating to taxation; individual income; providing an income tax checkoff to fund benefits for survivors of law enforcement officers and firefighters and providing for maintenance of peace officer and firefighter memorials; establishing an advisory council; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Solberg, Moe and Anderson, I., introduced:

H. F. No. 1750, A bill for an act relating to elections; exempting certain towns from a voting system requirement.

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

Newman introduced:

H. F. No. 1751, A bill for an act relating to education; modifying career and technical levy; providing for rulemaking; appropriating money; amending Minnesota Statutes 2004, sections 126C.457; 127A.47, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Smith introduced:

H. F. No. 1752, A bill for an act relating to crimes; providing a penalty for leaving a child unattended in a car; amending Minnesota Statutes 2004, section 609.378, subdivision 1.

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

Wardlow introduced:

H. F. No. 1753, A bill for an act relating to retirement; increasing contribution rates for certain correctional employees; amending Minnesota Statutes 2004, section 352.92, subdivisions 1, 2.

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

Smith and Wardlow introduced:

H. F. No. 1754, A bill for an act relating to retirement; increasing contribution rates for the State Patrol retirement fund; amending Minnesota Statutes 2004, section 352B.02, subdivisions 1a, 1c.

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

Smith and Wardlow introduced:

H. F. No. 1755, A bill for an act relating to retirement; Public Employees Retirement Association; increasing contribution rates for certain covered employees and employers; amending Minnesota Statutes 2004, section 353.27, subdivisions 2, 3, 3a, by adding a subdivision.

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

Smith and Wardlow introduced:

H. F. No. 1756, A bill for an act relating to retirement; Public Employees Retirement Association police and fire plan; proposing contribution rate modifications; amending Minnesota Statutes 2004, section 353.65, subdivisions 2, 3.

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

Smith and Wardlow introduced:

H. F. No. 1757, A bill for an act relating to retirement; increasing contribution rates for certain state employees; amending Minnesota Statutes 2004, sections 352.04, subdivisions 2, 3; 352D.04, subdivision 2.

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

Smith and Wardlow introduced:

H. F. No. 1758, A bill for an act relating to retirement; Public Employees Retirement Association; modifying augmentation rates for covered members; amending Minnesota Statutes 2004, section 353.71, subdivision 2.

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

Meslow, Wardlow, Nornes, Slawik, Greiling and Dorn introduced:

H. F. No. 1759, A bill for an act relating to early childhood education; expanding early childhood developmental screening; establishing a school readiness kindergarten assessment initiative; appropriating money; amending Minnesota Statutes 2004, section 121A.17, subdivisions 1, 3.

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



Tingelstad; Knoblach; Clark; Thao; Smith; Murphy; Loeffler; Abeler; Gunther; Mariani; Ellison; Holberg; Johnson, R.; Walker; Hornstein; Larson; Dorman; Soderstrom; Meslow; Brod and McNamara introduced:

H. F. No. 1760, A bill for an act relating to public safety; criminalizing certain acts related to the unlawful trafficking in persons; providing for the forfeiture of certain property of the offender in these cases; specifically including conduct involving sex trafficking in the promoting of prostitution crime; modifying the distribution formula for prostitution and sex trafficking-related forfeiture proceeds; amending Minnesota Statutes 2004, sections 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by adding a subdivision; 609.531, subdivision 1; 609.5315, subdivision 1, by adding a subdivision; 628.26; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Kahn; Koenen; Otremba; Huntley; Bradley; Abeler; Tingelstad; Anderson, I., and Lieder introduced:

H. F. No. 1761, A bill for an act relating to health; allowing persons in active military service to suspend MinnesotaCare enrollment without a lapse in coverage; modifying MinnesotaCare eligibility determinations and premium payment calculations for persons in active military service; amending Minnesota Statutes 2004, sections 256L.05, by adding a subdivision; 256L.07, by adding a subdivision; 256L.15, by adding a subdivision.

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

Marquart introduced:

H. F. No. 1762, A bill for an act relating to liquor; authorizing the city of Detroit Lakes to issue an on-sale liquor license.

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

Hilstrom; Nelson, M., and Ellison introduced:

H. F. No. 1763, A bill for an act relating to crimes; providing grants for methamphetamine treatment; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Cybart introduced:

H. F. No. 1764, A bill for an act relating to health; requiring the commissioner of veterans affairs to develop and make available educational materials regarding hepatitis C; proposing coding for new law in Minnesota Statutes, chapter 196.

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

Cybart introduced:

H. F. No. 1765, A bill for an act relating to health; designating the month of May 2005 as "Hepatitis C Awareness and Education Month" in the state of Minnesota.

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

Hornstein introduced:

H. F. No. 1766, A bill for an act relating to taxation; providing a subtraction from taxable income for costs incurred for certain purchases of wind-generated electricity; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

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

Hornstein and Erhardt introduced:

H. F. No. 1767, A bill for an act relating to highways; requiring commissioner of transportation to prepare a toll facilities plan; prohibiting noncompete provisions in toll facility development agreements from restricting or prohibiting development, design, construction, or operation of public transit; amending Minnesota Statutes 2004, sections 160.84, subdivision 9; 160.86; proposing coding for new law in Minnesota Statutes, chapter 160.

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

Hornstein and Erhardt introduced:

H. F. No. 1768, A bill for an act relating to highways; allowing counties to submit proposals for toll facilities; requiring proposed development agreements to be available to the public; placing certain restrictions on toll facility development agreements; imposing planning requirements on toll facilities; limiting collection of tolls; limiting number of toll facility development agreements; amending Minnesota Statutes 2004, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 160.

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

Hornstein, Buesgens, Demmer, Greiling and Ellison introduced:

H. F. No. 1769, A bill for an act relating to education; directing the Office of Educational Accountability to evaluate the educational impact of the federal No Child Left Behind Act and other state and federal laws requiring school districts to administer tests to students.

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

Hornstein; Brod; Eastlund; Nelson, P.; Larson; Lenczewski; Ruud; Thissen; Olson and Anderson, B., introduced:

H. F. No. 1770, A bill for an act relating to gambling; requiring a study and report on the social and economic costs of gambling in Minnesota; appropriating money.

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

Westrom, Holberg, Lieder, Larson and Erhardt introduced:

H. F. No. 1771, A bill for an act relating to transportation; establishing a pilot project to provide transportation opportunities for elderly and disabled people in greater Minnesota where transit is limited or nonexistent; requiring a report; appropriating money.

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

Hornstein introduced:

H. F. No. 1772, A bill for an act relating to retirement; Minneapolis Teachers Retirement Fund Association; authorizing a certain teacher to purchase service credit for a study leave.

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

Hornstein, Mariani and Ellison introduced:

H. F. No. 1773, A bill for an act relating to education; establishing a grant program to increase student achievement and help school sites identify and train parents and community leaders to hold the school and the school district accountable for achieving high academic standards; appropriating money.

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

Hornstein introduced:

H. F. No. 1774, A bill for an act relating to taxation; income; providing a credit for carsharing; amending Minnesota Statutes 2004, sections 290.06, by adding a subdivision; 297A.64, subdivision 4.

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

McNamara and Hoppe introduced:

H. F. No. 1775, A bill for an act relating to game and fish; providing for adjustments to hunting and fishing license fees; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Abeler and Huntley introduced:

H. F. No. 1776, A bill for an act relating to health occupations; providing a transition period for licensing professional counselors; proposing coding for new law in Minnesota Statutes, chapter 148B.

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

Seifert, Blaine, Peppin and Zellers introduced:

H. F. No. 1777, A bill for an act relating to state government; requiring a study of state-owned vehicles; requiring the state to issue a request for proposal to outsource certain functions relating to vehicles; appropriating money.

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

Blaine introduced:

H. F. No. 1778, A bill for an act relating to the military; providing for rental of certain facilities at Camp Ripley; amending Minnesota Statutes 2004, section 190.16, by adding a subdivision.

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

Cybart, Lieder, Lillie, Ozment and Severson introduced:

H. F. No. 1779, A bill for an act relating to the military; providing for pay and allowances for certain retired national guard personnel who are ordered to active duty; amending Minnesota Statutes 2004, section 192.19.

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

Bradley, Krinkie, Lenczewski, Simpson, Atkins, Demmer, Knobloch, Brod and Ruth introduced:

H. F. No. 1780, A bill for an act relating to taxation; providing for contributions to the general fund on income tax returns; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Hornstein; Hoppe; Peterson, A.; Tingelstad; Ozment; Kahn; Ellison; Wagenius; Thissen; Koenen; Ruud; Hackbarth; Gunther and Peterson, N., introduced:

H. F. No. 1781, A bill for an act relating to energy; regulating eligibility for grants from the renewable development fund; amending Minnesota Statutes 2004, section 216B.1694, subdivision 2.

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

Ruth introduced:

H. F. No. 1782, A bill for an act relating to motor vehicles; authorizing personalized veterans license plates; amending Minnesota Statutes 2004, section 168.12, subdivision 2a.

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

Bradley, Newman, Sykora, Sertich, Mahoney, Powell, Demmer, Wilkin, Huntley, Nornes, Samuelson, Gunther and Lanning introduced:

H. F. No. 1783, A bill for an act relating to human services; modifying child care assistance by limiting absent days; amending Minnesota Statutes 2004, section 119B.13, subdivision 1, by adding a subdivision.

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

Demmer, Lanning, Zellers and Marquart introduced:

H. F. No. 1784, A bill for an act relating to assessments; adding streets to those kinds of improvements for which a municipality may subsequently reimburse itself for earlier costs incurred; amending Minnesota Statutes 2004, section 429.051.

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

Emmer introduced:

H. F. No. 1785, A bill for an act relating to elections; clarifying certain terms; changing certain registration procedures and requirements; changing certain election judge duties; providing for delivery of certain ballots; providing for absentee ballot boards in certain counties; changing canary ballots; amending Minnesota Statutes 2004, sections 200.02, subdivisions 7, 23, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.04, subdivisions 1, 4; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivision 3; 203B.24, subdivision 1; 204B.14, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a; 204C.28, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.175, subdivision 2; 205A.09, subdivision 1; 414.01, by adding a subdivision; 447.32, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204C; 205; 205A; 414.

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

Sertich, Huntley, Otremba, Eken, Rukavina, Dorn, Hilty, Lillie, Paymar, Lesch, Kelliher, Sailer, Davnie, Hausman, Hornstein, Clark and Bernardy introduced:

H. F. No. 1786, A bill for an act relating to MinnesotaCare; modifying covered health services; repealing the limited benefits for certain single adults and households without children; amending Minnesota Statutes 2004, sections 256L.03, subdivision 1; 256L.12, subdivision 6; repealing Minnesota Statutes 2004, section 256L.035.

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

Sertich introduced:

H. F. No. 1787, A bill for an act relating to insurance; requiring health plan companies to file reports with respect to certain costs; amending Minnesota Statutes 2004, section 62Q.64.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Sertich introduced:

H. F. No. 1788, A bill for an act relating to education; authorizing a school board to levy for the difference between the maximum levy certified by the commissioner of education and the maximum levy quoted by the commissioner; proposing coding for new law in Minnesota Statutes, chapter 126C.

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

Abrams, Krinkie, Lenczewski, Simon and Lanning introduced:

H. F. No. 1789, A bill for an act relating to taxes; individual income; conforming to marriage penalty relief in the standard deduction in the Working Families Tax Relief Act of 2004; amending Minnesota Statutes 2004, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 31.

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

Dorn introduced:

H. F. No. 1790, A bill for an act relating to the city of Mankato; changing the expiration date for the local sales tax; amending Laws 1991, chapter 291, article 8, section 27, subdivision 4.

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

Peterson, A.; Eken; Hoppe; Juhnke; Urdahl and Wagenius introduced:

H. F. No. 1791, A bill for an act relating to agriculture; appropriating money for sustainable agriculture grants.

The bill was read for the first time and referred to the Committee on Agriculture, Environment and Natural Resources Finance.

Hausman; Johnson, S.; Paymar; Clark; Mariani and Entenza introduced:

H. F. No. 1792, A bill for an act relating to consumer protection; generally prohibiting the sale of antibacterial soaps; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Urdahl; Peterson, A.; Nornes; Cox; Lanning; Heidgerken; Hosch and Opatz introduced:

H. F. No. 1793, A bill for an act relating to taxation; income; allowing a deduction for postsecondary tuition and fee expenses; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

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

Dill introduced:

H. F. No. 1794, A bill for an act relating to railroads; establishing speed limit of 30 miles per hour for trains operated within the city of Orr.

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

Otremba, Hausman, Koenen and Fritz introduced:

H. F. No. 1795, A bill for an act relating to education; requiring school boards to formally adopt and implement a policy about purchasing and using irradiated food in food service programs; amending Minnesota Statutes 2004, section 123B.02, subdivision 13.

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

Larson, Thissen, Hornstein, Lenczewski, Wardlow and Wilkin introduced:

H. F. No. 1796, A bill for an act relating to metropolitan government; requiring that meetings and hearings conducted by the Metropolitan Airports Commission not be held within an airport security screening perimeter; amending Minnesota Statutes 2004, sections 473.604, subdivision 5; 473.608, subdivision 18.

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

Otremba; Solberg; Eken; Moe; Anderson, I.; Sailer; Koenen; Marquart; Hosch; Heidgerken; Davids; Westrom and Juhnke introduced:

H. F. No. 1797, A bill for an act relating to taxation; providing a reduced class rate for certain property bordering public waters; amending Minnesota Statutes 2004, section 273.13, subdivision 23.

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

Peterson, A.; Juhnke; Anderson, I.; Magnus; Simpson; Beard; Hilty; Sailer; Thissen and Ruud introduced:

H. F. No. 1798, A bill for an act relating to energy; requiring utilities to meet certain renewable energy standards; amending Minnesota Statutes 2004, section 216B.1691.

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

Wardlow, Murphy, Lillie, Smith, Ozment and Thissen introduced:

H. F. No. 1799, A bill for an act relating to retirement; volunteer firefighter relief associations; creating a task force to study the advantages and disadvantages of the creation of a statewide volunteer firefighter retirement plan; appropriating money.

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

Howes, Simpson, Gazelka, Sailer and Dill introduced:

H. F. No. 1800, A bill for an act relating to economic development; requiring the school year to start after Labor Day; amending Minnesota Statutes 2004, section 120A.40.

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

Hackbarth, Westerberg, Erickson, Hilty and Hoppe introduced:

H. F. No. 1801, A bill for an act relating to gambling; amending various provisions relating to lawful gambling; amending and providing definitions; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2004, sections 349.12, subdivisions 5, 25, 33, by adding subdivisions; 349.15, subdivision 1; 349.151, subdivisions 4, 4b; 349.152, subdivision 2; 349.153; 349.154, subdivision 1; 349.155, subdivision 3; 349.16, subdivision 8; 349.161, subdivision 5; 349.162, subdivisions 1, 4, 5; 349.163, subdivision 3; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.168, subdivision 8; 349.17, subdivisions 5, 7; 349.1711, subdivision 1; 349.173; 349.18, subdivision 1; 349.19, subdivisions 4, 10; 349.211, subdivision 2c; 349.2125, subdivision 1; 349.213; repealing Minnesota Statutes 2004, sections 349.162, subdivision 3; 349.164; 349.17, subdivision 1.

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

DeLaForest, Knoblach, Eken and Paymar introduced:

H. F. No. 1802, A bill for an act relating to state employment; ratifying certain labor agreements, arbitration awards, compensation plans, and salary increases.

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

Sertich and Rukavina introduced:

H. F. No. 1803, A bill for an act relating to higher education; regulating the deadline for state grant program applications; amending Minnesota Statutes 2004, section 136A.121, subdivision 13.

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

Sertich introduced:

H. F. No. 1804, A bill for an act relating to human services; temporarily suspending child care license fees; amending Minnesota Statutes 2004, section 245A.10, by adding a subdivision.

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



Clark, Mullery, Goodwin, Davids, Rukavina, Atkins and Fritz introduced:

H. F. No. 1805, A bill for an act relating to commerce; requiring businesses that possess personal data to notify persons whose personal information has been disclosed to unauthorized persons; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Clark introduced:

H. F. No. 1806, A bill for an act relating to human services; appropriating money for food and nutrition assistance.

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

Nelson, P.; Lanning; Atkins; Simpson; Anderson, I.; Holberg; Brod; DeLaForest; Westerberg; Kohls; Koenen; Lenczewski; Magnus; Dorman and Davids introduced:

H. F. No. 1807, A bill for an act relating to taxation; making the capital equipment exemption an up front exemption in two phases; amending Minnesota Statutes 2004, sections 297A.68, subdivision 5; 297A.75, subdivisions 1, 3.

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

Eken and Lieder introduced:

H. F. No. 1808, A bill for an act relating to retirement; Public Employees Retirement Association; adding employees of Bridges Medical Services, in Ada, to privatization coverage; amending Minnesota Statutes 2004, section 353F.02, subdivision 4.

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

Wilkin introduced:

H. F. No. 1809, A bill for an act relating to insurance; regulating agency terminations, coverages, fees, forms, disclosures, reports, information security, and premiums; amending Minnesota Statutes 2004, sections 59A.12, subdivision 2; 60A.14, subdivision 1; 60A.171, subdivision 11; 60A.23, subdivision 8; 60A.966; 60A.969; 62A.136; 62A.31, subdivision 1h; 62A.315; 62A.316; 62E.13, subdivision 2; 62L.03, subdivision 3; 62Q.471; 65A.29, subdivision 11; 65B.48, subdivision 3; 72A.20, subdivisions 13, 36; 72A.201, subdivisions 3, 4; 79.40; 79.56, subdivisions 1, 3; 79.62, subdivision 3; 79A.04, subdivision 10; 79A.06, subdivision 5; 79A.12, subdivision 2; 79A.22, subdivision 11, by adding a subdivision; 176.191, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2004, sections 61A.072, subdivision 2; 62E.03.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Holberg and Smith introduced:

H. F. No. 1810, A bill for an act relating to government data practices; providing for treatment of data held by the comprehensive incident-based reporting system; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Penas, Buesgens and Erickson introduced:

H. F. No. 1811, A bill for an act relating to education; providing for telecommunications/Internet access equity aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125B.

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

Abeler introduced:

H. F. No. 1812, A bill for an act relating to horse racing; providing for agreements between racetrack licensees and horsepersons' organizations; modifying certain restrictions on simulcasting and operating a card club; amending Minnesota Statutes 2004, sections 240.06, subdivision 5a; 240.13, subdivision 6; 240.135; 240.30, subdivision 5.

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

Huntley introduced:

H. F. No. 1813, A bill for an act relating to human services; expanding the group residential housing supplemental rate; amending Minnesota Statutes 2004, section 256L05, subdivision 1e.

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

Huntley introduced:

H. F. No. 1814, A bill for an act relating to higher education; providing funding for programs for underserved students; appropriating money.

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

Lanning; Liebling; Johnson, R.; Magnus; Demmer and Gunther introduced:

H. F. No. 1815, A bill for an act relating to crime victim services; appropriating money.

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

Emmer introduced:

H. F. No. 1816, A bill for an act relating to human services; extending coverage of certain mental health services; amending Minnesota Statutes 2004, sections 148C.11, subdivision 1; 245.4885, subdivisions 1, 2, by adding a subdivision; 253B.02, subdivisions 7, 9; 253B.05, subdivision 2; 256.9693; 256B.0622, by adding a subdivision; 256B.0624, by adding a subdivision; 256B.0625, by adding subdivisions; 256D.03, subdivision 4; 256L.03, subdivision 1; 260C.141, subdivision 2; 260C.193, subdivision 2; 260C.201, subdivisions 1, 2; 260C.205; 260C.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2002, chapter 335, section 4.

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

Westerberg, Sviggum, Gunther, Marquart, Eken, Simpson and Penas introduced:

H. F. No. 1817, A bill for an act relating to gambling; providing for the operation of lottery gaming machines and the conduct of lottery and nonlottery games at a gaming facility; licensing the gaming facility and imposing a license fee; imposing a gaming transaction fee on gaming at the gaming facility; amending Minnesota Statutes 2004, sections 297A.94; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297A; 299L; 349A.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 5, A Senate concurrent resolution relating to adoption of revenue targets under Minnesota Statutes 2004, section 16A.102, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Knoblach moved that the rules be so far suspended that Senate Concurrent Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 5

A Senate concurrent resolution relating to adoption of revenue targets under Minnesota Statutes 2004, section 16A.102, subdivision 2.

*Be It Resolved*, by the Senate, the House of Representatives concurring, that the following revenue targets be adopted under the requirements of Minnesota Statutes 2004, section 16A.102:

	Fiscal Years 2006 and 2007	Fiscal Years 2008 and 2009
(1) the maximum share of personal income to be collected in taxes and other revenues	16 percent	16 percent
(2) the division of the share between		
state services	63 percent	63 percent
local services	37 percent	37 percent
(3) the appropriate mix of rates	This resolution assumes a reduction in the local share of taxes.	

Knoblach moved that Senate Concurrent Resolution No. 5 be now adopted.

A roll call was requested and properly seconded.

Knoblach moved to amend Senate Concurrent Resolution No. 5 as follows:

Page 1, delete lines 11 to 21 and insert:

"(1) the maximum share of personal income to be collected in taxes and other revenues	15.9 percent	15.6 percent
(2) the division of the share between		
state services	61 percent	61 percent
local services	39 percent	39 percent
(3) the appropriate mix of rates	This resolution assumes no change in the appropriate mix and rates of state and local taxes."	

The motion prevailed and the amendment was adopted.

The question recurred on the Knoblach motion and the roll was called. There were 67 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gunther	Lanning	Peterson, N.	Vandev eer
Abrams	DeLaForest	Hackbarth	Magnus	Powell	Wardlow
Anderson, B.	Demmer	Hamilton	McNamara	Ruth	Westerberg
Beard	Dempsey	Heidgerken	Meslow	Samuelson	Westrom
Blaine	Dorman	Holberg	Nelson, P.	Seifert	Wilkin
Bradley	Eastlund	Hoppe	Newman	Severson	Zellers
Brod	Emmer	Howes	Nornes	Simpson	Spk. Sviggum
Buesgens	Erhardt	Johnson, J.	Olson	Smith	
Charron	Erickson	Klinzing	Ozment	Soderstrom	
Cornish	Finstad	Knoblach	Paulsen	Sykora	
Cybart	Garofalo	Kohls	Penas	Tingelstad	
Dauids	Gazelka	Krinkie	Peppin	Urdahl	

Those who voted in the negative were:

Anderson, I.	Entenza	Huntley	Lesch	Nelson, M.	Sertich
Atkins	Fritz	Jaros	Liebling	Opatz	Sieben
Bernardy	Goodwin	Johnson, R.	Lieder	Paymar	Simon
Carlson	Greiling	Johnson, S.	Lillie	Pelowski	Slawik
Clark	Hansen	Juhnke	Loeffler	Peterson, A.	Solberg
Davnie	Hausman	Kahn	Mahoney	Peterson, S.	Thao
Dill	Hilstrom	Kelliher	Mariani	Poppe	Thissen
Dittrich	Hilty	Koenen	Marquart	Rukavina	Wagenius
Dorn	Hornstein	Larson	Moe	Ruud	Walker
Eken	Hortman	Latz	Mullery	Sailer	Welti
Ellison	Hosch	Lenczewski	Murphy	Scalze	

The motion prevailed and Senate Concurrent Resolution No. 5, as amended, was adopted.

Mr. Speaker:

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

S. F. Nos. 1210, 451, 186 and 453.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1210, A bill for an act relating to courts; clarifying the life span and interest rate of foreign judgments; providing for the docketing and payment in United States dollars of judgments on foreign-money claims; amending Minnesota Statutes 2004, sections 548.27; 548.46.

The bill was read for the first time.

Abrams moved that S. F. No. 1210 and H. F. No. 1295, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 451, A bill for an act relating to Anoka County; proposing coding of certain laws relating to Anoka County; repealing Laws 1959, chapters 199, as amended, 325; Laws 1961, chapters 366, 627; Laws 1963, chapters 37, 78, 161, section 3; Laws 1965, chapter 462; Laws 1967, chapters 237, 344; Laws 1971, chapter 4.

The bill was read for the first time.

Samuelson moved that S. F. No. 451 and H. F. No. 656, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 186, A bill for an act relating to economic development; providing a bidding exception for certain federally subsidized transit facilities; amending Minnesota Statutes 2004, section 469.015, subdivision 4.

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

S. F. No. 453, A bill for an act relating to auctioneers; modifying auctioneer license numbering requirements for county auditors; amending Minnesota Statutes 2004, sections 330.01, subdivision 1; 330.08.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

### CONSENT CALENDAR

S. F. No. 532, A bill for an act relating to Washington County; making the library board advisory to the county board.

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

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

Those who voted in the affirmative were:

Abeler	Davids	Finstad	Hortman	Larson	Nelson, M.
Abrams	Davnie	Fritz	Hosch	Latz	Nelson, P.
Anderson, B.	Dean	Garofalo	Howes	Lenczewski	Newman
Anderson, I.	DeLaForest	Gazelka	Huntley	Lesch	Nornes
Atkins	Demmer	Goodwin	Jaros	Liebling	Olson
Beard	Dempsey	Greiling	Johnson, J.	Lieder	Opatz
Bernardy	Dill	Gunther	Johnson, R.	Lillie	Ozment
Blaine	Dittrich	Hackbarth	Johnson, S.	Loeffler	Paulsen
Bradley	Dorman	Hamilton	Juhnke	Magnus	Paymar
Brod	Dorn	Hansen	Kahn	Mahoney	Pelowski
Buesgens	Eastlund	Hausman	Kelliher	Mariani	Penas
Carlson	Eken	Heidgerken	Klinzing	Marquart	Peppin
Charron	Ellison	Hilstrom	Knoblach	McNamara	Peterson, A.
Clark	Emmer	Hilty	Koenen	Meslow	Peterson, N.
Cornish	Entenza	Holberg	Kohls	Moe	Peterson, S.
Cox	Erhardt	Hoppe	Krinkie	Mullery	Poppe
Cybart	Erickson	Hornstein	Lanning	Murphy	Powell

Rukavina	Seifert	Slawik	Thissen	Wardlow	Spk. Sviggum
Ruth	Sertich	Smith	Tingelstad	Walti	
Ruud	Severson	Soderstrom	Urdahl	Westerberg	
Sailer	Sieben	Solberg	Vandevveer	Westrom	
Samuelson	Simon	Sykora	Wagenius	Wilkin	
Scalze	Simpson	Thao	Walker	Zellers	

The bill was passed and its title agreed to.

H. F. No. 997, A bill for an act relating to financial institutions; authorizing a detached facility in Burns Township under certain conditions.

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	Dill	Hilstrom	Latz	Paulsen	Smith
Abrams	Dittrich	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, B.	Dorman	Holberg	Lesch	Pelowski	Solberg
Anderson, I.	Dorn	Hoppe	Liebling	Penas	Sykora
Atkins	Eastlund	Hornstein	Lieder	Peppin	Thao
Beard	Eken	Hortman	Lillie	Peterson, A.	Thissen
Bernardy	Ellison	Hosch	Loeffler	Peterson, N.	Tingelstad
Blaine	Emmer	Howes	Magnus	Peterson, S.	Urdahl
Bradley	Entenza	Huntley	Mahoney	Poppe	Vandevveer
Brod	Erhardt	Jaros	Mariani	Powell	Wagenius
Buesgens	Erickson	Johnson, J.	Marquart	Rukavina	Walker
Carlson	Finstad	Johnson, R.	McNamara	Ruth	Wardlow
Charron	Fritz	Johnson, S.	Meslow	Ruud	Walti
Clark	Garofalo	Juhnke	Moe	Sailer	Westerberg
Cornish	Gazelka	Kahn	Mullery	Samuelson	Westrom
Cox	Goodwin	Kelliher	Murphy	Scalze	Wilkin
Cybart	Greiling	Klinzing	Nelson, M.	Seifert	Zellers
Davids	Gunther	Knoblach	Nelson, P.	Sertich	Spk. Sviggum
Davnie	Hackbarth	Koenen	Newman	Severson	
Dean	Hamilton	Kohls	Nornes	Sieben	
DeLaForest	Hansen	Krinkie	Olson	Simon	
Demmer	Hausman	Lanning	Opatz	Simpson	
Dempsey	Heidgerken	Larson	Ozment	Slawik	

The bill was passed and its title agreed to.

### CALENDAR FOR THE DAY

S. F. No. 1116 was reported to the House.

Dill moved to amend S. F. No. 1116 as follows:

Page 1, line 19, after "of" insert "fishing."

Page 1, after line 22, insert:

"(d) Any violation other than a violation addressed in paragraph (c) is to be considered a petty misdemeanor."

The motion prevailed and the amendment was adopted.

Samuelson moved to amend S. F. No. 1116, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 86B.501, is amended by adding a subdivision to read:

Subd. 3. [LIFEJACKET REQUIRED FOR CHILDREN.] (a) No person may operate a watercraft under way with a child under ten years of age aboard unless the child is:

(1) wearing an appropriate personal flotation device approved under subdivision 1; or

(2) below the top deck or in an enclosed cabin.

(b) Paragraph (a) does not apply to commercial watercraft where the child is a passenger and the operator is licensed by the state of Minnesota or the United States Coast Guard to carry passengers for hire. Paragraph (a) also does not apply if the watercraft is anchored for the purpose of fishing, swimming, or diving.

(c) A first violation of this subdivision prior to May 1, 2006, shall not result in a penalty, but is punishable only by a safety warning.

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

Opatz moved to amend the Samuelson amendment to S. F. No. 1116, as amended, as follows:

Page 1, line 15, after "anchored" insert a period and delete the remainder of the line

Page 1, delete line 16

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

Dill moved to amend the Samuelson amendment, as amended, to S. F. No. 1116, as amended, as follows:

Page 1, after line 19, insert:

"(d) Any violation other than a violation addressed in paragraph (c) is to be considered a petty misdemeanor."

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



The question recurred on the Samuelson amendment, as amended, to S. F. No. 1116, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 1116, A bill for an act relating to natural resources; requiring lifejackets for children aboard watercraft; amending Minnesota Statutes 2004, section 86B.501, 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 101 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hausman	Latz	Nornes	Sieben
Abrams	Dempsey	Hilstrom	Lenczewski	Opatz	Simon
Anderson, I.	Dill	Hilty	Lesch	Paymar	Simpson
Atkins	Dorn	Hornstein	Liebling	Pelowski	Slawik
Beard	Eastlund	Hortman	Lieder	Penas	Soderstrom
Bernardy	Eken	Hosch	Lillie	Peterson, A.	Solberg
Blaine	Ellison	Huntley	Loeffler	Peterson, N.	Sykora
Bradley	Entenza	Jaros	Mahoney	Peterson, S.	Thissen
Brod	Erhardt	Johnson, R.	Mariani	Poppe	Tingelstad
Carlson	Fritz	Johnson, S.	McNamara	Rukavina	Wagenius
Charron	Garofalo	Juhnke	Meslow	Ruth	Walker
Clark	Gazelka	Kahn	Moe	Ruud	Wardlow
Cornish	Goodwin	Kelliher	Mullery	Sailer	Welti
Cox	Greiling	Klinzing	Murphy	Samuelson	Westerberg
Cybart	Gunther	Knoblach	Nelson, M.	Scalze	Westrom
Davnie	Hackbarth	Koenen	Nelson, P.	Sertich	Spk. Sviggum
Dean	Hansen	Lanning	Newman	Severson	

Those who voted in the negative were:

Anderson, B.	Emmer	Hoppe	Magnus	Seifert	Zellers
Buesgens	Erickson	Howes	Marquart	Smith	
Davids	Finstad	Johnson, J.	Olson	Thao	
DeLaForest	Hamilton	Kohls	Paulsen	Urdahl	
Dittrich	Heidgerken	Krinkie	Peppin	Vandever	
Dorman	Holberg	Larson	Powell	Wilkin	

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

### MOTIONS AND RESOLUTIONS

Rukavina moved that the name of Powell be added as an author on H. F. No. 12. The motion prevailed.

Rukavina moved that the name of Smith be added as an author on H. F. No. 48. The motion prevailed.

Huntley moved that the name of Greiling be added as an author on H. F. No. 153. The motion prevailed.

Thissen moved that the name of Lillie be added as an author on H. F. No. 219. The motion prevailed.

Newman moved that the name of Lillie be added as an author on H. F. No. 229. The motion prevailed.

Bernardy moved that the name of Lillie be added as an author on H. F. No. 232. The motion prevailed.

Lanning moved that the name of Erickson be added as an author on H. F. No. 255. The motion prevailed.

Hackbarth moved that the name of Erickson be added as an author on H. F. No. 417. The motion prevailed.

Cybart moved that the name of Erickson be added as an author on H. F. No. 455. The motion prevailed.

Dauids moved that the name of Entenza be added as an author on H. F. No. 517. The motion prevailed.

Hamilton moved that the name of Demmer be added as an author on H. F. No. 560. The motion prevailed.

Marquart moved that the name of Koenen be added as an author on H. F. No. 571. The motion prevailed.

Johnson, J., moved that the name of Lillie be added as an author on H. F. No. 572. The motion prevailed.

Bernardy moved that the name of Liebling be added as an author on H. F. No. 594. The motion prevailed.

Abeler moved that the names of Sailer and Lillie be added as authors on H. F. No. 670. The motion prevailed.

Urdahl moved that the name of Moe be added as an author on H. F. No. 724. The motion prevailed.

Bradley moved that the names of Lillie and Slawik be added as authors on H. F. No. 775. The motion prevailed.

Wardlow moved that the name of Erickson be added as an author on H. F. No. 790. The motion prevailed.

Nelson, M., moved that the name of Severson be added as an author on H. F. No. 800. The motion prevailed.

Dempsey moved that his name be stricken as an author on H. F. No. 914. The motion prevailed.

Beard moved that the names of Sertich and Lesch be added as authors on H. F. No. 914. The motion prevailed.

Anderson, B., moved that the name of Erickson be added as an author on H. F. No. 930. The motion prevailed.

Gazelka moved that the name of Poppe be added as an author on H. F. No. 1002. The motion prevailed.

Knoblach moved that the name of Olson be added as an author on H. F. No. 1054. The motion prevailed.

Kohls moved that the name of Dorn be added as an author on H. F. No. 1076. The motion prevailed.

Smith moved that the names of Fritz and Poppe be added as authors on H. F. No. 1109. The motion prevailed.

Powell moved that the name of Goodwin be added as an author on H. F. No. 1120. The motion prevailed.

Demmer moved that the name of Erickson be added as an author on H. F. No. 1144. The motion prevailed.

Powell moved that the name of Westerberg be added as an author on H. F. No. 1156. The motion prevailed.

Meslow moved that the name of Paymar be added as an author on H. F. No. 1183. The motion prevailed.

Slawik moved that the name of Sieben be added as an author on H. F. No. 1198. The motion prevailed.

Dittrich moved that the name of Lillie be added as an author on H. F. No. 1262. The motion prevailed.

Lenczewski moved that the name of Lillie be added as an author on H. F. No. 1284. The motion prevailed.

Meslow moved that the name of Lillie be added as an author on H. F. No. 1296. The motion prevailed.

Johnson, S., moved that the name of Hansen be added as an author on H. F. No. 1327. The motion prevailed.

McNamara moved that the name of Lillie be added as an author on H. F. No. 1337. The motion prevailed.

Holberg moved that the name of Lillie be added as an author on H. F. No. 1352. The motion prevailed.

Scalze moved that the names of Slawik and Fritz be added as authors on H. F. No. 1409. The motion prevailed.

Dittrich moved that the name of Abeler be added as an author on H. F. No. 1424. The motion prevailed.

Urdahl moved that the name of Abeler be added as an author on H. F. No. 1457. The motion prevailed.

Ruth moved that the name of Lillie be added as an author on H. F. No. 1461. The motion prevailed.

Dean moved that the name of Demmer be added as an author on H. F. No. 1464. The motion prevailed.

Hilty moved that the name of Heidgerken be added as an author on H. F. No. 1478. The motion prevailed.

Ozment moved that his name be stricken as an author on H. F. No. 1504. The motion prevailed.

Thissen moved that the name of Abeler be added as an author on H. F. No. 1504. The motion prevailed.

Paymar moved that his name be stricken as an author on H. F. No. 1505. The motion prevailed.

Heidgerken moved that the name of Abeler be added as an author on H. F. No. 1560. The motion prevailed.

Peterson, A., moved that the name of Abeler be added as an author on H. F. No. 1561. The motion prevailed.

Hackbarth moved that the name of Abeler be added as an author on H. F. No. 1605. The motion prevailed.

Kohls moved that the name of Erickson be added as an author on H. F. No. 1655. The motion prevailed.

Olson moved that the name of Charron be added as an author on H. F. No. 1661. The motion prevailed.

Abeler moved that the name of Cox be added as an author on H. F. No. 1674. The motion prevailed.

Westrom moved that the name of Anderson, B., be added as an author on H. F. No. 1678. The motion prevailed.

Westrom moved that the name of Anderson, B., be added as an author on H. F. No. 1679. The motion prevailed.

Nelson, P., moved that the name of Charron be added as an author on H. F. No. 1688. The motion prevailed.

Simpson moved that the name of Dill be added as an author on H. F. No. 1689. The motion prevailed.

Abrams moved that the names of Magnus and Hamilton be added as authors on H. F. No. 1690. The motion prevailed.

Thao moved that the name of Lesch be added as an author on H. F. No. 1693. The motion prevailed.

Thao moved that the name of Lesch be added as an author on H. F. No. 1694. The motion prevailed.

Sykora moved that the name of Cox be added as an author on H. F. No. 1695. The motion prevailed.

Krinkie moved that the name of Davnie be added as an author on H. F. No. 1713. The motion prevailed.

Emmer moved that the name of Charron be added as an author on H. F. No. 1717. The motion prevailed.

Blaine moved that the names of Davids, Simpson, Finstad, Magnus, Demmer and Penas be added as authors on H. F. No. 1732. The motion prevailed.

Westrom moved that S. F. No. 718 and H. F. No. 681, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Tingelstad moved that H. F. No. 659 be recalled from the Committee on Civil Law and Elections and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Olson moved that H. F. No. 1173 be recalled from the Committee on Taxes and be re-referred to the Committee on Transportation Finance. The motion prevailed.

Wilkin moved that H. F. No. 1272 be recalled from the Committee on Commerce and Financial Institutions and be re-referred to the Committee on Health Policy and Finance. The motion prevailed.

Abeler moved that H. F. No. 1326 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Higher Education Finance. The motion prevailed.

Thissen moved that H. F. No. 1369 be recalled from the Committee on Taxes and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Krinkie moved that H. F. No. 1462 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Education Finance. The motion prevailed.

Thissen moved that H. F. No. 1630 be recalled from the Committee on Taxes and be re-referred to the Committee on Civil Law and Elections. The motion prevailed.

Howes moved that H. F. No. 1800 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, March 16, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, March 16, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives