

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

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 FORTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 21, 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 Father Michael O'Connell, Basilica of St. Mary, Minneapolis, Minnesota, and Pastor at Church of the Ascension, North Minneapolis.

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Opatz 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 STANDING COMMITTEES

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

H. F. No. 813, A bill for an act relating to natural resources; providing for evaluation of construction aggregate located on school trust lands; appropriating money; amending Minnesota Statutes 2004, section 16A.125, subdivision 5, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, after line 21, insert:

"Sec. 3. [APPROPRIATION TO ACCELERATE LAND EXCHANGES.]

\$300,000 in fiscal year 2006 and \$300,000 in fiscal year 2007 are appropriated from the state forest suspense account for school trust lands to the commissioner of natural resources to accelerate land exchanges, land sales, and commercial leasing of school trust lands. This appropriation is to be used toward meeting the provisions of Minnesota Statutes, section 92.121, to exchange school trust lands or put alternatives in effect when management practices have diminished or prohibited revenue generation, and the direction of Minnesota Statutes, section 127A.31, to secure maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.

Sec. 4. [APPROPRIATION TO ENHANCE MINERALS REVENUE GENERATION.]

\$252,000 in fiscal year 2006 and \$252,000 in fiscal year 2007 are appropriated from the permanent school fund to the commissioner of natural resources to enhance minerals activities. This appropriation is to be used to inventory school lands and analyze how best to expand income opportunities. The commissioner must report to the education finance committees of the legislature on the expenditure of the appropriations under this section upon request."

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.

Pursuant to Joint Rule 2.03, H. F. No. 813 was re-referred to the Committee on Rules and Legislative Administration.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 1344, A bill for an act relating to utilities; modifying and adding provisions relating to alternative, clean, or renewable energy resource development; regulating public utilities, power transmission companies and facilities, and energy facilities; authorizing local power quality zones; authorizing community-based energy development tariff; transferring various siting authorities from Environmental Quality Board to Public Utilities Commission; providing for commission oversight of reliability administrator; modifying provisions relating to energy conservation; requiring commission to establish e-filing system; requiring creation of stakeholder and working groups; regulating gas infrastructure cost recovery; requiring studies and reports; making clarifying and

technical changes; appropriating money; amending Minnesota Statutes 2004, sections 116C.52, subdivisions 2, 4; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.61, subdivision 3; 116C.69, subdivisions 2, 2a; 216B.02, by adding a subdivision; 216B.16, subdivision 6d, by adding subdivisions; 216B.1645, subdivision 1; 216B.241, subdivisions 1b, 2; 216B.2421, subdivision 2; 216B.2425, subdivision 2, by adding a subdivision; 216B.243, subdivisions 3, 4, 5, 6, 7, 8; 216B.50, subdivision 1; 216B.62, subdivision 5, by adding a subdivision; 216B.79; 216C.052; 216C.41, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Laws 1999, chapter 125, section 4, as amended.

Reported the same back with the following amendments:

Page 14, line 1, after the second "property" insert "construction of"

Page 14, line 3, delete "currently exists or is to be constructed" and insert "begins after June 30, 2005."

Page 14, line 4, delete everything after "located" and insert a period

Page 14, delete line 5

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

The report was adopted.

Pursuant to Joint Rule 2.03, H. F. No. 1344 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1385, A bill for an act relating to higher education; allocating money for educational and related purposes with certain conditions; modifying various loan, grant, and financial aid provisions; requiring institutions to provide certain data; permitting disclosure of certain data to determine eligibility; amending various reciprocity provisions; providing definitions; directing the Board of Trustees to designate centers of excellence; amending the Minnesota college savings plan; authorizing transfer of certain bonding authority; amending provisions related to private career schools; establishing fees; providing for merger with the Higher Education Facilities Authority; establishing the Rochester University Development Committee; appropriating money; amending Minnesota Statutes 2004, sections 13.46, subdivision 2; 135A.031, subdivisions 3, 4; 135A.052, subdivision 1; 135A.30, subdivisions 3, 4, 5; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 4; 136A.08, by adding subdivisions; 136A.121, subdivisions 2, 5, 6, 9, by adding a subdivision; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.04, subdivision 4; 136F.32, subdivision 2; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 2, 3, 13; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivisions 1, 2, 4; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12; 141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 192.502, subdivision 1; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; 141; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

Reported the same back with the following amendments:

Page 7, delete lines 15 to 35, and insert "direct and indirect expenses of the collaborative research partnership between the University of Minnesota and the Mayo Foundation for research in biotechnology and medical genomics. This is a onetime appropriation. The Board of Regents must submit an annual report on the expenditure of these funds to the governor and the chairs of senate Higher Education Budget Division; the house Higher Education Finance Committee; the senate Environment, Agriculture and Economic Development Budget Division; and the house Jobs and Economic Opportunity Policy and Finance Committee by June 30 of each fiscal year until the research funding is expended."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1481, A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; regulating state and local government operations; modifying provisions related to public employment; ratifying certain labor agreements and compensation plans; regulating elections and campaign finance; regulating Minneapolis teacher pensions; modifying provisions related to the military and veterans; providing conforming amendments; amending Minnesota Statutes 2004, sections 3.011; 3.012; 3.02; 3.922, subdivision 5; 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 10A.01, subdivisions 5, 21, 23, 26; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08; 10A.20, subdivisions 2, 5, by adding a subdivision; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 1, 3, 4, 5, 6a; 11A.04; 11A.07, subdivisions 4, 5; 11A.24, subdivision 6; 13.635, by adding a subdivision; 14.19; 15.054; 15B.17, subdivision 1; 16A.103, by adding a subdivision; 16A.1286, subdivisions 2, 3; 16A.152, subdivision 2; 16A.1522, subdivision 1; 16A.281; 16B.52, subdivision 1; 16C.10, subdivision 7; 16C.144; 16C.16, subdivision 1, by adding a subdivision; 16C.23, by adding a subdivision; 43A.183; 43A.23, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 11; 190.16, by adding a subdivision; 192.19; 192.261, subdivisions 1, 2; 192.501, subdivision 2; 193.29, subdivision 3; 193.30; 193.31; 197.608, subdivision 5; 200.02, subdivisions 7, 23, by adding a subdivision; 201.022, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivision 1; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82, subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 240A.02, subdivision 3; 354A.08; 354A.12, subdivisions 3a, 3b; 358.11; 373.40, subdivision 2; 375.20; 394.25, by adding a subdivision; 414.01, by adding a subdivision; 447.32, subdivision 4; 458.40; 462.357, by adding a subdivision; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.345, by adding a subdivision; 471.975; 473.147, by adding a subdivision; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 6; 8; 14; 15; 15B; 16A; 16B; 16C; 43A; 196; 197; 204D; 205; 205A; 206; 298; 354A; 414;

471; proposing coding for new law as Minnesota Statutes, chapter 471B; repealing Minnesota Statutes 2004, sections 3.9222; 16A.151, subdivision 5; 16A.30; 43A.11, subdivision 2; 197.455, subdivision 3; 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; 240A.08; 354A.28; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

Reported the same back with the following amendments:

Pages 13 and 14, delete section 8

Page 19, line 22, after "agency" insert "under subdivision 3, paragraph (d), or the exclusive representative of the affected employees under subdivision 3, paragraph (e)."

Page 19, line 28, after "agency" insert "or the exclusive representative of the affected employees" and delete "the agency's" and insert "their"

Page 19, line 30, delete the first "either" and insert "the local government unit or either objecting"

Pages 21 to 23, delete section 15 and insert:

"Sec. 14. [8.065] [PRIVATE ATTORNEY CONTRACTS.]

The attorney general may not enter into a contract for legal services in which the fees and expenses paid by the state exceed, or can reasonably be expected to exceed, \$1,000,000 unless the attorney general first submits the proposed contract to the Legislative Advisory Commission, and waits at least 20 days to receive a possible recommendation from the commission."

Page 30, delete section 21

Page 33, after line 33, insert:

"Sec. 24. [15.60] [PUBLIC SAFETY OFFICERS; AMERICAN FLAG.]

(a) A public employer may not forbid a peace officer or firefighter from wearing a patch or pin depicting the flag of the United States of America on the employee's uniform, according to customary and standard flag etiquette. However, a public employer may limit the size of a flag patch worn on a uniform to no more than three inches by five inches.

(b) For purposes of this section:

(1) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c) or (f);

(2) "firefighter" means a person as defined in section 299A.41, subdivision 4, clause (3) or (4); and

(3) "public employer" has the meaning given in section 179A.03, subdivision 15, and also includes a municipal fire department and an independent nonprofit firefighting corporation.

(c) A peace officer or firefighter who believes a public employer is violating this section may request the attorney general to issue an opinion on the issue. Upon such a request, the attorney general must issue a written opinion, which is binding, unless a court makes a contrary decision. If after issuing an opinion, the attorney general determines that a public employer continues to violate this section, the attorney general may bring an action in district court to compel compliance."

Page 52, line 36, after the period, insert "Minnesota Statutes 2004, section 16B.33, is repealed June 30, 2007."

Page 62, line 33, delete "must" and insert "may"

Page 63, line 4, delete "must" and insert "may"

Page 121, after line 3, insert:

"Sec. 52. Minnesota Statutes 2004, section 204C.50, subdivision 2, is amended to read:

Subd. 2. [SCOPE AND CONDUCT OF REVIEW.] Each review is limited to federal and state offices and must consist of at least the following:

(a) The election officials immediately responsible for a precinct chosen for review must conduct the following review and submit the results in writing to the State Canvassing Board before it meets to canvass the election:

(1) a hand tally of the paper ballots or electronic ballot marker record, of whatever kind used in that precinct, for each contested election;

(2) a recount using the actual machine and software used on election day, if a precinct-count or central-count automated voting system was used; and

(3) a comparison of the hand tally with the reported results for the precinct in the county canvassing board report, as well as the actual tape of any automated tabulation produced by any precinct-count or central-count optical scan equipment that may have been used to tabulate votes cast in that precinct.

(b) The staff of the Office of the Secretary of State shall conduct or directly supervise a review of the procedures used by the election officials at all levels for a precinct chosen for review, including an inspection of the materials retained for the official 22-month retention period, such as the rosters, the incident log, and the ballots themselves. The staff must submit a written report to the secretary of state before the next regularly scheduled meeting of the State Canvassing Board."

Page 123, line 15, delete "....." and insert "47"

Page 123, line 21, delete "....." and insert "47"

Page 124, line 25, delete "and"

Page 124, line 26, after "device" insert ", and the data securely transmitted electronically to the optical scan machine in the precinct from a machine that creates an individual, discrete paper record of each vote"

Page 125, delete lines 23 to 26 and insert "marker" means equipment that is part of an electronic voting system that uses an electronic ballot display or audio ballot reader to: (1) mark a nonelectronic ballot with votes selected by a voter; or (2) securely transmit a ballot to the optical scan machine in the precinct from a machine that creates an individual, discrete paper record of each vote."

Page 126, line 5, after "ballot" insert "or for the purpose of securely transmitting a ballot to the optical scan machine in the precinct from a machine that creates an individual, discrete paper record of each vote"

Page 126, line 11, before "using" insert "or to securely transmit a ballot to the optical scan machine in the precinct from a machine that creates an individual, discrete paper record of each vote"

Page 129, line 24, after the period, insert "If a machine is used to securely transmit a ballot to the optical scan machine in the precinct from a machine that creates an individual, discrete paper record of each vote, the manner of alternation of candidate names on the transmitting machine must be as prescribed for optical scan ballots in this subdivision."

Page 133, line 33, after "mark" insert "or securely transmit to the optical scan machine in the precinct"

Page 134, line 15, after "marked" insert "or securely transmitted to the optical scan machine in the precinct"

Page 135, after line 30, insert:

"Sec. 88. [206.845] [BALLOT RECORDING AND COUNTING SECURITY.]

Subdivision 1. [PERMITTED AND PROHIBITED MODES OF TRANSFER.] Ballot recording and counting systems must be secured physically and electronically against unauthorized access. Except for wired connections within the polling place, ballot recording and counting systems must not be connected to, or operated on, directly or indirectly, any electronic network including internal office networks, LANs, the Internet, or the World Wide Web. Wireless communications may not be used in any way in a vote recording or vote counting system. Wireless, device-to-device capability is not allowed. No connection by modem is allowed.

Transfer of information from the ballot recording or counting system to another system for network or broadcast must be made by disk, tape, or other physical means of communication other than direct or indirect electronic connection of the vote recording or vote counting system.

Subd. 2. [TRANSMIT TO CENTRAL REPORTING LOCATION.] After the close of the polls, counties employing precinct ballot counting devices may telephonically or electronically transmit the accumulated tally for each device to a central reporting location. The transmission must not be made using the precinct counting or recording device but must be made independently of that device. Before making a telephonic or electronic transmission, the precinct election officer must create a printed record of the results of the election for that precinct. During the canvassing period, the results transmitted telephonically or electronically must be considered unofficial until a complete reconciliation of the results has been performed."

Page 138, line 21, after "precinct" insert ", or the sample ballot posted for that precinct"

Page 138, line 26, after "ballot" insert "marker"

Page 138, line 27, after "cards" insert "or the machine that securely transmits a ballot to the optical scan machine in the precinct"

Page 143, delete sections 102 and 103

Page 146, after line 13, insert:

"Subd. 4. [SURPLUS VOTING EQUIPMENT TO BE MADE AVAILABLE.] (a) If any county or municipality purchases or receives new voting system equipment under this section, it must make the equipment being replaced, if any, available on a first-come, first-served basis at no charge for transfer to any other county or municipality which has not previously used that type or model of equipment. A county receiving equipment under this subdivision must also make any equipment being replaced similarly available to any other county or municipality.

(b) The secretary of state shall establish, for information only, a page on its Web site on which counties making equipment available pursuant to this subdivision must post the basic specifications of the equipment along with contact information for the staff person in the county or municipality responsible for the equipment. All transfer transactions are strictly between and among the counties and municipalities."

Page 146, after line 15, insert:

"Sec. 106. [FEDERAL FUNDS FOR ACCESS BY DISABLED INDIVIDUALS.]

The secretary of state is authorized to apply for funds pursuant to sections 261 to 265 of the Help America Vote Act, Public Law 107-252, to ensure access for individuals with disabilities. No further appropriation by the legislature is required for the receipt of those funds from the federal Department of Health and Human Services or for the distribution to local units of government of those funds by the secretary of state for that purpose, notwithstanding contrary provisions in Laws 2003, First Special Session chapter 7, section 1."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, delete "3.922, subdivision 5;"

Page 1, line 45, delete "204C.50, subdivision 1;" and insert "204C.50, subdivisions 1, 2;"

Page 2, line 14, delete "414.01, by adding a subdivision;"

Page 2, line 24, delete "414;"

Page 2, line 27, after the second semicolon, insert "16B.33;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 4, A bill for an act relating to agriculture; increasing minimum ethanol content required for gasoline sold in the state; establishing a petroleum replacement goal; amending Minnesota Statutes 2004, section 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 239.

Reported the same back with the following amendments to the fourth unofficial engrossment:

Page 1, delete lines 12 to 24

Page 1, line 25, delete "Subd. 2." and insert "Subdivision 1."

Page 2, line 25, delete "3" and insert "2"

Page 3, line 14, delete "4" and insert "3"



Page 3, line 18, delete "2" and insert "1"

Page 7, delete lines 11 to 15

Page 8, line 3, delete "and" and insert ", except for a plant"

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

With the recommendation that the bill be amended and without further recommendation.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

S. F. No. 180, A bill for an act relating to education; providing for parent discretion in classroom placement of children of multiple birth; proposing coding for new law in Minnesota Statutes, chapter 120A.

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

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

S. F. No. 244, A bill for an act relating to education; providing for consecutive teaching experience for a teacher whose probationary employment is interrupted by military service; amending Minnesota Statutes 2004, section 122A.40, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 122A.40, subdivision 5, is amended to read:

Subd. 5. [PROBATIONARY PERIOD.] (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

(c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

[EFFECTIVE DATE.] This section is effective retroactively from September 10, 2001, and applies to those probationary teachers absent for active military service beginning on September 10, 2001, or later.

Sec. 2. Minnesota Statutes 2004, section 122A.41, subdivision 2, is amended to read:

Subd. 2. [PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivision 3. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

(b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

[EFFECTIVE DATE.] This section is effective retroactively from September 10, 2001, and applies to those probationary teachers absent for active military service beginning on September 10, 2001, or later.

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, before the period, insert "; 122A.41, subdivision 2"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 1385 and 1481 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 4, 180 and 244 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Wagenius introduced:

H. F. No. 2462, A bill for an act relating to retirement; Teachers Retirement Association and the individual retirement account plan; correcting a plan election problem; authorizing eligible Minnesota State Colleges and Universities system employees to elect Teachers Retirement Association coverage and receive retroactive coverage.

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

Wagenius introduced:

H. F. No. 2463, A bill for an act relating to retirement; Teachers Retirement Association and the individual retirement account plan; correcting a plan election problem; authorizing eligible Minnesota State Colleges and Universities system employees to elect Teachers Retirement Association coverage and receive retroactive coverage.

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

Dorman introduced:

H. F. No. 2464, A bill for an act relating to taxation; property; adding a statement to the truth-in-taxation proposed notices relating to certain charges; listing certain charges on the property tax statement; providing a definition; amending Minnesota Statutes 2004, sections 275.065, subdivision 3; 276.04, subdivision 2.

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

Meslow introduced:

H. F. No. 2465, A bill for an act relating to public safety; appropriating money for crime victims services.

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

Smith introduced:

H. F. No. 2466, A bill for an act relating to retirement; Hennepin County Supplemental Retirement Program; authorizing the Minnesota State Retirement System to administer the program; amending Minnesota Statutes 2004, sections 383B.46, subdivision 2; 383B.47; 383B.48; 383B.49.

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

Hilty introduced:

H. F. No. 2467, A bill for an act relating to education; St. Croix River Education District staff development grant; appropriating money.

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

Atkins introduced:

H. F. No. 2468, A bill for an act relating to taxation; modifying a definition used in levy and debt limitations; amending Minnesota Statutes 2004, section 273.032.

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

Vandevveer introduced:

H. F. No. 2469, A bill for an act relating to property taxation; providing for a limit on homestead property taxes based on the income of the homeowner; amending Minnesota Statutes 2004, sections 290A.03, subdivision 13; 290A.04, subdivisions 1, 2; 290A.23, subdivision 3; repealing Minnesota Statutes 2004, sections 273.1384, subdivision 1; 290A.04, subdivision 2h.

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

### **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 House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 4, A House concurrent resolution relating to the adjournment of the Senate on April 21, 2005.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 767.

PATRICK E. FLAHAVEN, Secretary of the Senate

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

S. F. No. 767, A bill for an act relating to corporations; recodifying and modernizing the law regulating the formation, structure, and operation of certain corporations; making miscellaneous technical and clarifying changes; amending Minnesota Statutes 2004, sections 47.12; 47.15; 47.16; 48.02; 48.03; 48.033; 48.04; 48.06; 48.07; 48A.01, subdivision 1; 48A.04, subdivisions 1, 3; 49.41; 50.001; 50.06; 50.085, subdivision 1; 51A.03, subdivision 2b; 51A.131; 51A.17; 51A.21, subdivision 1; 60A.07, subdivision 1, by adding subdivisions; 60A.075, subdivision 6; 60A.077, subdivision 6; 60B.23; 61A.14, by adding a subdivision; 61A.35; 61A.36; 61B.31; 66A.01; 66A.02; 66A.03; 66A.06; 66A.07; 66A.08, subdivision 1; 67A.06; 67A.40, subdivision 3; 117.232, subdivision 1; 161.433, subdivision 3; 181.970, subdivision 2; 237.81; 301.75; 302A.011, subdivision 4; 302A.021, subdivision 10, by adding a subdivision; 302A.031, by adding a subdivision; 303.02, subdivision 2; 317A.021, subdivision 9; 322B.02; 398A.04, subdivision 6; 453.55, subdivision 11; 453A.05, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 47; 48; 50; 66A; repealing Minnesota Statutes 2004, sections 48.056, subdivision 3; 60A.07, subdivision 8; 61A.32; 66A.04; 66A.05; 66A.075; 300.01; 300.02; 300.025; 300.05; 300.06; 300.08; 300.081; 300.083; 300.09; 300.12; 300.13; 300.131; 300.14; 300.16; 300.17; 300.18; 300.19; 300.20; 300.21; 300.22; 300.23; 300.24; 300.25; 300.26; 300.27; 300.28; 300.29; 300.30; 300.31; 300.32; 300.33; 300.34; 300.35; 300.36; 300.37; 300.38; 300.39; 300.40; 300.41; 300.42; 300.43; 300.44; 300.45; 300.451; 300.46; 300.49; 300.51; 300.52; 300.53; 300.54; 300.55; 300.57; 300.58; 300.59; 300.60; 300.61; 300.62; 300.63.

The bill was read for the first time.

Emmer moved that S. F. No. 767 and H. F. No. 1043, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Abrams.

### **CALENDAR FOR THE DAY**

S. F. No. 51 was reported to the House.

Johnson, J., moved to amend S. F. No. 51 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 572, the eighth engrossment:

"ARTICLE 1

METHAMPHETAMINE PROVISIONS

Section 1. Minnesota Statutes 2004, section 152.01, subdivision 10, is amended to read:

Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, coca leaves, ~~and~~ opiates, and methamphetamine;

(2) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, ~~or~~ opiates, or methamphetamine;

(3) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, which is chemically identical with any of the substances referred to in clauses (1) and (2), except that the words "narcotic drug" as used in this chapter shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 152.02, subdivision 6, is amended to read:

Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE PRECURSOR DRUGS.] (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients;

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription or by a licensed veterinarian; and

(3) "suspicious transaction" means the sale, distribution, delivery, or other transfer of a substance under circumstances that would lead a reasonable person to believe that the substance is likely to be used to illegally manufacture a controlled substance based on factors such as the amount of the substance involved in the transaction, the method of payment, the method of delivery, and any past dealings with any participant in the transaction.

(b) The following items are listed in Schedule V:

(1) any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone;

(+) (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

~~(2)~~ (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

~~(3)~~ (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; or

~~(4)~~ (iv) not more than 15 milligrams of anhydrous morphine per 100 milliliters or per 100 grams; and

(2) any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.

(c) No person may sell in a single over-the-counter sale more than two packages of a methamphetamine precursor drug or a combination of methamphetamine precursor drugs or any combination of packages exceeding a total weight of six grams.

(d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

(1) packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine base; or

(2) for nonliquid products, sales in blister packs, where each blister contains not more than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit dose packets or pouches.

(e) A business establishment that offers for sale methamphetamine precursor drugs in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall ensure that the person making the sale requires the buyer:

(1) to provide photographic identification showing the buyer's date of birth; and

(2) to sign a written or electronic document detailing the date of the sale, the name of the buyer, and the amount of the drug sold. Nothing in this paragraph requires the buyer to obtain a prescription for the drug's purchase.

(f) No person may acquire through over-the-counter sales more than six grams of methamphetamine precursor drugs within a 30-day period.

(g) No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than \$1,000, or both.

(i) An owner, operator, supervisor, or manager of a business establishment that offers for sale methamphetamine precursor drugs whose employee or agent is convicted of or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties for violating any of those paragraphs if the person:

(1) did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; and

(2) documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

(j) Any person employed by a business establishment that offers for sale methamphetamine precursor drugs who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager may report the transaction to local law enforcement. A person who reports information under this subdivision in good faith is immune from civil liability relating to the report.

(k) Paragraphs (c) to (j) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;

(3) methamphetamine precursor drugs in gel capsule or liquid form; or

(4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

(l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall certify methamphetamine precursor drugs that meet the requirements of paragraph (k), clause (2), and publish an annual listing of these drugs.

(m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy pursuant to sections 151.42 to 151.51 and registered with and regulated by the United States Drug Enforcement Administration are exempt from the methamphetamine precursor drug storage requirements of this section.

(n) This section preempts all local ordinances or regulations governing the sale by a business establishment of over-the-counter products containing ephedrine or pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2004, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. [METHAMPHETAMINE MANUFACTURE ~~CRIMES~~ CRIME; POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

~~(b) Notwithstanding paragraph (a) and section 609.17,~~ A person is guilty of ~~attempted manufacture of methamphetamine~~ a crime if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" ~~refers to one or more~~ include, but are not limited to, any of the following substances, or their salts, isomers, and salts of isomers:

(1) ephedrine;

(2) pseudoephedrine;

(3) phenyl-2-propanone;



- (4) phenylacetone;
- (5) anhydrous ammonia, ~~as defined in section 18C.005, subdivision 1a;~~
- (6) organic solvents;
- (7) hydrochloric acid;
- (8) lithium metal;
- (9) sodium metal;
- (10) ether;
- (11) sulfuric acid;
- (12) red phosphorus;
- (13) iodine;
- (14) sodium hydroxide;
- (15) benzaldehyde;
- (16) benzyl methyl ketone;
- (17) benzyl cyanide;
- (18) nitroethane;
- (19) methylamine;
- (20) phenylacetic acid;
- (21) hydriodic acid; or
- (22) hydriotic acid.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 152.021, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than ~~three~~ ten years or to payment of a fine of not more than ~~\$5,000~~ \$20,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than ~~four~~ 15 years or to payment of a fine of not more than ~~\$5,000~~ \$30,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 152.027, subdivision 1, is amended to read:

Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.] Except as provided in section 152.02, subdivision 6, a person who unlawfully sells one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 152.027, subdivision 2, is amended to read:

Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.] Except as provided in section 152.02, subdivision 6, a person who unlawfully possesses one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. The court may order that a person who is convicted under this subdivision and placed on probation be required to take part in a drug education program as specified by the court.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 7. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

Subdivision 1. [RESTITUTION.] (a) As used in this subdivision:

(1) "clandestine lab site" means any structure or conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine;

(2) "emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by the public entities themselves or by private contractors paid by the public entities, or the property owner;

(3) "remediation" means proper cleanup, treatment, or containment of hazardous substances or methamphetamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property when an assessment so indicates; and

(4) "removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

(b) A court shall require a person convicted of manufacturing or attempting to manufacture a controlled substance or of an illegal activity involving a precursor substance, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered must cover the reasonable costs of their participation in the response.

(c) In addition to the restitution required in paragraph (b), a court shall require a person convicted of manufacturing or attempting to manufacture a controlled substance or of illegal activity involving a precursor substance to pay restitution to a property owner who incurred removal or remediation costs because of the crime.

(d) Notwithstanding paragraphs (b) and (c), if the court finds that payment of the restitution would create undue hardship for the convicted person's immediate family, the court may reduce the amount of restitution to an appropriate level. If the court finds that the convicted person is indigent, there is a presumption that restitution is waived.

Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB SITE.] (a) As used in this subdivision:

(1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

(2) "property" means publicly or privately owned real property including buildings and other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters, and public rights-of-way;

(3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

(4) "removal" has the meaning given in subdivision 1, paragraph (a).

(b) A peace officer who arrests a person at a clandestine lab site shall notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site.

(c) A county or local health department or sheriff shall order that any property or portion of a property that has been found to be a clandestine lab site and contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine be prohibited from being occupied or used until it has been assessed and remediated as provided in the Department of Health's clandestine drug labs general cleanup guidelines. The remediation shall be accomplished by a contractor who will make the verification required under paragraph (e).

(d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related rules adopted under that chapter addressing the enforcement of public health laws, the removal and abatement of public health nuisances, and the remedies available to property owners or occupants apply to this subdivision.

(e) Upon the proper removal and remediation of any property used as a clandestine lab site, the contractor shall verify to the property owner and the applicable authority that issued the order under paragraph (c) that the work was completed according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices and that levels of contamination have been reduced to levels set forth in the guidelines. The contractor shall provide the verification to the property owner and the applicable authority within five days from the completion of the remediation. Following this, the applicable authority shall vacate its order.

If a contractor issues a verification and the property was not remediated according to the Department of Health's clandestine drug labs general cleanup guidelines or the levels of contamination were not reduced to levels set forth in the guidelines, the contractor is liable to the property owner for the additional costs relating to the proper remediation of the property according to the guidelines and reducing the levels of contamination to levels set in the guidelines and for reasonable attorney fees for collection of costs by the property owner. An action under this paragraph must be commenced within six years from the date on which the verification was issued by the contractor.

(f) If the applicable authority determines under paragraph (c) that a motor vehicle has been contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine and if the authority is able to obtain the certificate of title for the motor vehicle, the authority shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate of title to the registrar. The authority shall also notify the registrar when it vacates its order under paragraph (e).

(g) The applicable authority issuing an order under paragraph (c) shall record with the county recorder or registrar of titles of the county where the clandestine lab is located an affidavit containing the name of the owner, a legal description of the property where the clandestine lab was located, and a map drawn from available information showing the boundary of the property and the location of the contaminated area on the property that is prohibited from being occupied or used that discloses to any potential transferee:

(1) that the property, or portion of the property, was the site of a clandestine lab;

(2) the location, condition, and circumstances of the clandestine lab, to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided by paragraph (c).

If an inaccurate drawing or description is filed, the authority, on request of the owner or another interested person, shall file a supplemental affidavit with a corrected drawing or description.

If the authority vacates its order under paragraph (e), the authority shall record an affidavit that contains the recording information of the above affidavit and states that the order is vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed under this paragraph, together with the information set forth in the affidavits, cease to constitute either actual or constructive notice.

(h) If proper removal and remediation has occurred on the property, an interested party may record an affidavit indicating that this has occurred. Upon filing the affidavit described in this paragraph, the affidavit and the affidavit filed under paragraph (g), together with the information set forth in the affidavits, cease to constitute either actual or constructive notice. Failure to record an affidavit under this section does not affect or prevent any transfer of ownership of the property.

(i) The county recorder or registrar of titles must record all affidavits presented under paragraph (g) or (h) in a manner that assures their disclosure in the ordinary course of a title search of the subject property.

(j) The commissioner of health shall post on the Internet contact information for each local community health services administrator.

(k) Each local community health services administrator shall maintain information related to property within the administrator's jurisdiction that is currently or was previously subject to an order issued under paragraph (c). The information maintained must include the name of the owner, the location of the property, the extent of the contamination, the status of the removal and remediation work on the property, and whether the order has been vacated. The administrator shall make this information available to the public either upon request or by other means.

(1) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has or has not occurred on the property. In the event that methamphetamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee that:

(1) there is or is not an order issued on the property as described in paragraph (c);

(2) whether or not any orders issued against the property as described in paragraph (c) have been vacated as described in paragraph (i); or

(3) if there was no order issued against the property and the seller or transferor is aware that methamphetamine production has occurred on the property, the seller or transferor shall disclose the status of removal and remediation on the property.

Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose, to the best of their knowledge, at the time of the sale any of the facts required above, and who knew or had reason to know of methamphetamine production on the property, is liable to the buyer or transferee for costs relating to remediation of the property according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices and that levels of contamination have been reduced to levels set forth in the guidelines and for reasonable attorney fees for collection of costs from the seller or transferor. An action under this subdivision must be commenced within two years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the methamphetamine production occurred.

[EFFECTIVE DATE.] This section is effective January 1, 2006, and applies to crimes committed on or after that date.

Sec. 8. [152.0976] [PRECURSOR SUBSTANCES; RETAIL ESTABLISHMENTS.]

Subdivision 1. [PERMITTED SALES.] A retail establishment is exempt from the precursor substances sale limitations established in section 152.02, subdivision 6, if products containing ephedrine or pseudoephedrine are:

(1) sold in packages containing four or less pills containing no more than 240 milligrams of pseudoephedrine;

(2) limited to no more than two packages per transaction;

(3) displayed behind the checkout counter where the public is not permitted; and

(4) sold by employees who receive annual training on state laws regarding ephedrine or pseudoephedrine, product recognition, and information on methamphetamine manufacture.

Subd. 2. [PRODUCT EXEMPTION.] Products containing ephedrine or pseudoephedrine in gel capsule or liquid form are exempt from the requirements of this section and section 152.02, subdivision 6.

Subd. 3. [PHOTO IDENTIFICATION; LOG.] A person making a sale under this chapter must comply with the photograph identification and log requirements established in section 152.02, subdivision 6, paragraph (e), clauses (1) and (2).

Subd. 4. [AGE RESTRICTION.] No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 9. Minnesota Statutes 2004, section 152.135, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) A drug product containing ephedrine, its salts, optical isomers, and salts of optical isomers is exempt from subdivision 1 if the drug product:

(1) may be lawfully sold over the counter without a prescription under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, et seq.;

(2) is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph;

(3) is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse;

(4) is not marketed, advertised, or labeled for the indication of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy; ~~and~~

(5) is in solid oral dosage forms, including soft gelatin caplets, that combine 400 milligrams of guaifenesin and 25 milligrams of ephedrine per dose, according to label instructions; or is an anorectal preparation containing not more than five percent ephedrine; and

(6) is sold in a manner that does not conflict with section 152.02, subdivision 6.

(b) Subdivisions 1 and 3 shall not apply to products containing ephedra or ma huang and lawfully marketed as dietary supplements under federal law.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 10. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT; CRIMINAL PENALTIES; CIVIL LIABILITY.]

Subdivision 1. [DEFINITIONS.] As used in this section, "tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

(1) steal or unlawfully take or carry away any amount of anhydrous ammonia;

(2) purchase, possess, transfer, or distribute any amount of anhydrous ammonia, knowing, or having reason to know, that it will be used to unlawfully manufacture a controlled substance;

(3) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;

(4) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;

(5) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or

(6) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 2 shall have no cause of action for damages arising out of the tampering against:

(1) the owner or lawful custodian of the container or equipment;

(2) a person responsible for the installation or maintenance of the container or equipment; or

(3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

Subd. 4. [CRIMINAL PENALTY.] A person who knowingly violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$50,000, or both.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 11. [152.137] [METHAMPHETAMINE-RELATED CRIMES INVOLVING CHILDREN AND VULNERABLE ADULTS.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Chemical substance" means a substance intended to be used as a precursor in the manufacture of methamphetamine or any other chemical intended to be used in the manufacture of methamphetamine.

(c) "Child" means any person under the age of 18 years.

(d) "Methamphetamine paraphernalia" means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in manufacturing, injecting, ingesting, inhaling, or otherwise introducing methamphetamine into the human body.

(e) "Methamphetamine waste products" means substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine.

(f) "Vulnerable adult" has the meaning given in section 609.232, subdivision 11.

Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly engage in any of the following activities in the presence of a child or vulnerable adult; in the residence of a child or a vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building:

(1) manufacturing or attempting to manufacture methamphetamine;

(2) storing any chemical substance;

(3) storing any methamphetamine waste products; or

(4) storing any methamphetamine paraphernalia.

(b) No person may knowingly cause or permit a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia.

Subd. 3. [CRIMINAL PENALTY.] A person who violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections 609.035 and 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take any child present in an area where any of the activities described in subdivision 2, paragraph (a), clauses (1) to (4), are taking place into protective custody in accordance with section 260C.175, subdivision 1, paragraph (b), clause (2). A child taken into protective custody under this subdivision shall be provided health screening to assess potential health concerns related to methamphetamine as provided in section 260C.188. A child not taken into protective custody under this subdivision but who is known to have been exposed to methamphetamine shall be offered health screening for potential health concerns related to methamphetamine as provided in section 260C.188.

Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a) A peace officer shall make a report of suspected maltreatment of a vulnerable adult if the vulnerable adult is present in an area where any of the activities described in subdivision 2, paragraph (a), clauses (1) to (4), are taking place, and the peace officer has reason to believe the vulnerable adult inhaled, was exposed to, had contact with, or ingested methamphetamine, a chemical substance, or methamphetamine paraphernalia. The peace officer shall immediately report to the county common entry point as described in section 626.557, subdivision 9b.

(b) As required in section 626.557, subdivision 9b, law enforcement is the primary agency to conduct investigations of any incident when there is reason to believe a crime has been committed. Law enforcement shall initiate a response immediately. If the common entry point notified a county agency for adult protective services, law enforcement shall cooperate with that county agency when both agencies are involved and shall exchange data to the extent authorized in section 626.557, subdivision 12b, paragraph (g). County adult protection shall initiate a response immediately.

(c) The county social services agency shall immediately respond as required in section 626.557, subdivision 10, upon receipt of a report from the common entry point staff.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2004, section 168A.05, subdivision 3, is amended to read:

Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of title issued by the department shall contain:

(1) the date issued;



(2) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;

(3) the names and addresses of any secured parties in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate, or as otherwise determined by the department;

(4) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;

(5) the title number assigned to the vehicle;

(6) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;

(7) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(8) with respect to vehicles subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed"; ~~and~~

(9) with respect to a vehicle contaminated by methamphetamine production, if the registrar has received the certificate of title and notice described in section 152.0275, subdivision 2, paragraph (f), the term "hazardous waste contaminated vehicle"; and

(10) any other data the department prescribes.

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

Sec. 13. Minnesota Statutes 2004, section 260B.171, is amended by adding a subdivision to read:

Subd. 9. [NOTICE TO SCHOOL.] (a) As used in this subdivision, the following terms have the meanings given. "Chemical substance," "methamphetamine paraphernalia," and "methamphetamine waste products" have the meanings given in section 152.137, subdivision 1. "School" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

(b) If a child has been taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured or where any chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, and the child is enrolled in school, the officer who took the child into custody shall notify the chief administrative officer of the child's school of this fact.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005, and applies to acts occurring on or after that date.

Sec. 14. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP REVOLVING ACCOUNT.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "clandestine lab site" has the meaning given in section 152.0275, subdivision 1, paragraph (a);

(2) "property" has the meaning given in section 152.0275, subdivision 2, paragraph (a), but does not include motor vehicles; and

(3) "remediate" has the meaning given to remediation in section 152.0275, subdivision 1, paragraph (a).

Subd. 2. [ACCOUNT ESTABLISHED.] The authority shall establish a methamphetamine laboratory cleanup revolving account in the public facility authority fund to provide loans to counties and cities to remediate clandestine lab sites. The account must be credited with repayments.

Subd. 3. [APPLICATIONS.] Applications by a county or city for a loan from the account must be made to the authority on the forms prescribed by the authority. The application must include, but is not limited to:

(1) the amount of the loan requested and the proposed use of the loan proceeds;

(2) the source of revenues to repay the loan; and

(3) certification by the county or city that it meets the loan eligibility requirements of subdivision 4.

Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible for a loan under this section if the county or city:

(1) identifies a site or sites designated by a local public health department or law enforcement as a clandestine lab site;

(2) has required the site's property owner to remediate the site at cost, under a local public health nuisance ordinance that addresses clandestine lab remediation;

(3) certifies that the property owner cannot pay for the remediation immediately;

(4) certifies that the property owner has not properly remediated the site; and

(5) issues a revenue bond, secured as provided in subdivision 8, payable to the authority to secure the loan.

Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY OWNER.] (a) A loan recipient shall use the loan to remediate the clandestine lab site or if this has already been done to reimburse the applicable county or city fund for costs paid by the recipient to remediate the clandestine lab site.

(b) A loan recipient shall seek reimbursement from the owner of the property containing the clandestine lab site for the costs of the remediation. In addition to other lawful means of seeking reimbursement, the loan recipient may recover its costs through a property tax assessment by following the procedures specified in section 145A.08, subdivision 2, paragraph (c).

(c) A mortgagee is not responsible for cleanup costs under this section solely because the mortgagee becomes an owner of real property through foreclosure of the mortgage or by receipt of the deed to the mortgaged property in lieu of foreclosure.

Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority shall award loans to recipients on a first-come, first-served basis, provided that the recipient is able to comply with the terms and conditions of the authority loan, which must be in conformance with this section. The authority shall make a single disbursement of the loan upon receipt of a payment request that includes a list of remediation expenses and evidence that a second-party sampling was undertaken to ensure that the remediation work was successful or a guarantee that such a sampling will be undertaken.

Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making loans from the revolving account, the authority shall comply with the criteria in paragraphs (b) to (e).

(b) Loans must be made at a two percent per annum interest rate for terms not to exceed ten years unless the recipient requests a 20-year term due to financial hardship.

(c) The annual principal and interest payments must begin no later than one year after completion of the clean up. Loans must be amortized no later than 20 years after completion of the clean up.

(d) A loan recipient must identify and establish a source of revenue for repayment of the loan and must undertake whatever steps are necessary to collect payments within one year of receipt of funds from the authority.

(e) The account must be credited with all payments of principal and interest on all loans, except the costs as permitted under section 446A.04, subdivision 5, paragraph (a).

(f) Loans must be made only to recipients with clandestine lab ordinances that address remediation.

Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities may incur debt under this section by resolution of the board or council authorizing issuance of a revenue bond to the authority. The county or city may secure and pay the revenue bond only with proceeds derived from the property containing the clandestine lab site, including assessments and charges under section 145A.08, subdivision 2, paragraph (c), payments by the property owner, or similar revenues.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 15. Minnesota Statutes 2004, section 609.1095, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Conviction" means any of the following accepted and recorded by the court: a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes a conviction by any court in Minnesota or another jurisdiction.

(c) "Prior conviction" means a conviction that occurred before the offender committed the next felony resulting in a conviction and before the offense for which the offender is being sentenced under this section.

(d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: ~~section~~ sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 16. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall recodify the provisions of Minnesota Statutes, section 152.021, subdivision 2a, paragraph (b), and subdivision 3, as amended by this act, that relate to the possession of chemical reagents or precursors with the intent to manufacture methamphetamine and the penalties for doing this into a new section of law codified as Minnesota Statutes, section 152.0262. The revisor shall make any necessary technical changes, including, but not limited to, changes to statutory cross-references, to Minnesota Statutes, section 152.021, and any other statutory sections to accomplish this.

Sec. 17. [REPEALER.]

Minnesota Statutes 2004, sections 18C.005, subdivisions 1a and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision 5, are repealed.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

ARTICLE 2

METHAMPHETAMINE APPROPRIATIONS

Section 1. [TOTAL APPROPRIATIONS.]

The dollar amounts in the columns under "APPROPRIATIONS" are appropriated to the specified agencies for the purposes specified. The appropriations are from the general fund and are available for the fiscal years indicated for each purpose. The figures "2006" and "2007" used in this article mean that the addition to or subtraction from the appropriations listed under the figure is for the fiscal years ending June 30, 2006, and June 30, 2007, respectively.

SUMMARY

	2006	2007	TOTAL
GENERAL	\$2,431,000	\$2,776,000	\$5,207,000
		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		2006	2007
Sec. 2. CORRECTIONS		\$351,000	\$551,000
For the increased prison population based on this act.			
Sec. 3. BOARD OF PUBLIC DEFENSE		300,000	400,000
For a methamphetamine trial team.			

APPROPRIATIONS		
Available for the Year		
Ending June 30		
	2006	2007
Sec. 4. HUMAN SERVICES	300,000	300,000
<p>For grants to counties to fund three pilot projects addressing methamphetamine.</p> <p>A county seeking a grant under this section shall submit a detailed application to the commissioner that specifies how the money will be used. The application must demonstrate a comprehensive countywide plan to combat methamphetamine. At a minimum, this plan must address how the county will handle: (1) methamphetamine-related child endangerment cases; (2) methamphetamine-related cleanup and remediation; (3) enforcing methamphetamine-related criminal laws; and (4) methamphetamine-related treatment. To the extent possible, the commissioner shall ensure that one pilot project has an emphasis on adolescents and one has a maternal/early childhood emphasis.</p>		
Sec. 5. EMPLOYMENT AND ECONOMIC DEVELOPMENT	250,000	250,000
<p>To carry out the public facilities authority's duties involving the methamphetamine laboratory cleanup revolving account under Minnesota Statutes, section 446A.083. This is a onetime appropriation.</p>		
Sec. 6. PUBLIC SAFETY	1,000,000	1,000,000
<p>For ten Bureau of Criminal Apprehension agents to be assigned exclusively to methamphetamine enforcement, including the investigation of manufacturing and distributing methamphetamine and related violence. These appropriations are intended to increase the current allocation of Bureau of Criminal Apprehension resources dedicated to methamphetamine enforcement. Positions funded by these appropriations may not supplant existing agent assignments or positions.</p>		
Sec. 7. HEALTH	100,000	100,000
<p>To provide technical assistance on methamphetamine lab remediation.</p>		
Sec. 8. EDUCATION	50,000	75,000
<p>To develop and distribute to school districts materials addressing the dangers of methamphetamine.</p>		
Sec. 9. DISTRICT COURTS	80,000	100,000
<p>This appropriation is to fund the increase in district court methamphetamine caseloads."</p>		

Delete the title and insert:

"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."

The motion prevailed and the amendment was adopted.

Johnson, J., moved to amend S. F. No. 51, as amended, as follows:

Page 25, line 50, after the period, insert:

"\$40,000 the first year is one-time funding for a methamphetamine awareness program."

The motion prevailed and the amendment was adopted.

Johnson, J., moved to amend S. F. No. 51, as amended, as follows:

Page 14, delete section 8

A roll call was requested and properly seconded.

The question was taken on the Johnson, J., amendment and the roll was called. There were 94 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abrams	Bradley	Cox	DeLaForest	Eastlund	Entenza
Atkins	Carlson	Cybart	Demmer	Eken	Erhardt
Bernardy	Clark	Davnie	Dittrich	Ellison	Erickson
Blaine	Cornish	Dean	Dorn	Emmer	Finstad

Fritz	Hortman	Lesch	Olson	Ruth	Thao
Garofalo	Hosch	Liebling	Opatz	Ruud	Thissen
Greiling	Huntley	Lieder	Ozment	Sailer	Tingelstad
Gunther	Johnson, J.	Lillie	Paulsen	Samuelson	Urdahl
Hackbarth	Johnson, R.	Magnus	Paymar	Scalze	Vandever
Hamilton	Johnson, S.	Mahoney	Pelowski	Severson	Wagenius
Hansen	Kahn	Marquart	Peppin	Sieben	Wardlow
Hausman	Kelliher	McNamara	Peterson, A.	Simon	Welti
Heidgerken	Knoblach	Mullery	Peterson, N.	Slawik	Westerberg
Hilstrom	Larson	Murphy	Peterson, S.	Smith	Spk. Sviggum
Hilty	Latz	Nelson, P.	Poppe	Soderstrom	
Hornstein	Lenczewski	Newman	Powell	Sykora	

Those who voted in the negative were:

Abeler	Davids	Hoppe	Krinkie	Nornes	Walker
Anderson, B.	Dempsey	Howes	Lanning	Otremba	Westrom
Anderson, I.	Dill	Jaros	Loeffler	Penas	Wilkin
Beard	Dorman	Juhnke	Mariani	Rukavina	Zellers
Brod	Gazelka	Klinzing	Meslow	Seifert	
Buesgens	Goodwin	Koenen	Moe	Simpson	
Charron	Holberg	Kohls	Nelson, M.	Solberg	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Simpson moved to amend S. F. No. 51, as amended, as follows:

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

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

Ellison, Soderstrom, Paymar and Eastlund moved to amend S. F. No. 51, as amended, as follows:

Pages 1 and 2, delete section 1

Pages 6 and 7, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2004, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME.] ~~(a)~~ Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures ~~any amount of~~ one or more mixtures of a total weight of ten grams or more containing methamphetamine.

~~(b) Notwithstanding paragraph (a) and section 609.17, a person is guilty of attempted manufacture of methamphetamine if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" refers to one or more of the following substances, or their salts, isomers, and salts of isomers:~~

- ~~(1) ephedrine;~~
- ~~(2) pseudoephedrine;~~
- ~~(3) phenyl 2-propanone;~~
- ~~(4) phenylacetone;~~
- ~~(5) anhydrous ammonia, as defined in section 18C.005, subdivision 1a;~~
- ~~(6) organic solvents;~~
- ~~(7) hydrochloric acid;~~
- ~~(8) lithium metal;~~
- ~~(9) sodium metal;~~
- ~~(10) ether;~~
- ~~(11) sulfuric acid;~~
- ~~(12) red phosphorus;~~
- ~~(13) iodine;~~
- ~~(14) sodium hydroxide;~~
- ~~(15) benzaldehyde;~~
- ~~(16) benzyl methyl ketone;~~
- ~~(17) benzyl cyanide;~~
- ~~(18) nitroethane;~~
- ~~(19) methylamine;~~
- ~~(20) phenylacetic acid;~~
- ~~(21) hydriodic acid; or~~
- ~~(22) hydriotic acid.~~

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date."



Page 7, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2004, section 152.021, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] (a) A person convicted under subdivisions 1 to 2a, ~~paragraph (a),~~ may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both; ~~a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.~~

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, ~~paragraph (a),~~ shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000; ~~a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both.~~

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 152.022, is amended by adding a subdivision to read:

Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIME.] Notwithstanding subdivision 1, sections 152.021, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the second degree if the person manufactures any amount of methamphetamine with the intent to sell it.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 152.022, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 ~~or 2~~ to 2a may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 ~~or 2~~ to 2a shall be committed to the commissioner of corrections for not less than three years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2004, section 152.023, is amended by adding a subdivision to read:

Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIME; POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1, sections 152.021, subdivision 1, 152.022, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the third degree if the person manufactures any amount of methamphetamine.

(b) A person is guilty of a crime if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" include, but are not limited to, any of the following substances, or their salts, isomers, and salts of isomers:

- (1) ephedrine;
- (2) pseudoephedrine;
- (3) phenyl-2-propanone;
- (4) phenylacetone;
- (5) anhydrous ammonia;
- (6) organic solvents;
- (7) hydrochloric acid;
- (8) lithium metal;
- (9) sodium metal;
- (10) ether;
- (11) sulfuric acid;
- (12) red phosphorus;
- (13) iodine;
- (14) sodium hydroxide;
- (15) benzaldehyde;
- (16) benzyl methyl ketone;
- (17) benzyl cyanide;
- (18) nitroethane;
- (19) methylamine;

(20) phenylacetic acid;

(21) hydriodic acid; or

(22) hydriotic acid.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2004, section 152.023, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 ~~or 2~~ to 2a, paragraph (a), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 ~~or 2~~ to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than two years nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$250,000; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both.

(c) In a prosecution under subdivision 1 or 2 involving sales or acts of possession by the same person in two or more counties within a 90-day period, the person may be prosecuted in any county in which one of the sales or acts of possession occurred.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Ellison et al amendment and the roll was called. There were 39 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Greiling	Kahn	Ozment	Thao
Anderson, B.	Dorman	Hausman	Koenen	Paymar	Thissen
Anderson, I.	Eastlund	Hilty	Latz	Rukavina	Wagenius
Beard	Ellison	Hornstein	Lieder	Sertich	Walker
Bernardy	Erickson	Jaros	Loeffler	Soderstrom	
Clark	Fritz	Johnson, S.	Mariani	Solberg	
Davnie	Goodwin	Juhnke	Otremba	Sykora	

Those who voted in the negative were:

Abrams	Dittrich	Hoppe	Liebling	Paulsen	Sieben
Atkins	Dorn	Hortman	Lillie	Pelowski	Simon
Blaine	Eken	Hosch	Magnus	Penas	Simpson
Bradley	Emmer	Howes	Mahoney	Peppin	Slawik
Brod	Entenza	Huntley	Marquart	Peterson, A.	Smith
Buesgens	Erhardt	Johnson, J.	McNamara	Peterson, N.	Tingelstad
Carlson	Finstad	Johnson, R.	Meslow	Peterson, S.	Urdahl
Charron	Garofalo	Kelliher	Moe	Poppe	Vandever
Cornish	Gazelka	Klinzing	Mullery	Powell	Wardlow
Cox	Gunther	Knoblach	Murphy	Ruth	Welti
Cybart	Hackbarth	Kohls	Nelson, M.	Ruud	Westerberg
Dauids	Hamilton	Krinkie	Nelson, P.	Sailer	Westrom
Dean	Hansen	Lanning	Newman	Samuelson	Wilkin
DeLaForest	Heidgerken	Larson	Nornes	Scalze	Zellers
Demmer	Hilstrom	Lenczewski	Olson	Seifert	Spk. Sviggum
Dempsey	Holberg	Lesch	Opatz	Severson	

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

Charron and Olson moved to amend S. F. No. 51, as amended, as follows:

Page 6, delete lines 2 and 3 and insert:

"[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date until superseded by section 3.

Sec. 3. Minnesota Statutes 2004, section 152.02, is amended by adding a subdivision to read:

Subd. 6a. [SCHEDULE V.] The following items are listed in Schedule V:

(1) any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone;

(i) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(ii) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(iii) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(iv) Not more than 15 milligrams of anhydrous morphine per 100 milliliters or per 100 grams; and

(2) any compound, mixture, or preparation containing ephedrine and pseudoephedrine as its sole active ingredient or as one of its active ingredients.

[EFFECTIVE DATE.] This section is effective August 1, 2006."

Page 14, after line 1, insert:

"Sec. 8. Minnesota Statutes 2004, section 152.0974, is amended to read:

152.0974 [EXCEPTIONS.]

Sections 152.0971 to 152.0974 do not apply to:

(1) a pharmacist or other authorized person who sells or furnishes a precursor substance on the prescription of a physician, dentist, podiatrist, or veterinarian;

(2) a physician, dentist, podiatrist, or veterinarian who administers or furnishes a precursor substance to patients;

(3) a manufacturer or wholesaler licensed by the state Board of Pharmacy who sells, transfers, or otherwise furnishes a precursor substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian; ~~or~~

(4) the furnishing or receipt of a drug that contains ~~ephedrine, pseudoephedrine, norpseudoephedrine,~~ or phenylpropanolamine and is lawfully furnished over the counter without a prescription under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, chapter 9, or regulations adopted under that act; ~~or~~

(5) the furnishing or receipt of a methamphetamine precursor drug listed in subdivision 152.135, subdivision 2.

[EFFECTIVE DATE.] This section is effective August 1, 2006, and applies to crimes committed on or after that date."

Pages 14 and 15, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2004, section 152.135, is amended to read:

152.135 [RESTRICTIONS ON SALES, MARKETING, AND POSSESSION OF ~~EPHEDRINE METHAMPHETAMINE PRECURSOR DRUGS.~~]

Subdivision 1. [DEFINITIONS.] As used in this chapter, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription or by a licensed veterinarian.

Subd. 1a. [PRESCRIPTION STATUS FOR ~~EPHEDRINE.~~] Except as provided in this section, a material, compound, mixture, or preparation that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, no person may sell in an over-the-counter sale any amount of a methamphetamine precursor drug. A methamphetamine precursor drug may be dispensed only upon the prescription of a duly licensed practitioner authorized by the laws of the state to prescribe prescription drugs.

Subd. 2. [EXCEPTIONS.] (a) ~~A drug product containing ephedrine, its salts, optical isomers, and salts of optical isomers is exempt from subdivision 1 if the drug product:~~

(1) may be lawfully sold over the counter without a prescription under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, et seq.;

~~(2) is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph;~~

~~(3) is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse;~~

~~(4) is not marketed, advertised, or labeled for the indication of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy; and~~

~~(5) is in solid oral dosage forms, including soft gelatin caplets, that combine 400 milligrams of guaifenesin and 25 milligrams of ephedrine per dose, according to label instructions; or is an anorectal preparation containing not more than five percent ephedrine.~~

~~(b) Subdivisions 1 and 3 shall not apply to products containing ephedra or ma huang and lawfully marketed as dietary supplements under federal law. Subdivision 1a does not apply to:~~

~~(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;~~

~~(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine; or~~

~~(3) methamphetamine precursor drugs in gel capsule or liquid form.~~

~~(b) The Board of Pharmacy shall certify methamphetamine precursor drugs that meet the requirements of paragraph (a), clause (2), and publish an annual listing of these drugs.~~

Subd. 5. [SALES FOR ILLICIT PURPOSES PROHIBITED.] It is unlawful for a person to sell, distribute, or otherwise make available a product containing ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, or salts of optical isomers if the person knows or reasonably should know that the product will be used as a precursor to an illegal substance.

Subd. 6. [PENALTY.] A person who violates this section is guilty of a misdemeanor.

[EFFECTIVE DATE.] This section is effective August 1, 2006, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Charron and Olson amendment and the roll was called. There were 115 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Bradley	Clark	Cybart	Demmer
Anderson, I.	Bernardy	Carlson	Cornish	Davnie	Dempsey
Atkins	Blaine	Charron	Cox	Dean	Dill

Dittrich	Hamilton	Kahn	McNamara	Peterson, S.	Sykora
Dorman	Hansen	Kelliher	Moe	Poppe	Thao
Dorn	Hausman	Knoblach	Mullery	Powell	Thissen
Eastlund	Heidgerken	Koenen	Murphy	Rukavina	Tingelstad
Eken	Hilstrom	Kohls	Nelson, M.	Ruth	Urdahl
Ellison	Hilty	Lanning	Nelson, P.	Ruud	Vanderveer
Emmer	Hoppe	Larson	Newman	Sailer	Wagenius
Entenza	Hornstein	Latz	Nornes	Samuelson	Walker
Erhardt	Hortman	Lenczewski	Olson	Scalze	Wardlow
Erickson	Hosch	Liebling	Opatz	Sertich	Welti
Fritz	Howes	Lieder	Otremba	Severson	Westerberg
Garofalo	Huntley	Lillie	Ozment	Sieben	Westrom
Gazelka	Jaros	Loeffler	Paymar	Simon	
Goodwin	Johnson, J.	Magnus	Pelowski	Simpson	
Greiling	Johnson, R.	Mahoney	Peppin	Slawik	
Gunther	Johnson, S.	Mariani	Peterson, A.	Soderstrom	
Hackbarth	Juhnke	Marquart	Peterson, N.	Solberg	

Those who voted in the negative were:

Abeler	Dauids	Klinzing	Paulsen	Wilkin
Abrams	DeLaForest	Krinkie	Penas	Zellers
Brod	Finstad	Lesch	Seifert	Spk. Sviggum
Buesgens	Holberg	Meslow	Smith	

The motion prevailed and the amendment was adopted.

Atkins moved to amend S. F. No. 51, as amended, as follows:

Page 6, after line 3, insert:

"Sec. 3. Minnesota Statutes 2004, section 152.02, is amended by adding a subdivision to read:

Subd. 8a. [METHAMPHETAMINE PRECURSORS.] The State Board of Pharmacy may, by order, require that non-prescription ephedrine or pseudophedrine products sold in gel capsule or liquid form be subject to the sale restrictions established in subdivision 6 for methamphetamine precursor drugs, if the board concludes that ephedrine or pseudophedrine products in gel capsule or liquid form can be used to manufacture methamphetamine. In assessing the need for an order under this subdivision, the board shall consult at least annually with the advisory council on controlled substances, the commissioner of public safety, and the commissioner of health.

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

The motion prevailed and the amendment was adopted.

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

S. F. No. 51, 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; requiring prescriptions from veterinarians for products for animals containing ephedrine or pseudoephedrine; requiring the commissioner of

public safety to develop a plan for implementation of a centralized computer to enable pharmacies to carry out imposed duties; providing criminal penalties; amending Minnesota Statutes 2004, sections 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 35.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hausman	Mariani	Paymar	Walker
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The bill was passed, as amended, and its title agreed to.

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

### MOTIONS AND RESOLUTIONS

Kahn moved that the name of Abeler be added as an author on H. F. No. 158. The motion prevailed.

Sieben moved that the name of Dorn be added as an author on H. F. No. 646. The motion prevailed.

Beard moved that the name of Lillie be added as an author on H. F. No. 914. The motion prevailed.

Zellers moved that the name of Lenczewski be added as an author on H. F. No. 1406. The motion prevailed.



Mullery moved that the name of Loeffler be added as an author on H. F. No. 1584. The motion prevailed.

Krinkie moved that the name of Zellers be added as an author on H. F. No. 1660. The motion prevailed.

Lenczewski moved that the name of Scalze be added as an author on H. F. No. 1866. The motion prevailed.

Huntley moved that the name of Scalze be added as an author on H. F. No. 1876. The motion prevailed.

Davnie moved that the name of Dorn be added as an author on H. F. No. 1943. The motion prevailed.

Smith moved that the name of Scalze be added as an author on H. F. No. 2079. The motion prevailed.

Carlson moved that the name of Dorn be added as an author on H. F. No. 2106. The motion prevailed.

Cox moved that the name of Scalze be added as an author on H. F. No. 2193. The motion prevailed.

Mullery moved that the name of Loeffler be added as an author on H. F. No. 2289. The motion prevailed.

Mariani moved that the name of Lillie be added as an author on H. F. No. 2368. The motion prevailed.

Greiling moved that the names of Lillie and Liebling be added as authors on H. F. No. 2458. The motion prevailed.

Zellers moved that the name of Erickson be added as an author on H. F. No. 2459. The motion prevailed.

Krinkie moved that the name of Erickson be added as an author on H. F. No. 2460. The motion prevailed.

Sykora, Demmer, Buesgens, Meslow, Ruth and Erickson introduced:

House Resolution No. 11, A House resolution declaring Minnesota's own Take Our Daughters and Sons to Work Day 2005.

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

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. Nos. 1385 and 1481 on the Fiscal Calendar for Friday, April 22, 2005.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, April 22, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, April 22, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

