

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

---

 FORTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 28, 2005

The House of Representatives convened at 11:00 a.m. and was called to order by Ron Abrams, Speaker pro tempore.

Prayer was offered by Pastor Bruce Konold, Eagan Hills Alliance Church, Eagan, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Mahoney was excused until 11:45 a.m. Sviggum was excused until 1:00 p.m. Clark was excused until 1:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Penas moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**REPORTS OF CHIEF CLERK**

S. F. No. 284 and H. F. No. 604, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Peterson, S., moved that S. F. No. 284 be substituted for H. F. No. 604 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 467 and H. F. No. 34, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Vandever moved that the rules be so far suspended that S. F. No. 467 be substituted for H. F. No. 34 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2112 and H. F. No. 2318, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dempsey moved that S. F. No. 2112 be substituted for H. F. No. 2318 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Krinkie from the Committee on Taxes to which was referred:

H. F. No. 902, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; reorganizing environmental agencies; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; creating the Clean Water Legacy Act; amending Minnesota Statutes 2004, sections 15.01; 16A.125, subdivision 5; 84.027, subdivisions 12, 15, by adding a subdivision; 84.0274, by adding subdivisions; 84.0911, subdivision 2; 84.631; 84.775, subdivision 1; 84.788, subdivision 3, by adding a subdivision; 84.789, by adding a subdivision; 84.791, subdivisions 1, 2; 84.798, subdivision 1, by adding a subdivision; 84.804, subdivision 3; 84.82, subdivision 2, by adding a subdivision; 84.8205, subdivisions 1, 3, 4, 6; 84.83, subdivision 3, by adding a subdivision; 84.86, subdivision 1; 84.91, subdivision 1; 84.922, subdivision 2, by adding a subdivision; 84.925, subdivision 1, by adding a subdivision; 84.9256, subdivision 1; 84.9257; 84.926; 84.928, subdivision 2; 84D.03, subdivision 4; 85.053, subdivisions 1, 2; 85.055, subdivision 2, by adding a subdivision; 85.42; 85.43; 86B.415, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 88.17, subdivision 1, by adding subdivisions; 88.6435, subdivision 4; 89.039, subdivision 1; 89.19, subdivision 2; 89.37, by adding a subdivision; 92.03, subdivision 4; 93.22, subdivision 1; 94.342, subdivisions 1, 3, 4, 5; 94.343, subdivisions 1, 3, 7, 8, 10, by adding subdivisions; 94.344, subdivisions 1, 3, 5, 8, 10, by adding a subdivision; 97A.055, subdivision 4b; 97A.061, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivision 3; 97A.135, subdivision 2a; 97A.4742, subdivision 4; 97A.485, subdivisions 6, 7; 97A.551, by adding a subdivision; 97B.015, subdivisions 1, 2, 5, 7; 97B.020; 97B.025; 97C.085; 97C.327; 97C.395, subdivision 1; 103F.535, subdivision 1; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 103L.681, subdivision 11; 115.06, subdivision 4; 115.551; 115A.03, subdivisions 21, 32a; 115A.06, subdivision 5; 115A.07, subdivision 1; 115A.072, subdivision 1; 115A.12; 115A.15, subdivision 7; 115A.38, subdivision 1;

115A.545, subdivision 1; 115A.929; 116.03, subdivision 1; 116.07, subdivision 4b; 116P.02, by adding a subdivision; 116P.03; 116P.04, subdivision 5; 116P.05, subdivision 2; 116P.07; 116P.08, subdivisions 3, 5, 6, 7, by adding subdivisions; 116P.09; 116P.10; 116P.11; 116P.12, subdivision 2; 116P.15, subdivision 2; 168.1296, subdivision 1; 169A.63, subdivision 6; 216B.2424, subdivisions 1, 2, 5a, 6, 8, by adding a subdivision; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; 297H.13, subdivision 2; 349.12, subdivision 25; 462.357, subdivision 1e; 473.197, subdivision 4; 473.846; 477A.12, by adding a subdivision; 477A.145; Laws 2003, chapter 128, article 1, section 9, subdivision 6; Laws 2003, chapter 128, article 1, section 167, subdivision 1; Laws 2004, chapter 220, section 1; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 93; 97C; 116; 116P; 473; proposing coding for new law as Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2004, sections 84.901; 85.054, subdivision 1; 94.343, subdivision 6; 94.344, subdivision 6; 94.348; 94.349; 115A.03, subdivisions 8a, 22a; 115A.055, subdivision 1; 115A.158, subdivision 3; 115D.03, subdivision 4; 116.02, subdivision 5; 116.04; 116P.02, subdivisions 2, 4; 116P.05; 116P.06; 116P.08, subdivision 4; 473.156; 473.197, subdivisions 1, 2, 3, 5; 473.801, subdivision 6.

Reported the same back with the following amendments:

Page 9, delete lines 15 to 42

Page 78, delete section 71 and insert:

"Sec. 71. Minnesota Statutes 2004, section 89.37, subdivision 4, is amended to read:

Subd. 4. [PROCEEDS OF SALE.] All money received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to a forest nursery account and are available to the commissioner of natural resources for the purposes of sections 89.35 to 89.37, including forestry education and technical assistance."

Page 134, after line 8, insert:

"Sec. 151. [275.615] [COUNTY LEVY FOR UNDERPAYMENT OF NATURAL RESOURCE PAYMENTS IN LIEU.]

(a) For taxes levied in 2005, a county may levy an amount up to the projected underpayment of payments in lieu calculated in section 477A.146, paragraph (a). For taxes levied in 2006, a county may levy an amount up to the underpayment of payments in lieu calculated in section 477A.146, paragraph (b), for payments in the same calendar year. Any amount levied under this section must be certified separately to the county auditor under section 275.07. Notwithstanding any other provision of law, a levy under this section is not subject to any limitations on levies.

(b) A levy under this section shall only apply to properties classified as residential nonhomestead, noncommercial seasonal residential recreational, unmined ore and low-grade iron-bearing formations, or timberland under section 273.13.

(c) By December 1 of the year in which the levy is paid, the county treasurer shall distribute a portion of the levy to the organized townships located in the county that receive a payment under section 477A.14, subdivision 1, paragraph (b). The amount distributed to each town shall be equal to the levy under this section multiplied by the ratio of (1) the townships payment under section 477A.14, subdivision 1, to (2) the total payment made to the county under sections 477A.11 to 477A.145.

[EFFECTIVE DATE.] This section is effective for taxes levied in 2005 and 2006, payable in 2006 and 2007.

Sec. 152. Minnesota Statutes 2004, section 275.70, subdivision 5, is amended to read:

Subd. 5. [SPECIAL LEVIES.] "Special levies" means those portions of ad valorem taxes levied by a local governmental unit for the following purposes or in the following manner:

(1) to pay the costs of the principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due on municipal liquor store bonds in the year preceding the year for which the levy limit is calculated;

(2) to pay the costs of principal and interest on certificates of indebtedness issued for any corporate purpose except for the following:

(i) tax anticipation or aid anticipation certificates of indebtedness;

(ii) certificates of indebtedness issued under sections 298.28 and 298.282;

(iii) certificates of indebtedness used to fund current expenses or to pay the costs of extraordinary expenditures that result from a public emergency; or

(iv) certificates of indebtedness used to fund an insufficiency in tax receipts or an insufficiency in other revenue sources;

(3) to provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(4) to fund payments made to the Minnesota State Armory Building Commission under section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(5) property taxes approved by voters which are levied against the referendum market value as provided under section 275.61;

(6) to fund matching requirements needed to qualify for federal or state grants or programs to the extent that either (i) the matching requirement exceeds the matching requirement in calendar year 2001, or (ii) it is a new matching requirement that did not exist prior to 2002;

(7) to pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes, in accordance with standards formulated by the Emergency Services Division of the state Department of Public Safety, as allowed by the commissioner of revenue under section 275.74, subdivision 2;

(8) pay amounts required to correct an error in the levy certified to the county auditor by a city or county in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.70 to 275.74 in the preceding levy year;

(9) to pay an abatement under section 469.1815;

(10) to pay any costs attributable to increases in the employer contribution rates under chapter 353 that are effective after June 30, 2001;

(11) to pay the operating or maintenance costs of a county jail as authorized in section 641.01 or 641.262, or of a correctional facility as defined in section 241.021, subdivision 1, paragraph (f), to the extent that the county can demonstrate to the commissioner of revenue that the amount has been included in the county budget as a direct result of a rule, minimum requirement, minimum standard, or directive of the Department of Corrections, or to pay the operating or maintenance costs of a regional jail as authorized in section 641.262. For purposes of this clause, a district court order is not a rule, minimum requirement, minimum standard, or directive of the Department of Corrections. If the county utilizes this special levy, except to pay operating or maintenance costs of a new regional jail facility under sections 641.262 to 641.264 which will not replace an existing jail facility, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.71, shall be deducted from the levy limit base under section 275.71, subdivision 2, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(12) to pay for operation of a lake improvement district, as authorized under section 103B.555. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.71 shall be deducted from the levy limit base under section 275.71, subdivision 2, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(13) to repay a state or federal loan used to fund the direct or indirect required spending by the local government due to a state or federal transportation project or other state or federal capital project. This authority may only be used if the project is not a local government initiative;

(14) to pay for court administration costs as required under section 273.1398, subdivision 4b, less the (i) county's share of transferred fines and fees collected by the district courts in the county for calendar year 2001 and (ii) the aid amount certified to be paid to the county in 2004 under section 273.1398, subdivision 4c; however, for taxes levied to pay for these costs in the year in which the court financing is transferred to the state, the amount under this clause is limited to the amount of aid the county is certified to receive under section 273.1398, subdivision 4a; ~~and~~

(15) to fund a police or firefighters relief association as required under section 69.77 to the extent that the required amount exceeds the amount levied for this purpose in 2001; and

(16) to fund underpayment of natural resource payments in lieu under section 275.615.

**[EFFECTIVE DATE.]** This section is effective for property taxes levied in 2005 and thereafter."

Page 144, delete section 157

Page 145, after line 35, insert:

"Sec. 161. [477A.146] [UNDERPAYMENT OF PAYMENTS IN LIEU.]

(a) By August 1, 2005, the commissioner of natural resources shall certify to the commissioner of revenue a projected underpayment amount for each county for aids payable in calendar year 2006. The amount for each county shall be equal to \$3,000,000 multiplied by the ratio of (1) the total payments to the county under sections 477A.11 to 477A.145 in calendar year 2005 to (2) the total payments to all counties under sections 477A.11 to 477A.145 in calendar year 2005.

(b) Beginning in calendar year 2006, the commissioner of revenue shall, by August 1, certify to the commissioner of revenue an underpayment amount for each county for the current calendar year. The underpayment amount is equal to the difference between:

(1) the total aids that a county would have received in the current calendar year under Minnesota Statutes 2004, sections 477A.11 to 477A.145; and

(2) the total aid the county is certified to receive by March 1 of the current calendar year under sections 477A.11 to 477A.145.

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

Page 155, line 2, delete "sections 473.156; and" and insert "section"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 28 and 29, delete "by adding a subdivision" and insert "subdivision 4"

Page 2, line 8, after the first semicolon, insert "275.70, subdivision 5;"

Page 2, lines 10 and 11, delete "473.197, subdivision 4;"

Page 2, line 17, after "116P;" insert "275;" and after "473;" insert "477A;"

Page 2, line 25, delete "473.156;"

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.

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

H. F. No. 1422, A bill for an act relating to the operation of state government; making changes to health and human services programs; changing licensing and state-operated services provisions; changing provisions in state health care programs, changing MinnesotaCare to a forecasted program and changing eligibility requirements and payments, allowing transfer of excess health care access funds to the general fund, allowing the commissioner to withhold for delinquent nursing home provider surcharges, allowing reduction of excess assets for MA and changing other MA provisions, reducing payments to managed care plans, establishing medical necessity standards for state health care programs, allowing the state to recover payment for long-term care from trusts and life estates or joint tenancy interests, and establishing a health services policy committee and medication therapy management; establishing a value-based nursing facility reimbursement system and changing other provisions for nursing facilities; changing continuing care for the elderly and disabled provisions and establishing the Minnesota partnership for long-term care programs, increasing rate reimbursement for ICF/MR facilities, health care services, and provider rate increases, requiring a study for dental access, establishing an interagency work group on disability services; changing provisions for mental health services, allowing payment for mental health telemedicine, providing treatment foster care services and transitional youth intensive rehabilitative mental health services;

modifying health policy, establishing a Health Information Technology and Infrastructure Advisory Committee, establishing a rural pharmacy planning and transition grant program, requiring a report from physicians and facilities performing abortions, classifying data in abortion notification reports, providing education on shaking infants and children, establishing a voluntary trauma system, trauma registry, and trauma advisory council, establishing a cancer drug repository program, prohibiting family grant funds to subsidize abortion services, promoting positive abortion alternatives, establishing the unborn child pain prevention act, providing education on postpartum depression, adjusting certain fees, providing civil and criminal penalties; making forecast adjustments; appropriating money; and providing for alternative funding; amending Minnesota Statutes 2004, sections 13.3806, by adding a subdivision; 16A.724; 103I.101, subdivision 6; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 103I.601, subdivision 2; 144.122; 144.147, subdivisions 1, 2; 144.148, subdivision 1; 144.1483; 144.1501, subdivisions 1, 2, 3, 4; 144.226, subdivisions 1, 4, by adding subdivisions; 144.3831, subdivision 1; 144.551, subdivision 1; 144.562, subdivision 2; 144.9504, subdivision 2; 144.98, subdivision 3; 144A.071, subdivision 4a; 144A.073, by adding a subdivision; 144E.101, by adding a subdivision; 145.56, subdivisions 2, 5; 145.924; 145.9268; 146A.11, subdivision 1; 147A.08; 150A.22; 157.15, by adding a subdivision; 157.16, subdivisions 2, 3, by adding subdivisions; 157.20, subdivisions 2, 2a; 214.01, subdivision 2; 214.06, subdivision 1, by adding a subdivision; 245.4661, subdivisions 2, 6; 245.4885, subdivisions 1, 2, by adding a subdivision; 245A.10, subdivision 5; 245C.10, subdivisions 2, 3; 245C.32, subdivision 2; 246.0136, subdivision 1; 252.27, subdivision 2a; 253.20; 253B.02, subdivision 7; 256.01, subdivision 2, by adding subdivisions; 256.019, subdivision 1; 256.045, subdivisions 3, 3a; 256.046, subdivision 1; 256.9657, by adding a subdivision; 256.969, subdivision 3a; 256B.02, subdivision 12; 256B.04, by adding a subdivision; 256B.056, subdivisions 5, 5a, 5b, 7, by adding subdivisions; 256B.057, subdivision 9; 256B.0575; 256B.0595, subdivision 2; 256B.06, subdivision 4; 256B.0621, subdivisions 2, 3, 4, 5, 6, 7, by adding a subdivision; 256B.0625, subdivisions 2, 3a, 13, 13a, 13c, 13e, 13f, 17, by adding subdivisions; 256B.0644; 256B.075, subdivision 2; 256B.0913, subdivisions 2, 4; 256B.0916, by adding a subdivision; 256B.095; 256B.0951, subdivision 1; 256B.0952, subdivision 5; 256B.0953, subdivision 1; 256B.15, subdivision 1; 256B.19, subdivision 1; 256B.32, subdivision 1; 256B.431, subdivisions 28, 29, 35, by adding subdivisions; 256B.432, subdivisions 1, 2, 5, by adding subdivisions; 256B.434, subdivisions 3, 4, 4a, 4b, 4c, 4d, by adding a subdivision; 256B.438, subdivision 3; 256B.47, subdivision 2; 256B.49, subdivision 16; 256B.5012, by adding a subdivision; 256B.69, subdivisions 4, 23, by adding a subdivision; 256B.75; 256B.765; 256D.03, subdivisions 3, 4, by adding subdivisions; 256D.045; 256L.01, subdivisions 1a, 4, 5; 256L.03, subdivisions 1, 3, 5, by adding a subdivision; 256L.04, subdivisions 1, 2, 8, by adding subdivisions; 256L.05, subdivisions 2, 3, 3a, 5; 256L.06, subdivision 3; 256L.07, subdivisions 1, 3, by adding a subdivision; 256L.09, subdivision 2; 256L.11, subdivision 6; 256L.12, subdivision 6, by adding a subdivision; 256L.15, subdivisions 2, 3; 326.42, subdivision 2; 471.61, by adding a subdivision; 514.981, subdivision 6; Laws 2003, First Special Session chapter 14, article 12, section 93; Laws 2004, chapter 267, article 12, section 4; proposing coding for new law in Minnesota Statutes, chapters 62J; 144; 145; 245A; 256B; 501B; repealing Minnesota Statutes 2004, sections 13.383, subdivision 3; 13.411, subdivision 3; 144.1486; 144.1502; 145.925; 146A.01, subdivisions 2, 5; 146A.02; 146A.03; 146A.04; 146A.05; 146A.06; 146A.07; 146A.08; 146A.09; 146A.10; 157.215; 256.955; 256B.075, subdivision 5; 256L.035; 256L.04, subdivisions 7, 11; 256L.09, subdivisions 1, 4, 5, 6, 7; 295.581; Minnesota Rules, parts 4700.1900; 4700.2000; 4700.2100; 4700.2200; 4700.2210; 4700.2300; 4700.2400; 4700.2410; 4700.2420; 4700.2500.

Reported the same back with the following amendments:

Pages 7 and 8, delete section 5

Page 30, after line 9, insert:

"Sec. 10. Minnesota Statutes 2004, section 256.969, subdivision 26, is amended to read:

Subd. 26. [GREATER MINNESOTA PAYMENT ADJUSTMENT AFTER JUNE 30, 2001.] (a) For admissions occurring after June 30, 2001, the commissioner shall pay fee-for-service inpatient admissions for the diagnosis-related groups specified in paragraph (b) at hospitals located outside of the seven-county metropolitan area at the higher of:

(1) the hospital's current payment rate for the diagnostic category to which the diagnosis-related group belongs, exclusive of disproportionate population adjustments received under subdivision 9 and hospital payment adjustments received under subdivision 23; or

(2) 90 percent of the average payment rate for that diagnostic category for hospitals located within the seven-county metropolitan area, exclusive of disproportionate population adjustments received under subdivision 9 and hospital payment adjustments received under subdivisions 20 and 23. ~~The commissioner may adjust this percentage each year so that the estimated payment increases under this paragraph are equal to the funding provided under section 256B.195 for this purpose.~~

(b) The payment increases provided in paragraph (a) apply to the following diagnosis-related groups, as they fall within the diagnostic categories:

- (1) 370 cesarean section with complicating diagnosis;
- (2) 371 cesarean section without complicating diagnosis;
- (3) 372 vaginal delivery with complicating diagnosis;
- (4) 373 vaginal delivery without complicating diagnosis;
- (5) 386 extreme immaturity and respiratory distress syndrome, neonate;
- (6) 388 full-term neonates with other problems;
- (7) 390 prematurity without major problems;
- (8) 391 normal newborn;
- (9) 385 neonate, died or transferred to another acute care facility;
- (10) 425 acute adjustment reaction and psychosocial dysfunction;
- (11) 430 psychoses;
- (12) 431 childhood mental disorders; and
- (13) 164-167 appendectomy."

Page 58, after line 22, insert:

"Subd. 7. [APPLICATION.] This section does not apply if the medical necessity standard, or medical protocols authorized under subdivision 5, authorize or recommend denial of treatment, food, or fluids necessary to sustain life on the basis of the patient's age or expected length of life, or the patient's present or predicted disability, degree of medical dependency, or quality of life."

Page 58, line 35, delete "a medical policy advisory council" and insert "the Health Services Policy Committee"

Page 63, after line 13, insert:

"Sec. 40. Minnesota Statutes 2004, section 256B.195, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO CERTAIN SAFETY NET PROVIDERS.] (a) Effective July 15, 2001, the commissioner shall make the following payments to the hospitals indicated after noon on the 15th of each month:



(1) to Hennepin County Medical Center, any federal matching funds available to match the payments received by the medical center under subdivision 2, to increase payments for medical assistance admissions and to recognize higher medical assistance costs in institutions that provide high levels of charity care; and

(2) to Regions Hospital, any federal matching funds available to match the payments received by the hospital under subdivision 2, to increase payments for medical assistance admissions and to recognize higher medical assistance costs in institutions that provide high levels of charity care.

(b) Effective July 15, 2001, the following percentages of the transfers under subdivision 2 shall be retained by the commissioner for deposit each month into the general fund:

(1) 18 percent, plus any federal matching funds, shall be allocated for the following purposes:

(i) during the fiscal year beginning July 1, 2001, of the amount available under this clause, 39.7 percent shall be allocated to make increased hospital payments under section 256.969, subdivision 26; 34.2 percent shall be allocated to fund the amounts due from small rural hospitals, as defined in section 144.148, for overpayments under section 256.969, subdivision 5a, resulting from a determination that medical assistance and general assistance payments exceeded the charge limit during the period from 1994 to 1997; and 26.1 percent shall be allocated to the commissioner of health for rural hospital capital improvement grants under section 144.148; and

(ii) during fiscal years beginning on or after July 1, 2002, of the amount available under this clause, 55 percent shall be allocated to make increased hospital payments under section 256.969, subdivision 26, and 45 percent shall be allocated to the commissioner of health for rural hospital capital improvement grants under section 144.148; and

(2) 11 percent shall be allocated to the commissioner of health to fund community clinic grants under section 145.9268.

(c) This subdivision shall apply to fee-for-service payments only and shall not increase capitation payments or payments made based on average rates. The allocation in paragraph (b), clause (1), item (ii), to increase hospital payments under section 256.969, subdivision 26, shall not limit payments under that section.

(d) Medical assistance rate or payment changes, including those required to obtain federal financial participation under section 62J.692, subdivision 8, shall precede the determination of intergovernmental transfer amounts determined in this subdivision. Participation in the intergovernmental transfer program shall not result in the offset of any health care provider's receipt of medical assistance payment increases other than limits resulting from hospital-specific charge limits and limits on disproportionate share hospital payments.

(e) Effective July 1, 2003, if the amount available for allocation under paragraph (b) is greater than the amounts available during March 2003, after any increase in intergovernmental transfers and payments that result from section 256.969, subdivision 3a, paragraph (c), are paid to the general fund, any additional amounts available under this subdivision after reimbursement of the transfers under subdivision 2 shall be allocated to increase medical assistance payments, subject to hospital-specific charge limits and limits on disproportionate share hospital payments, as follows:

(1) if the payments under subdivision 5 are approved, the amount shall be paid to the largest ten percent of hospitals as measured by 2001 payments for medical assistance, general assistance medical care, and MinnesotaCare in the nonstate government hospital category. Payments shall be allocated according to each hospital's proportionate share of the 2001 payments; or

(2) if the payments under subdivision 5 are not approved, the amount shall be paid to the largest ten percent of hospitals as measured by 2001 payments for medical assistance, general assistance medical care, and MinnesotaCare in the nonstate government category and to the largest ten percent of hospitals as measured by payments for medical assistance, general assistance medical care, and MinnesotaCare in the nongovernment hospital category. Payments shall be allocated according to each hospital's proportionate share of the 2001 payments in their respective category of nonstate government and nongovernment. The commissioner shall determine which hospitals are in the nonstate government and nongovernment hospital categories."

Page 79, lines 17 to 19, delete the new language

Page 79, line 26, after "2005" delete the comma and insert a period

Page 79, delete lines 27 to 34

Page 98, line 23, before the period, insert ", except that the increase in the monthly premium shall be effective July 1, 2005"

Page 105, line 19, before the period, insert ", while continuing to receive federal funding under the state children's health insurance program (SCHIP)"

Page 105, delete lines 30 to 32 and insert:

"(b) The commissioner of human services shall seek federal waivers and approvals necessary to modify the definition of household and family income under MinnesotaCare, to include the earned and unearned income of all persons residing in the household or family, including unrelated persons."

Page 126, line 25, delete "years" and insert "year"

Page 126, line 26, delete "and October 1, 2006,"

Page 126, line 30, delete "two percent" and insert "2.2 percent" and after the period insert "For the rate year beginning October 1, 2006, the commissioner shall provide nursing facilities reimbursed under this section or section 256B.434, and for rates determined under section 256B.431, with an adjustment to the total operating payment rate of one percent."

Page 133, line 28, after the period, insert "Facilities reimbursed under this section shall be allowed to receive a property rate adjustment for building projects under section 144A.071, subdivision 2."

Page 137, after line 25, insert:

"Sec. 20. Minnesota Statutes 2004, section 256B.434, is amended by adding a subdivision to read:

Subd. 19. [PHASE-OUT OF RULE 50 PROPERTY RATES.] Effective October 1, 2006, payment rates for property shall no longer be determined under section 256B.431. A facility that does not have a contract with the commissioner under this section shall be construed as being reimbursed under neither section 256B.431 nor this section."

Page 149, line 28, delete everything after the headnote and insert "The commissioner shall provide recommendations to the legislature by February 15, 2006, on specific methodology for the establishment of the payment rate for direct care services under the new system. The recommendations must not increase expenditures for the new payment system beyond the limits of the appropriation. The commissioner shall include recommendations on options for recognizing changes in direct care staff hours that may require a supplemental appropriation in the future."

Page 149, delete lines 29 to 36

Page 150, delete lines 1 to 36

Page 151, delete lines 1 to 36

Page 152, delete lines 1 to 12

Page 153, line 31, delete "five" and insert "three" and before the period insert "and this add-on shall not be subject to the phase-in under subdivision 53"

Pages 163 and 164, delete section 23

Page 242, line 32, after "including" insert "but not limited to"

Page 243, after line 11, insert:

"The commissioner may also take into account other relevant factors."

Page 243, line 17, delete everything after the period

Page 243, delete line 18

Page 243, line 24, delete "capitol" and insert "capital"

Page 243, line 26, delete "grant program shall be" and insert "commissioner shall evaluate the overall effectiveness of the grant program and may collect progress reports and other information from grantees needed for program evaluation."

Page 243, delete line 27

Page 243, line 30, delete "recipient" and insert "grantee"

Page 243, line 30, after the period, insert "The commissioner shall compile summaries of successful grant projects and other model community efforts to preserve access to prescription medications and the skills of a pharmacist, and make this information available to Minnesota communities seeking to address local pharmacy issues."

Page 312, delete lines 28 to 32, and insert:

"General	\$3,494,261,000	\$3,635,190,000	\$7,129,451,000
State Government Special Revenue	49,893,000	50,297,000	100,190,000
Health Care Access	464,068,000	552,640,000	1,016,708,000"

Page 312, delete line 36 and insert:

"TOTAL	\$4,076,667,000	\$4,304,038,000	\$8,380,705,000"
--------	-----------------	-----------------	------------------

Page 313, delete lines 3 and 4 and insert:

"Subdivision 1. Total Appropriation	\$3,915,840,000	\$4,142,334,000"
-------------------------------------	-----------------	------------------

Page 313, delete line 6 and insert:

"General	3,395,066,000	3,535,538,000"
----------	---------------	----------------

Page 313, delete lines 9 and 10 and insert:

"Health Care Access	457,795,000	546,361,000"
---------------------	-------------	--------------

Page 315, delete line 44 and insert:

"General	1,525,139,000	1,602,701,000"
----------	---------------	----------------

Page 316, after line 24, insert:

"[FULL FUNDING FOR DIAGNOSIS RELATED GROUPS PAYMENT ADJUSTMENT.] In order to provide full funding for the diagnosis-related groups for hospitals located in Greater Minnesota under Minnesota Statutes, section 256.969, subdivision 26, the following increases are hereby appropriated:

\$722,000 in fiscal year 2006 and \$1,076,000 in fiscal year 2007 for MA Basic Care-Families and Children;

\$903,000 in fiscal year 2006 and \$1,345,000 in fiscal year 2007 for MA Basic Care-Elderly and Disabled; and

\$361,000 in fiscal year 2006 and \$538,000 in fiscal year 2007 for General Assistance Medical Care."

Page 316, delete line 29 and insert:

"Health Care Access	196,222,000	124,046,000"
---------------------	-------------	--------------

Page 316, delete line 44 and insert:

"General	619,076,000	735,721,000"
----------	-------------	--------------

Page 316, delete line 47 and insert:

"General	808,501,000	863,921,000"
----------	-------------	--------------

Page 316, delete line 50 and insert:

"General	87,777,000	-0-
----------	------------	-----

Health Care Access	235,585,000	399,465,000"
--------------------	-------------	--------------

Page 317, delete line 24 and insert:

"Health Care Access           20,423,000     17,650,000"

Page 318, delete line 22 and insert:

"Health Care Access           16,941,000     15,020,000"

Page 318, delete line 25 and insert:

"General                       1,558,757,000   1,643,957,000"

Page 318, delete line 42 and insert:

"General                       58,073,000     49,706,000"

Page 319, delete line 18 and insert:

"General                       522,953,000     524,765,000"

Page 319, delete line 22 and insert:

"General                       835,332,000     921,347,000"

Page 319, line 29, delete "3.37 percent" and insert "2.2553 percent"

Page 319, line 30, after "increase" insert "effective October 1, 2006, and a 2.2553 percent increase"

Page 319, line 31, after "new" insert "percentage"

Page 320, delete line 21 and insert:

"General                       46,731,000     47,516,000"

Page 320, delete line 60 and insert:

"General                       1,454,000       1,475,000"

Page 321, delete line 12 and insert:

"General                       14,601,000     15,027,000"

Page 321, delete line 20 and insert:

"General                       15,034,000     15,122,000"

Page 324, delete line 29 and insert:

"Appropriation                12,268,000     12,286,000"

Page 324, delete lines 32 and 33 and insert:

"State Government		
Special Revenue	12,243,000	12,261,000"

Page 325, delete line 20 and insert:

"Home Administrators	616,000	619,000"
----------------------	---------	----------

Page 325, line 45, delete "For fiscal" and insert "Beginning January 1, 2006, for fiscal year 2006 and for fiscal years"

Page 325, line 46, delete "years 2006,"

Amend the title as follows:

Page 2, line 27, delete "subdivision 3a" and insert "subdivisions 3a, 26"

Page 2, line 39, after the first semicolon, insert "256B.195, subdivision 3;"

Page 2, line 43, delete "a subdivision" and insert "subdivisions"

Page 2, line 58, delete everything after the semicolon

Page 2, line 59, delete everything before "proposing"

Renumber the sections in sequence and correct internal references

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. 1976, A bill for an act relating to state government; appropriating money for jobs, economic development, and human services purposes; establishing and modifying certain programs; providing for accounts, assessments and fees; making changes to programs for children and families; amending Minnesota Statutes 2004, sections 41A.09, subdivision 2a; 60A.14, subdivision 1; 60K.55, subdivision 2; 72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.09, subdivision 1; 115C.07, subdivision 3; 115C.09, subdivision 3h; 115C.13; 116C.779, subdivision 2; 116J.551, subdivision 1; 116J.571; 116J.572; 116J.574; 116J.575, as amended; 116J.63, subdivision 2; 116J.8731, subdivision 5; 116J.8747, subdivision 2; 116J.994, subdivisions 7, 9; 116L.03, subdivision 2; 116L.05, by adding a subdivision; 116L.17, subdivision 1; 116L.20, subdivision 2; 119B.02, by adding a subdivision; 119B.13, subdivision 1, by adding a subdivision; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57; 216C.41, subdivisions 2, 5, 5a; 237.11; 237.295, subdivisions 1, 2; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 245A.10, subdivision 4; 254A.035,

subdivision 2; 254A.04; 256.01, by adding subdivisions; 256.741, subdivision 4; 256B.0924, subdivision 3; 256B.093, subdivision 1; 256D.06, subdivisions 5, 7, by adding a subdivision; 256L.05, subdivision 1e; 256J.12, subdivision 1, by adding a subdivision; 256J.37, subdivision 3a; 256J.515; 256J.751, subdivision 2; 256J.95, by adding subdivisions; 256K.35, by adding a subdivision; 260.835; 268.19, subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; 298.22, by adding a subdivision; 326.975, subdivision 1; 345.47, subdivisions 3, 3a; 373.40, subdivisions 1, 3; 462A.05, subdivision 3a; 462A.33, subdivision 2; 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 45; 116L; 237; 256K; 325F; proposing coding for new law as Minnesota Statutes, chapter 59B; repealing Minnesota Statutes 2004, sections 45.0295; 116J.573; 116J.58, subdivision 3; 116L.05, subdivision 4; 119B.074; 239.05, subdivisions 6a, 6b; 256D.54, subdivision 3; 462C.15; Laws 2003, First Special Session chapter 14, article 9, section 34; Minnesota Rules, parts 9500.1254; 9500.1256.

Reported the same back with the following amendments:

Page 17, after line 28, insert:

"Sec. 6. Minnesota Statutes 2004, section 82B.05, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] The Real Estate Appraiser Advisory Board consists of 15 members appointed by the commissioner of commerce. Three of the members must be public members, four must be consumers of appraisal services, and eight must be real estate appraisers of whom not less than two members shall be registered real property appraisers, licensed real property appraisers, or certified residential real property appraisers ~~and~~, not less than two members shall be certified general real property appraisers, and not less than one member shall be certified by the Appraisal Qualification Board of the Appraisal Foundation to teach the Uniform Standards of Professional Appraisal Practice. The board is governed by section 15.0575.

Sec. 7. Minnesota Statutes 2004, section 82B.05, subdivision 5, is amended to read:

Subd. 5. [CONDUCT OF MEETINGS.] Places of regular board meetings must be decided by the vote of members. Written notice must be given to each member of the time and place of each meeting of the board at least ten days before the scheduled date of regular board meetings. The board shall establish procedures for emergency board meetings and other operational procedures, subject to the approval of the commissioner.

The members of the board shall elect a chair from among the members to preside at board meetings.

A quorum of the board is eight members.

The board shall meet once every six months, or sooner as determined by a majority vote of the members or a call of the commissioner."

Page 82, after line 7, insert:

"Sec. 90. [APPLICATION.]

The provisions of sections 14 to 17 do not apply to appropriations under Laws 2005, chapter 20."

Page 116, line 15, delete "and"

Page 116, line 17, delete the period and insert "; and

(7) motor club membership contracts that typically provide roadside assistance services to motorists stranded for reasons that include, but are not limited to, mechanical breakdown or adverse road conditions."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the first semicolon, insert "82B.05, subdivisions 1, 5;"

With the recommendation that when so amended the bill pass.

The report was adopted.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1422 and 1976 were read for the second time.

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 284, 467 and 2112 were read for the second time.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Klinzing; Buesgens; Heidgerken; Newman; Meslow; Sykora; Kohls; Emmer; Severson; Wardlow; Vandever; Samuelson; Zellers; Holberg; Gazelka; Blaine; Hoppe; DeLaForest; Gunther; Ruth; Dorman; Westrom; Smith; Howes; Magnus; Soderstrom; Cornish; Erickson; Powell; Anderson, B.; Garofalo; Paulsen; Hackbarth; Dean and Demmer introduced:

H. F. No. 2486, A bill for an act relating to education finance; requiring school districts to spend at least 65 percent of their total operating expenditures on direct classroom expenditures; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Thissen introduced:

H. F. No. 2487, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 3; providing for multimember senate and house districts that coincide with congressional district boundaries; amending Minnesota Statutes 2004, sections 2.021; 2.031, subdivision 1.

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



**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 47, A bill for an act relating to state aid to cities; correcting the calculation of city aid base; amending Minnesota Statutes 2004, section 477A.011, subdivision 36.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1334, A bill for an act relating to natural resources; modifying certain exemptions for an iron nugget production scale demonstration facility; amending Laws 2004, chapter 220, section 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 218, A bill for an act relating to energy; extending eligibility to receive the renewable energy production incentive under certain circumstances; amending Minnesota Statutes 2004, section 216C.41, subdivisions 1, 5, 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

**CONCURRENCE AND REPASSAGE**

Cornish moved that the House concur in the Senate amendments to H. F. No. 218 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 218, A bill for an act relating to energy; extending eligibility to receive the renewable energy production incentive under certain circumstances; amending Minnesota Statutes 2004, section 216C.41, subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. Nos. 289, 1296, 1056, 1869, 808, 969, 1355, 1861, 427, 554 and 1146.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 289, A bill for an act relating to presidential electors; providing for alternates and providing certain voting procedures; amending Minnesota Statutes 2004, sections 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08.

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

S. F. No. 1296, A bill for an act relating to highways; allowing two-way operation of snowmobiles on either side of local road right-of-way when authorized by local road authorities; amending Minnesota Statutes 2004, section 84.87, subdivision 1.

The bill was read for the first time.

Howes moved that S. F. No. 1296 and H. F. No. 1293, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1056, A bill for an act relating to motor vehicles; providing for issuance of registration plates and stickers to motor vehicle dealers; providing for electronic transmission of motor vehicle transfers; authorizing an optional electronic transfer fee for electronic transfer of ownership records; amending Minnesota Statutes 2004, sections 168.27, by adding a subdivision; 168.33, subdivision 7, by adding a subdivision; 168.66, subdivision 14, by adding a subdivision.

The bill was read for the first time.

Severson moved that S. F. No. 1056 and H. F. No. 1134, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1869, A bill for an act relating to local government; modifying a shared hospital or ambulance service purchasing provision; amending Minnesota Statutes 2004, section 471.345, subdivision 10.

The bill was read for the first time.

Moe moved that S. F. No. 1869 and H. F. No. 1994, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 808, A bill for an act relating to traffic regulations; exempting motorized foot scooters from tax and registration fees; defining motorized foot scooters and regulating their use and operation; amending Minnesota Statutes 2004, sections 168.012, subdivision 1; 169.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time.

Beard moved that S. F. No. 808 and H. F. No. 912, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 969, A bill for an act relating to renewable fuel use by state departments; clarifying the state's policy of minimizing energy use and requiring renewable fuels wherever appropriate; proposing coding for new law in Minnesota Statutes, chapter 16C.

The bill was read for the first time.

Hamilton moved that S. F. No. 969 and H. F. No. 560, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1355, A bill for an act relating to professions; extending the application period for power limited technicians; amending Minnesota Statutes 2004, section 326.242, subdivision 3d.

The bill was read for the first time.

Hamilton moved that S. F. No. 1355 and H. F. No. 1521, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1861, A bill for an act relating to building plan review; directing the commissioner of labor and industry to study procedures for supervision of installation of biotechnology piping systems; requiring a report to the legislature.

The bill was read for the first time.

Mahoney moved that S. F. No. 1861 and H. F. No. 1988, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 427, A bill for an act relating to retirement; various public pension plans; clarifying and revising various plan provisions; eliminating obsolete provisions; defining final average salary; modifying the definition of allowable service to include time on strike; permitting judges to purchase service credit for an authorized leave; requiring specified payments; clarifying references to actuarial services in determining actuarial equivalence; defining covered salary to include certain employer contributions to supplemental retirement plans; specifying itemized detail of plan administrative expenses in annual financial reporting; excluding police officers of the University of Minnesota from the public employees police and fire fund; clarifying collection procedures relating to charter schools; adding a uniform nonassignment and legal process exemption provision; adding employees of Bridges Medical Services, Hutchinson Area Health Care, and Northfield Hospital to privatization coverage; extending date for filing special law approval with the secretary of state for the RenVilla Nursing Home; requiring the privatization periodic filing of updated copies of articles of incorporation and bylaws; modifying a higher education individual retirement account plan investment option provision; implementing the recommendations of the Volunteer Firefighter Relief Association working group of the state auditor; modifying the trigger date for filing financial reports; revising the per firefighter financing requirements for monthly benefit service pensions; modifying the options for crediting interest on deferred service pensions; clarifying the deferred service pension options available to defined contribution plans; providing for the crediting of service during military service leaves; requiring the amortization of experience losses; clarifying the compliance requirements for the qualification for fire state aid; modifying a limit on mutual fund investments; clarifying corporate stock and exchange-traded funds investment authority; modifying the municipal representation requirements on relief association governing boards; clarifying exemptions from process and taxation; providing that certain laws do not apply to the consolidation of specified volunteer firefighter relief associations; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; authorizing the Maplewood Firefighters Relief Association to transfer assets to the Oakdale Firefighters Relief Association to cover service credits earned by certain individuals; appropriating money; amending Minnesota Statutes 2004, sections 3A.01, subdivisions 1, 2, 6, 8, by adding subdivisions; 3A.011; 3A.02, subdivisions 1, 1b, 3, 4, 5; 3A.03, subdivisions 1, 2; 3A.04, subdivisions 1, 2, 3, 4, by adding a subdivision; 3A.05; 3A.07; 3A.10, subdivision 1; 3A.12; 3A.13; 43A.17, subdivision 9; 69.011, subdivision 2b, by adding a subdivision; 69.021, subdivisions 5, 11; 69.051, subdivisions 1, 1a; 69.33; 69.771; 69.772, subdivisions 3, 4; 69.773, subdivisions 4, 5; 69.775; 352.01, subdivisions 2a, 4, 5, 12, 21, 23, by adding a subdivision; 352.021, subdivisions 1, 2, 3, 4; 352.04, subdivisions 1, 12; 352.041, subdivisions 1, 2, 3, 5; 352.115, subdivisions 2, 3; 352.15, subdivisions 1, 3, 4; 352.22, subdivision 10; 352.87, subdivision 3; 352.91, by adding a subdivision; 352.93, subdivision 1; 352B.01, subdivisions 1, 2, 3; 352B.02, subdivision 1e; 352B.071; 352C.021, by adding a subdivision; 352C.091, subdivision 1; 352C.10; 352D.01; 352D.015, subdivisions 3, 4; 352D.02, subdivision 1; 352D.03; 352D.05, subdivision 4; 352D.085, subdivision 1; 352D.09, subdivision 5; 352D.12; 353.01, subdivisions 6, 10, 14, 32, 33, by adding a subdivision; 353.025; 353.026; 353.027; 353.028; 353.14; 353.15, subdivisions 1, 3; 353.27, subdivision 11; 353.271; 353.28, subdivisions 5, 6; 353.29, subdivision 3; 353.31, subdivision 1c; 353.32, subdivision 9; 353.33, subdivisions 3, 12; 353.64, by adding a subdivision; 353.651, subdivision 3; 353.656, subdivision 1; 353F.02, subdivision 4; 354.05, subdivision 7, by adding a subdivision; 354.091; 354.094, subdivision 1; 354.10, subdivisions 1, 3, 4; 354.33, subdivision 5; 354.39; 354.41, subdivision 2; 354.42, by adding a subdivision; 354.44, subdivisions 2, 6; 354A.011, subdivision 3a, by adding a subdivision; 354A.021, subdivision 5, by adding a subdivision; 354A.097, subdivision 1; 354A.31, subdivisions 4, 4a, 5; 354B.21, subdivisions 2, 3; 354B.25, subdivision 2; 355.01, subdivision 3e; 356.20, subdivision 4; 356.215, subdivision 8; 356.216; 356.24,

subdivision 1; 356.47, subdivision 3; 356.551; 356.65, subdivision 2; 356A.06, subdivision 7; 383B.46, subdivision 2; 383B.47; 383B.48; 383B.49; 422A.01, subdivisions 6, 11, by adding a subdivision; 422A.05, subdivision 2c; 422A.06, subdivisions 3, 5, 7, 8; 422A.10, subdivisions 1, 2; 422A.101, subdivision 3; 422A.15, subdivision 1; 422A.16, subdivision 9; 422A.22, subdivisions 1, 3, 4, 6; 422A.231; 422A.24; 423B.09, subdivision 1; 423B.17; 423C.05, subdivision 2; 423C.09; 424A.02, subdivisions 3, 4, 7; 424A.04, subdivision 1; 424B.10, subdivision 1; 471A.10; 490.121, subdivisions 1, 4, 6, 7, 13, 14, 15, 20, 21, 22, by adding subdivisions; 490.122; 490.123, subdivisions 1, 1a, 1b, 1c, 2, 3; 490.124, subdivisions 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13; 490.125, subdivisions 1, 2; 490.126; 490.133; 525.05; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4, as amended; Laws 2004, chapter 267, article 12, section 4; proposing coding for new law in Minnesota Statutes, chapters 352C; 356; 383B; 423C; 424A; proposing coding for new law as Minnesota Statutes, chapter 490A; repealing Minnesota Statutes 2004, sections 3A.01, subdivisions 3, 4, 6a, 7; 3A.02, subdivision 2; 3A.04, subdivision 1a; 3A.09; 352.119, subdivision 1; 352.15, subdivision 1a; 352C.01; 352C.011; 352C.021; 352C.031, subdivision 3; 352C.033; 352C.04; 352C.051; 352C.09; 352C.091, subdivisions 2, 3; 353.15, subdivision 2; 353.29, subdivision 2; 353.34, subdivision 3b; 353.36, subdivisions 2, 2a, 2b, 2c; 353.46, subdivision 4; 353.651, subdivision 2; 353.663; 353.74; 353.75; 354.10, subdivision 2; 354.59; 422A.101, subdivision 4; 422A.22, subdivisions 2, 5; 422A.221; 490.021; 490.025; 490.101; 490.102; 490.103; 490.105; 490.106; 490.107; 490.108; 490.109; 490.1091; 490.12; 490.121, subdivisions 2, 3, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20; 490.124, subdivision 6; 490.132; 490.15; 490.16; 490.18.

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

S. F. No. 554, A bill for an act relating to agriculture; requiring equine teeth floaters to have indirect supervision; proposing coding for new law in Minnesota Statutes, chapter 156.

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

S. F. No. 1146, A bill for an act relating to agriculture; clarifying the county agricultural society exemption from local zoning ordinances; amending Minnesota Statutes 2004, sections 38.01; 38.16.

The bill was read for the first time.

Gunther moved that S. F. No. 1146 and H. F. No. 1389, now on the Calendar for the Day, 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.

## FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1.

H. F. No. 1 was reported to the House.

Meslow and Kahn moved to amend H. F. No. 1, the third engrossment, as follows:

Pages 213 to 214, delete section 9, and insert:

"Sec. 9. [590.10] [PRESERVATION OF EVIDENCE.]

Subdivision 1. [PRESERVATION.] Notwithstanding any other provision of law, all appropriate governmental entities shall retain any biological evidence relating to the identification of a defendant used to secure a conviction in a criminal case until expiration of sentence unless earlier disposition is authorized by court order after notice to the defendant and defense counsel. No order for earlier disposition of this evidence shall be issued if the defendant or defense counsel objects.

The governmental entity need retain only the portion of such evidence as was used to obtain an accurate biological sample used to obtain a conviction. If the size of the biological sample requires that it be consumed in analysis, the Minnesota Rules of Criminal Procedure shall apply. If evidence is intentionally destroyed after the filing of a petition under section 590.01, subdivision 1a, the court may impose appropriate sanctions on the responsible party or parties.

Subd. 2. [DEFINITION.] For purposes of this section, "biological evidence" means:

(1) the samples obtained in a sexual assault examination kit; or

(2) any item that contains blood, semen, hair, saliva, skin, tissue, or other identifiable biological material present on physical evidence or preserved on a slide or swab if such evidence relates to the identification of the defendant.

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

The motion prevailed and the amendment was adopted.

Peppin and Bradley moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Pages 287 and 288, delete sections 12 and 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker assumed the Chair.

Meslow, Paulsen and Zellers moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 208, delete lines 17 to 20 and insert:

"Subd. 3. [BUREAU DUTY.] If the bureau is notified that a person who submitted a biological specimen under this subdivision was found not guilty or otherwise not convicted of an offense listed in subdivision 1, paragraph (a), the bureau must destroy the person's biological specimen and return all records to the individual."

Page 209, delete lines 8 to 11 and insert:

"Subd. 3. [BUREAU DUTY.] If the bureau is notified that a person who submitted a biological specimen under this subdivision was found not guilty or otherwise not convicted of a felony level offense, the bureau must destroy the person's biological specimen and return all records to the individual."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Beard moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 305, delete lines 4 to 14 and insert:

"(a) A railroad company or person employed by a railroad company shall not:

(1) intentionally deny, delay, or interfere with medical treatment or first aid treatment to an employee of a railroad who has been injured during employment; or

(2) discipline, harass, or intimidate an employee to discourage the employee from receiving medical attention or threaten to discipline an employee who has been injured during employment for requesting medical treatment or first aid treatment.

(b) Nothing in this section precludes a railroad company or railroad employee from making a reasonable inquiry of an injured employee about the circumstance of an injury in order to gather information necessary to identify a safety hazard.

(c) It is not a violation under this section for a railroad company or railroad employee to enforce safety regulations.

(d) A railroad or person who violates paragraph (a) is subject to a criminal penalty of up to \$1,000."

The motion prevailed and the amendment was adopted.

Larson and Lenczewski moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 68, after line 24, insert:

"(i) An offender who is the subject of a community notification meeting held pursuant to this section may not attend the meeting."

The motion prevailed and the amendment was adopted.

Seifert, Buesgens, Newman, Holberg, Wilkin, McNamara, Nornes, Finstad, Krinkie, Ruth, Paulsen, Hamilton, Beard, Vandevener and Klinzing moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 218, after line 30, insert:

"Section 1. Minnesota Statutes 2004, section 16C.09, is amended to read:

16C.09 [PROCEDURE FOR SERVICE CONTRACTS.]

(a) Before entering into or approving a service contract, the commissioner must determine, at least, that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;

(3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;

(4) the contractor and agents are not employees of the state;

(5) the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed; and

(6) the combined contract and amendments will not exceed five years without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

(b) For purposes of paragraph (a), clause (1), employees are available if qualified and:

(1) are already doing the work in question; or

(2) are on layoff status in classes that can do the work in question.

An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question.



(c) This section does not apply to an agency's use of inmates pursuant to sections 241.20 to 241.23 or to an agency's use of persons required by a court to provide (1) community service or (2) conservation or maintenance services on lands under the jurisdiction and control of the state.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 2. Minnesota Statutes 2004, section 43A.047, is amended to read:

43A.047 [CONTRACTED SERVICES.]

(a) Executive agencies, including the Minnesota State Colleges and Universities system, must demonstrate that they cannot use available staff before hiring outside consultants or services. If use of consultants is necessary, agencies are encouraged to negotiate contracts that will involve permanent staff, so as to upgrade and maximize training of state employees.

(b) If agencies reduce operating budgets, agencies must give priority to reducing spending on professional and technical service contracts before laying off permanent employees.

(c) This section does not apply to an agency's use of inmates pursuant to sections 241.20 to 241.23 or to an agency's use of persons required by a court to provide (1) community service or (2) conservation or maintenance services on lands under the jurisdiction and control of the state.

[EFFECTIVE DATE.] This section is effective July 1, 2004."

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 Seifert et al amendment and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abrams	Demmer	Hackbarth	Lanning	Paymar	Simpson
Anderson, B.	Dempsey	Hamilton	Lenczewski	Pelowski	Slawik
Beard	Dittrich	Heidgerken	Liebling	Penas	Soderstrom
Blaine	Dorn	Holberg	Magnus	Peppin	Sykora
Bradley	Eastlund	Hoppe	Marquart	Peterson, A.	Tingelstad
Brod	Eken	Hortman	McNamara	Peterson, N.	Urdahl
Buesgens	Emmer	Hosch	Moe	Poppe	Vandever
Charron	Erhardt	Johnson, J.	Nelson, P.	Powell	Wardlow
Cornish	Erickson	Johnson, R.	Newman	Ruth	Welti
Cox	Finstad	Klinzing	Nornes	Ruud	Westerberg
Cybart	Garofalo	Knoblach	Olson	Samuelson	Westrom
Davids	Gazelka	Koenen	Otremba	Scalze	Wilkin
Dean	Greiling	Kohls	Ozment	Seifert	Zellers
DeLaForest	Gunther	Krinkie	Paulsen	Severson	Spk. Sviggum

Those who voted in the negative were:

Abeler	Ellison	Hornstein	Larson	Meslow	Sertich
Anderson, I.	Entenza	Howes	Latz	Mullery	Sieben
Atkins	Fritz	Huntley	Lesch	Murphy	Simon
Bernardy	Goodwin	Jaros	Lieder	Nelson, M.	Solberg
Carlson	Hansen	Johnson, S.	Lillie	Opatz	Thao
Clark	Hausman	Juhnke	Loeffler	Peterson, S.	Thissen
Davnie	Hilstrom	Kahn	Mahoney	Rukavina	Wagenius
Dill	Hilty	Kelliher	Mariani	Sailer	Walker

The motion prevailed and the amendment was adopted.

Paymar, Murphy and Smith moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 158, delete lines 1 to 26, and insert:

"Sec. 14. Minnesota Statutes 2004, section 299F.46, subdivision 3, is amended to read:

Subd. 3. [INSPECTION FEES; HOTELS AND DORMITORIES.] (a) For each hotel or dormitory with 35 or more rooms and required to have a fire inspection according to subdivision 1, the commissioner of public safety may charge ~~each hotel~~ a triennial inspection fee of \$435 and a per-room charge of \$5 for one to 18 units, \$6 for 19 to 35 units, \$7 for 36 to 100 units, and \$8 for 100 or more units, or a per bed charge of 50 cents for beds in a group sleeping area. ~~The fee includes one follow-up inspection.~~ The commissioner shall charge each resort not classified as class 1c property under section 273.13 a triennial inspection fee of \$435 and a per-room charge of \$5 for one to ten units, \$6 for 11 to 25 units, and \$7 for 26 or more units. These fees include one follow-up inspection.

The commissioner shall charge a fee of \$225 for each additional follow-up inspection for ~~hotels and resorts~~ these buildings, conducted in each three-year cycle that is necessary to bring the ~~hotel or resort~~ building into compliance with the State Fire Code.

(b) For each hotel or dormitory with fewer than 35 rooms and each resort classified as class 1c property under section 273.13 and required to have a fire inspection according to subdivision 1, the commissioner of public safety may charge a triennial inspection fee of \$217.50 and a per-room charge of \$3 for a hotel or dormitory, and a per-cabin charge of \$2.50, or a per-bed charge of fifty cents per bed in group sleeping areas. These fees include one follow-up inspection. The commissioner shall charge a fee of \$112.50 for each additional follow-up inspection for these buildings, conducted in each three-year cycle that is necessary to bring the building into compliance with the State Fire Code.

(c) Nothing in this subdivision prevents the designated local government agent, as defined in subdivision 2, from continuing to charge an established inspection fee or from establishing a new inspection fee.

(e) ~~Hotels and motels with fewer than 35 rooms and resorts classified as 1c under section 273.13 are exempt from the fee requirements of this subdivision.~~

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

The Speaker called Kohls to the Chair.

Newman moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 279, line 1, delete "or" and insert "and"

The motion prevailed and the amendment was adopted.

Meslow, Paulsen and Holberg moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 208, line 13, after "TRAINING" insert "; DUTIES" and before "The" insert "(a)"

Page 208, after line 16, insert:

"(b) A law enforcement officer who seeks to collect a biological specimen from a juvenile pursuant to subdivision 1 must notify the juvenile's parent or guardian prior to collecting the biological specimen."

Page 209, line 4, after "TRAINING" insert "; DUTIES" and before "The" insert "(a)"

Page 209, after line 7, insert:

"(b) A law enforcement officer who seeks to collect a biological specimen from a juvenile pursuant to subdivision 1 must notify the juvenile's parent or guardian prior to collecting the biological specimen."

The motion prevailed and the amendment was adopted.

Ellison moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 304, after line 25, insert:

"Sec. 27. Minnesota Statutes 2004, section 609.725, is amended to read:

609.725 [VAGRANCY.]

Any of the following are vagrants and are guilty of a misdemeanor:

~~(1) a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 years of age; or~~

~~(2) a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there; or~~

~~(3) (2) a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or~~

(4) a person who derives support in whole or in part from begging or as a fortune teller or similar impostor.

[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

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Emmer; Cybart; Dean; Brod; Cornish; Vandev eer; Peppin; DeLaForest; Kohls; Holberg; Olson; Peterson, N.; Zellers; Severson; Finstad; Gazelka and Newman moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 12, after line 31, insert:

"Sec. 4. [609.1075] [ASEXUALIZATION FOR CERTAIN SEX OFFENDERS.]

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

(b) "Asexualization" or "asexualized" means the surgical removal of the male testicles by a licensed physician.

(c) "Chemical castration" or "chemically castrated" means the administration of pharmaceutical substances or hormones prescribed by a licensed physician to a person to remove sexual desire and aggression.

(d) "Sexual contact with a person under 13" has the meaning given in section 609.341, subdivision 11, paragraph (c).

(e) "Sex crime" means a violation of section 609.342, 609.343, or 609.344 that involves sexual contact with a person under 13.

(f) "Aggravated circumstances" include:

(1) the sex crime was especially serious, atrocious, or cruel;

(2) the sex crime resulted in significant physical injury to the victim;

(3) the sex crime was committed upon one victim by the defendant two or more times within a 24-hour period;

(4) the sex crime was committed upon one victim by two or more persons, acting in concert with the defendant;

(5) the sex crime was committed by a person while serving a sentence for a sex crime conviction, or while subject to any provision of a deferred prosecution agreement, suspended sentence, or postimprisonment supervision for a sex crime;

(6) the existence of a prior juvenile delinquency adjudication for a sex crime; and

(7) the existence of a prior conviction for a sex crime in this state or another state.

Subd. 2. [SENTENCE OF CASTRATION.] Any person who commits a sex crime may be punished by asexualization or chemical castration in addition to any other penalty allowed by law for the offense. Any person having been convicted of a sex crime prior to August 1, 2005, may voluntarily consent to be asexualized as provided in subdivision 6. Except when a deferred or suspended sentence is prohibited by law, the court may require chemical castration as a condition of a deferred judgment or suspended sentence for a sex crime, and chemical castration may be ordered as a condition of postimprisonment supervision according to the procedures established in subdivision 9. The offender must pay for the cost of his asexualization or chemical castration.

Subd. 3. [HEARING.] (a) Upon conviction and before final sentencing of a defendant for a sex crime, the court shall conduct a hearing to determine whether or not the defendant should be ordered asexualized or chemically castrated in addition to any punishment allowable for the offense. The hearing shall be conducted by the trial judge before the trial jury as soon as practicable without any additional presentence investigation. If the defendant waived his right to a jury or if the defendant pleaded guilty or nolo contendere, the hearing shall be conducted before the judge.

(b) In the hearing, evidence may be presented as to any aggravating or mitigating circumstances. Aggravating circumstances must be proved beyond a reasonable doubt. Only evidence in aggravation as the state has presented at trial or made known to the defendant prior to the hearing shall be admissible. The state and the defendant or counsel for the defendant shall be permitted to present their arguments for or against asexualization or chemical castration. If the prosecuting attorney fails to present any evidence of aggravating circumstances at the hearing, the judge shall terminate the hearing and proceed to final sentencing.

(c) At the conclusion of the hearing, the trial judge shall:

(1) if the hearing was conducted before the trial jury, give the jury written instructions on aggravating circumstances as warranted by the evidence. The jury shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which the jury unanimously found to exist beyond a reasonable doubt and whether the aggravating circumstances were outweighed by any mitigating circumstances as determined by the jury; or

(2) enumerate for the record the aggravating circumstances the judge found to exist beyond a reasonable doubt and whether the aggravating circumstances were outweighed by any mitigating circumstances as determined by the judge.

(d) When the judge or jury finds at least one aggravating circumstance, then the judge may order the defendant chemically castrated or asexualized. Chemical castration or asexualization may not be ordered when the judge or jury concludes that any aggravating circumstances are outweighed by mitigating circumstances. Before asexualization may be ordered there must have been a deoxyribonucleic acid (DNA) test submitted as evidence for the purpose of determining guilt with a positive identification made against the defendant by means of the test, unless the defendant voluntarily waives this requirement.

Subd. 4. [AUTOMATIC APPELLATE REVIEW.] (a) If the penalty of asexualization is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Court of Appeals. The clerk of the trial court, within ten days after receiving the judgment, shall transmit the entire record with the transcript of the hearing required by subdivision 3 to the Court of Appeals, together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case; the name of the defendant; the name and address of the attorney of record; and a narrative statement of the judgment, the offense, and the punishment imposed, including asexualization and any other provisions.

(b) The Court of Appeals shall consider the asexualization order as well as any errors in the hearing required under subdivision 3 without the necessity of the defendant or counsel for the defendant enumerating any errors from the trial proceeding or making a direct appeal.

(c) With regard to the review of the sentence for asexualization, the Court of Appeals shall determine whether:

(1) the defendant was eligible for the punishment of asexualization;

(2) the sentence of asexualization was imposed under the influence of prejudice or other arbitrary factor;

(3) the evidence supports the findings of one or more statutory aggravating circumstances; and

(4) the evidence supports the findings that mitigating circumstances did not outweigh the findings of the statutory aggravating circumstances.

(d) Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

(e) The Court of Appeals shall include in its decision relating to the asexualization proceeding and order a reference to the factors taken into consideration. In addition to the court's authority to review enumerated errors in the trial proceeding pursuant to direct appeal, the Court of Appeals, with regard to the review of an asexualization order, is authorized to:

(1) affirm the sentence of asexualization; or

(2) set the sentence of asexualization aside and remand the case for modification of the sentence.

(f) The review of an asexualization order by the Court of Appeals shall be in addition to direct appeal, if taken. If a direct appeal is made, the review of an asexualization order shall be consolidated with the direct appeal for consideration. If a review of an asexualization order has been consolidated with a direct appeal, the Court of Appeals shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the provisions of the sentence.

Subd. 5. [ENFORCEMENT OF SENTENCE.] If a defendant is ordered asexualized, the Department of Corrections shall secure the services of a licensed physician for the asexualization procedure, which shall be completed prior to release of the person from confinement to a suspended sentence, or to a period of postimprisonment supervision. An asexualization procedure may be scheduled to be performed 30 days following the date of the Court of Appeals' decision or any time thereafter, but before release from custody.

Subd. 6. [VOLUNTARY ASEXUALIZATION.] (a) Any person incarcerated in the Department of Corrections who desires to be asexualized may voluntarily request the procedure from the Department of Corrections. The department shall not be required to file a petition for a court order on behalf of the inmate requesting asexualization, but the department shall perform the procedure only if:

(1) the inmate is 21 years of age or older;

(2) the inmate requests the procedure in writing;

(3) the inmate has signed a statement admitting the offense for which he was convicted and the offense is a sex crime;

(4) a psychiatrist and a psychologist who are appointed by the department and have experience in the treatment of sex offenders have evaluated the inmate and have determined that the inmate is a suitable candidate for the procedure, the inmate is free from coercion in the decision to have the asexualization procedure, and the inmate has received counseling prior to undergoing the procedure;

(5) the inmate has not previously requested the procedure and subsequently withdrawn the request; and

(6) the physician performing the procedure has obtained the informed written consent of the inmate to undergo the procedure.

(b) An inmate voluntarily requesting asexualization may withdraw the request any time before the physician performs the procedure. An inmate who withdraws a request for asexualization is ineligible to apply to have the procedure performed by the department at any other time.

(c) An inmate voluntarily requesting asexualization may select a physician to perform the procedure.

(d) An inmate voluntarily requesting asexualization must pay the cost of the procedure and surgeon.

Subd. 7. [TREATING PHYSICIAN.] A licensed physician selected to perform an asexualization procedure shall be responsible for examination of the person, scheduling suitable surgical facilities where the surgery will be performed, and surgically removing the male testicles of the person as required by court order or voluntary consent.

Subd. 8. [IMMUNITY.] (a) The Department of Corrections shall be immune from liability for scheduling the surgical procedure and facilities and selecting the licensed physician to perform the procedure.

(b) A licensed physician who performs an asexualization procedure is not liable for an act or omission relating to the procedure, unless the act or omission constitutes negligence.

Subd. 9. [CHEMICAL CASTRATION.] If a defendant is ordered chemically castrated or if chemical castration is ordered as a condition of a deferred or suspended sentence or as a condition of postimprisonment supervision, the Department of Corrections shall require the defendant to submit to the prescribed treatment to effect chemical castration. The department shall bear the cost of the treatment, unless it is determined by the department that the defendant has the ability to pay all or part of the treatment. Failure of the defendant to submit to chemical castration when ordered as a condition of release is grounds for revocation of the sentence or postimprisonment supervision.

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

Page 19, after line 4, insert:

"(e) In addition to any other sentence permitted by law, a person convicted under subdivision 1 may be subject to asexualization or chemical castration as provided for in section 609.1075."

Page 21, after line 12, insert:

"(e) In addition to any other sentence permitted by law, a person convicted under subdivision 1 may be subject to asexualization or chemical castration as provided for in section 609.1075."

Page 22, after line 16, insert:

"(d) In addition to any other sentence permitted by law, a person convicted under subdivision 1 may be subject to asexualization or chemical castration as provided for in section 609.1075."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Paymar raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Emmer et al amendment was not in order. The Speaker ruled the point of order not well taken and the Emmer et al amendment in order.

The question recurred on the Emmer et al amendment and the roll was called. There were 80 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abrams	Demmer	Hamilton	Lenczewski	Pelowski	Tingelstad
Anderson, B.	Dempsey	Heidgerken	Liebling	Peppin	Urdahl
Atkins	Dittrich	Holberg	Lillie	Peterson, N.	Vanderveer
Bernardy	Dorman	Hoppe	Magnus	Peterson, S.	Wardlow
Blaine	Dorn	Hortman	Marquart	Poppe	Welti
Bradley	Eastlund	Hosch	Moe	Powell	Westerberg
Brod	Emmer	Howes	Nelson, P.	Ruth	Westrom
Buesgens	Entenza	Johnson, J.	Newman	Samuelson	Wilkin
Charron	Erickson	Johnson, R.	Nornes	Scalze	Zellers
Cornish	Finstad	Klinzing	Olson	Seifert	Spk. Sviggum
Cybart	Garofalo	Knoblach	Opatz	Severson	
Davids	Gazelka	Kohls	Otremba	Simpson	
Dean	Gunther	Krinkie	Ozment	Soderstrom	
DeLaForest	Hackbarth	Larson	Paulsen	Sykora	

Those who voted in the negative were:

Abeler	Ellison	Hornstein	Latz	Murphy	Sieben
Anderson, I.	Erhardt	Huntley	Lesch	Nelson, M.	Simon
Beard	Fritz	Jaros	Lieder	Paymar	Slawik
Carlson	Goodwin	Johnson, S.	Loeffler	Penas	Smith
Clark	Greiling	Juhnke	Mahoney	Peterson, A.	Solberg
Cox	Hansen	Kahn	Mariani	Rukavina	Thao
Davnie	Hausman	Kelliher	McNamara	Ruud	Thissen
Dill	Hilstrom	Koenen	Meslow	Sailer	Wagenius
Eken	Hilty	Lanning	Mullery	Sertich	Walker

The motion prevailed and the amendment was adopted.



The Speaker called Abrams to the Chair.

Rukavina, Magnus, Dill and Simpson moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 317, after line 18, insert:

"Sec. 10. Minnesota Statutes 2004, section 171.09, is amended to read:

171.09 [DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.]

Subdivision 1. [AUTHORITY; VIOLATIONS.] (a) The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(b) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under paragraph (a) is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

Subd. 2. [NO ALCOHOL RESTRICTION; TIME LIMIT.] (a) The commissioner must rescind a license restriction imposed upon a licensee under subdivision 1 stating that the person must abstain from alcohol, if 10 years have passed since the date the restriction was imposed and the person has not incurred an impaired driving conviction or impaired driving-related loss of license for a driving incident occurring during that time period.

(b) For purposes of this section, the terms "impaired driving conviction" and "impaired driving-related loss of license" have the meanings given to these terms in section 169A.03, subdivisions 20 and 21.

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

The motion prevailed and the amendment was adopted.

Soderstrom, Paymar, Ellison, Erickson and Eastlund moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 9, after line 21, insert:

"[CORRECTIONS BOARD.] Of this appropriation, \$401,000 each year is to fund a corrections board."

Page 320, after line 4, insert:

"ARTICLE 20

CORRECTIONS BOARD

Section 1. [244A.01] [CORRECTIONS BOARD.]

Subdivision 1. [CREATION.] There is created a Corrections Board consisting of three full-time members appointed by the governor, with the advice and consent of the senate. No more than two members appointed by the governor shall belong to the same political party. An appointment to a vacancy shall be made in the same manner as other appointments and shall be for the unexpired term.

Subd. 2. [QUALIFICATIONS.] A candidate for appointment to the Corrections Board is not required to have specific academic or professional attainment, but shall have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of individuals over whom the board has jurisdiction and the safety of the public. Among the members appointed by the governor, at least one shall be a woman and one a man.

Subd. 3. [TERMS OF OFFICE; REAPPOINTMENT.] Members of the board shall serve six year staggered terms. A member is eligible for reappointment. Removal of members is governed by section 15.0575, subdivision 3.

Subd. 4. [COMPENSATION; EXPENSES.] Each member of the board other than the chair shall receive as compensation 85 percent of a district court judge's salary per year, payable in the same manner as other employees of the state. In addition to the compensation provided in this subdivision, each member of the board shall be reimbursed for expenses paid or incurred in the performance of official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers.

Subd. 5. [QUORUM.] (a) The board may sit in units of two as designated by the chair under rules prescribed by the board, and such a unit constitutes a quorum.

(b) The chair may, with the approval of the commissioner of corrections, appoint employees of the Department of Corrections to perform administrative duties as assigned by the chair.

Sec. 2. [244A.02] [BOARD POWERS; LIMITATIONS.]

Subdivision 1. [POWERS.] (a) Except as provided in subdivision 2, the Corrections Board, giving due consideration to public safety, may parole an individual sentenced to confinement in an adult correctional facility:

(1) if the person was not convicted of a violent crime, as that term is defined in paragraph (c);

(2) if the person has not previously been convicted of a felony anywhere in the United States; and

(3) if there has been a profound change in the individual's character and conduct since the time of the offense.

(b) If the Corrections Board determines an individual is in need of drug treatment to become eligible for parole, the board may send the individual to the challenge incarceration program provided for in section 244.17 or a long-term secure drug treatment facility. If the individual successfully completes drug treatment, the board shall reconsider the individual's petition for parole.

(c) "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: sections 152.021, subdivisions 1 and 2; 152.022, subdivision 1; 152.023, subdivision 1; 152.024, subdivision 1; 609.108; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.229; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.377; 609.378; 609.385; 609.498, subdivision 1; 609.561; 609.562; 609.563; 609.582, subdivisions 1, 1a, and 2; 609.66, subdivision 1e; 609.687; 609.71, subdivisions 1 and 2; 609.712; 609.713; 609.714; 609.749; and 609.855, subdivision 5.

Subd. 2. [LIMITATIONS.] An individual sentenced under the sentencing guidelines is not eligible for parole until the individual has served one-half of his or her sentence-to-serve. "Sentence-to-serve" as applied to individuals whose crimes were committed before August 1, 1993, is the period of time for which the individual was committed to the custody of the commissioner of corrections minus good time allowed. Sentence-to-serve as applied to individuals whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the individual's executed sentence. Parole is not authorized if proscribed by United States Code, title 42, section 13704.

Subd. 3. [LEGAL CUSTODY OF PAROLEES.] Upon being paroled and released, an individual remains in the legal custody and under the control of the Corrections Board, subject to be returned at any time to a facility of the Department of Corrections. If the individual is returned, the legal custody of the individual reverts to the commissioner of corrections. A written order of the Corrections Board, certified by the chair of the board, is sufficient to authorize a peace officer or state parole or probation agent to retake and place in the custody of the Corrections Board any parolee, but a state parole or probation agent may, without order of warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a parolee to the custody of the Corrections Board for its action. A written order of the commissioner of corrections is sufficient for a peace officer or state parole or probation agent to retake and place in actual custody an individual on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole or probation agent may, when it appears necessary to prevent escape or enforce discipline, retake and detain such probationer without such an order and bring a paroled individual before the court for further proceedings under section 609.14. Paroled individuals, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for such individuals may be enlarged or reduced according to their conduct.

Subd. 4. [PAROLE HEARINGS.] (a) In considering applications for parole or final release, the board is not required to hear oral argument from any attorney or other person not connected with a facility of the Department of Corrections, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of an applicant, and to that end it has authority to require the attendance of the chief executive officer of the relevant Minnesota correctional facility and the production of the records of the facility, and to compel the attendance of witnesses. Each member of the board is authorized to administer oaths to witnesses.

(b) A victim, or if the victim is deceased, the victim's next of kin, of a crime for which the parole applicant was convicted has the right to testify in person or in writing before the board. Testimony may include the victim's reaction to the applicant's release and a summary of reasons supporting the victim's statement. The board must consider the victim's statement in its decision.

Subd. 5. [REPORT.] On or before January 1 of each year, the board shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies the persons granted parole in the preceding year and the cost savings, if any, to the Department of Corrections that resulted from the parole of these offenders. In addition, the report must address the cost to counties of supervising and providing services to parolees. The report shall also include the board's recommendations for policy modifications that influence the board's duties.

Sec. 3. [244A.03] [CREDITS FOR PRISONERS.]

Each inmate shall be credited for good prison demeanor, diligence in labor and study and results accomplished, and be charged for derelictions, negligences, and offenses under a uniform system of marks or other methods prescribed by the commissioner of corrections. The commissioner of corrections shall inform the Corrections Board of the work progress, derelictions, negligences, demeanor, and future program of each inmate a month before the inmate's appearance before the Corrections Board.

Sec. 4. [244A.04] [DUTY OF BOARD; FINAL DISCHARGE.]

The Corrections Board shall keep in communication with all those on parole and also with their employers, and when any parolee has kept the conditions of parole in a manner and for a period of time that satisfies the board that the parolee is rehabilitated, trustworthy, will remain at liberty without violating the law, and that final release is not incompatible with the welfare of society, then the board has power in its discretion to grant to such individual a final discharge from confinement. If final discharge is granted, the board shall issue to the individual a certificate of final discharge, and shall also cause a record of the acts of the individual to be made showing the date of commitment, record while in prison, the date of parole, record while on parole, and its reasons for determining final discharge, together with any other facts that the board deems relevant. Nothing in sections 244A.01 to 244A.08 impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Sec. 5. [244A.05] [SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS.]

Subdivision 1. [PAROLE SUPERVISION.] Other than in Community Corrections Act counties, the commissioner of corrections shall exercise supervision over individuals released on parole or probation pursuant to sections 244A.01 to 244A.08. The responsibilities and powers granted to the commissioner of corrections under sections 241.26, 242.10, 242.19, 242.46, 243.05, and 244.05, shall be exercised with regard to an individual paroled by the board under sections 244A.01 to 244A.08.

Subd. 2. [AGENTS.] For the purposes of subdivisions 1 and 2, and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. The commissioner may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Every agent shall perform the duties the commissioner prescribes on behalf of or in the supervision of individuals released on parole or probation. In addition, every agent or person shall act under the orders of the Corrections Board or the commissioner in the supervision of individuals conditionally released. Agents shall provide assistance to conditionally released individuals in obtaining employment, and shall conduct relevant investigations and studies of individuals under supervision upon the request of the commissioner or the board. Regional supervisors may also supervise state parole or probation agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the County Probation Act, Laws 1959, chapter 698.

Subd. 3. [ADMINISTRATIVE SERVICES.] The commissioner of corrections shall provide the board with all other personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the board.

Sec. 6. [244A.06] [DEPUTIZATION OF OUT-OF-STATE AGENTS.]

Subdivision 1. [OUT-OF-STATE DEPUTIES.] The Corrections Board may deputize a person regularly employed by another state to act as an agent of this state in effecting the return of an individual who has violated the terms and conditions of parole or probation granted by this state. In any matter relating to the return of an individual, an agent so deputized has the powers of a police officer of this state.

Subd. 2. [IN WRITING.] A deputization pursuant to subdivision 1 shall be in writing and a person so authorized to act as an agent of this state shall carry formal evidence of the deputization and shall produce the same upon demand.

Subd. 3. [SHARING COSTS.] Subject to the approval of the commissioner of finance, the Corrections Board may enter into contracts with similar officials of another state for the purpose of sharing an equitable portion of the cost of effecting the return of an individual who has violated the terms and conditions of parole or probation granted by this state.

Sec. 7. [244A.08] [RULES GOVERNING PAROLES.]

Subdivision 1. [RULES.] The Corrections Board has power to make, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and the conditions of parole and the conduct and employment of individuals on parole, and other matters touching the exercise of the powers and duties conferred upon the board by sections 244A.01 to 244A.08.

Subd. 2. [PROSPECTIVE EFFECT.] Any new rule or policy adopted by the board that has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to individuals committing offenses after the effective date of the new rule or policy.

Sec. 8. [INITIAL TERMS FOR BOARD MEMBERS.]

One of the three members shall serve an initial term of six years. One of the members shall serve an initial term of four years. One of the members shall serve an initial term of two years.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

Smith and Murphy moved to amend the Soderstrom et al amendment to H. F. No. 1, the third engrossment, as amended, as follows:

Page 1, delete lines 3 to 25, and insert:

"Page 10, after line 32, insert:

Of this appropriation, \$30,000 shall be appropriated for the Sentencing Guidelines Commission to convene a work group to study sentencing policy in Minnesota and report its recommendations to the legislature on January 5, 2007. The report shall include recommendations on the feasibility and benefits of incorporating discretion into the existing guideline system. The report shall also consider whether existing and proposed release authorities such as the review board under section 244.05 and the Sex Offender Review Board can be successfully integrated into such a system.

This appropriation shall fund staffing, research, and up to three public hearings of the work group.

Input shall be sought from the following stakeholders:

- (1) the Department of Public Safety;
- (2) the Department of Corrections;
- (3) the Minnesota Association of County Attorneys;
- (4) the community corrections counties;
- (5) the chair and lead minority members of the Public Safety Committees of the house and senate;
- (6) the Minnesota Police Chiefs Association;
- (7) the Minnesota Sheriffs Association;
- (8) the Minnesota Police and Peace Officers Association;
- (9) the Minnesota Association of District Court Judges;
- (10) the Minnesota Sentencing Guidelines Commission;
- (11) Mothers Against Drunk Driving;
- (12) the Coalition of Battered Women's Organizations;
- (13) the General Crime Coalition;
- (14) Representatives of Crime Victims Organizations;
- (15) the Minnesota Council on Crime and Justice;
- (16) The Minnesota Board of Public Defense;
- (17) Representatives of Treatment Professionals; and
- (18) Representatives of Offender Re-entry Programs such as Gateway.

The Commission shall report findings to the legislature by January 15, 2006."

Delete pages 2 to 7

Page 8, delete lines 1 to 8

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Abrams	Dean	Hansen	Lanning	Opatz	Simon
Anderson, I.	DeLaForest	Hilstrom	Larson	Ozment	Simpson
Atkins	Demmer	Hilty	Lenczewski	Paulsen	Slawik
Beard	Dempsey	Hoppe	Lieder	Pelowski	Smith
Bernardy	Dittrich	Hortman	Lillie	Penas	Solberg
Blaine	Dorn	Howes	Loeffler	Peterson, A.	Sykora
Bradley	Eken	Huntley	Magnus	Peterson, N.	Thissen
Brod	Emmer	Johnson, J.	Mahoney	Peterson, S.	Wagenius
Carlson	Entenza	Johnson, R.	Mariani	Poppe	Walker
Charron	Erhardt	Johnson, S.	Marquart	Powell	Wardlow
Clark	Finstad	Juhnke	Moe	Ruud	Westerberg
Cornish	Fritz	Kelliher	Mullery	Sailer	Westrom
Cox	Garofalo	Klinzing	Murphy	Scalze	Wilkin
Cybart	Gunther	Knoblach	Nelson, M.	Seifert	Spk. Sviggum
Davids	Hackbarth	Koenen	Newman	Sertich	
Davnie	Hamilton	Kohls	Nornes	Sieben	

Those who voted in the negative were:

Abeler	Gazelka	Hosch	McNamara	Rukavina	Urdahl
Anderson, B.	Goodwin	Jaros	Meslow	Ruth	Vandever
Buesgens	Greiling	Kahn	Nelson, P.	Samuelson	Welti
Dill	Hausman	Krinkie	Olson	Severson	Zellers
Eastlund	Heidgerken	Latz	Otremba	Soderstrom	
Ellison	Holberg	Lesch	Paymar	Thao	
Erickson	Hornstein	Liebling	Peppin	Tingelstad	

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

The Speaker resumed the Chair.

Mariani moved to amend the Soderstrom et al amendment, as amended by the Smith and Murphy amendment, to H. F. No. 1, the third engrossment, as amended, as follows:

Page 2, line 20 of the Smith and Murphy amendment, delete "and"

Page 2, line 22 of the Smith and Murphy amendment, before the period insert ";

(19) representatives of the state Council on Black Minnesotans;

(20) representatives of the state Council on Affairs of Chicano/Latino People;

(21) representatives of the state Council on Asian-Pacific Minnesotans; and

(22) representatives of the state Council on Indian Affairs"

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

The question recurred on the Soderstrom et al amendment, as amended, to H. F. No. 1, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Clark; Mariani; Mahoney; Johnson, S.; Ellison; Mullery; Thao and Walker moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 127, after line 19, insert:

"Sec. 28. [CONCENTRATION OF LEVEL III SEX OFFENDERS; REPORT TO LEGISLATURE.]

Each county which has Level III sex offenders residing in that county, must annually report to the public safety and criminal justice policy committees in the senate and house on specific measures implemented by the county to alleviate the concentration of the residence of Level III sex offenders in any neighborhood or neighborhoods of the county. The report must be made by January 15 of each year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Eken; Mullery; Liedler; Anderson, I., and Solberg moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 318, after line 19, insert:

"Sec. 12. Minnesota Statutes 2004, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. [OTHER WAITING PERIODS.] Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections;

(2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53 if the person's license or privilege has been revoked or suspended for a second violation within ten years or a third or subsequent violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections;



(3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53 if the person's license or privilege has been revoked or suspended for a second violation within ten years or a third or subsequent violation of sections 169A.20, 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections; or

(4) one year, to a person whose license or privilege has been revoked or suspended for committing manslaughter resulting from the operation of a motor vehicle, committing criminal vehicular homicide or injury under section 609.21, or violating a statute or ordinance from another state in conformity with either of those offenses."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

Emmer, Cybart, Seifert, Hoppe, Cornish, DeLaForest, Gazelka, Wilkin, Brod, Atkins, Zellers, Olson, Buesgens, Powell, Finstad and Newman moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 33, after line 30, insert:

"Sec. 3. Minnesota Statutes 2004, section 168.12, is amended by adding a subdivision to read:

Subd. 2g. [PREDATORY OFFENDERS; SPECIAL PLATES.] (a) The commissioner shall issue the special sex offender plates required under section 244.052, subdivision 4d, on payment of the registration tax required by law for the vehicle, compliance with all other applicable laws relating to registration and licensing of motor vehicles and drivers, and payment of an additional fee of \$10. The plates must be plainly marked "predatory offender."

(b) The commissioner may adjust the fees for these plates to recover any additional costs of issuing the plates. The fees specified in this subdivision must be paid into the state treasury and deposited in the highway user tax distribution fund.

(c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

(d) A person required to obtain special plates under this subdivision is not eligible to obtain any other special plates under this chapter.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Sec. 4. Minnesota Statutes 2004, section 171.07, subdivision 1, is amended to read:

Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee, the full name, date of birth,

residence address and permanent mailing address if different, a description of the licensee in a manner as the commissioner deems necessary, and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(d) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

(e) A license issued to an applicant required to register as a risk level III predatory offender under section 244.052, must be plainly marked "predatory offender." The commissioner may adjust the fees for licenses issued under this paragraph to recover any additional costs of issuing the licenses.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Sec. 5. Minnesota Statutes 2004, section 171.07, subdivision 3, is amended to read:

Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, date of birth, and residence address; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(d) The fee for a Minnesota identification card is 50 cents when issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

(e) Each Minnesota identification card issued to an applicant required to register as a risk level III predatory offender under section 244.052, must be plainly marked "predatory offender." The commissioner may adjust the fees for identification cards issued under this paragraph to recover any additional costs of issuing the identification cards.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Page 69, after line 8, insert:

"Sec. 10. Minnesota Statutes 2004, section 244.052, is amended by adding a subdivision to read:

Subd. 4d. [DISCLOSURE TO LAW ENFORCEMENT; SPECIAL PLATES.] Every person who is required to register as a risk level III predatory offender under this section, and who owns or jointly owns a motor vehicle taxed as a passenger automobile, must obtain special sex offender license plates and affix them to the vehicle.

Sec. 11. Minnesota Statutes 2004, section 244.052, is amended by adding a subdivision to read:

Subd. 4e. [DISCLOSURE TO LAW ENFORCEMENT; DRIVER'S LICENSES; IDENTIFICATION CARDS.] Every person who is required to register as a risk level III predatory offender under this section and who applies for a driver's license or an identification card under chapter 171 must obtain a license or identification card that is plainly marked "predatory offender."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Emmer et al amendment was not in order. The Speaker ruled the point of order not well taken and the Emmer et al amendment in order.

Mullery and Carlson moved to amend the Emmer et al amendment to H. F. No. 1, the third engrossment, as amended, as follows:

Page 2, after line 3, insert:

"Sec. 4. Minnesota Statutes 2004, section 168.12, is amended by adding a subdivision to read:

Subd. 2h. [ARMED ROBBERY; SPECIAL PLATES.] (a) The commissioner shall issue the special armed robbery plates required under section 609.245, subdivision 3, on payment of the registration tax required by law for the vehicle, compliance with all other applicable laws relating to registration and licensing of motor vehicles and drivers, and payment of an additional fee of \$10. The plates must be plainly marked "armed robbery."

(b) The commissioner may adjust the fees for these plates to recover any additional costs of issuing the plates. The fees specified in this subdivision must be paid into the state treasury and deposited in the highway user tax distribution fund.

(c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

(d) A person required to obtain special plates under this subdivision is not eligible to obtain any other special plates under this chapter.

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

Page 2, after line 32, insert:

"(f) A license issued to an applicant who has been convicted of aggravated robbery under section 609.245 must be plainly marked "armed robbery." The commissioner may adjust the fees for licenses issued under this paragraph to recover any additional costs of issuing the licenses."

Page 2, line 33, delete "This section" and insert "Paragraphs (a) to (e)"

Page 2, line 36, after the period, insert "Paragraph (f) is effective August 1, 2005, and applies to crimes convicted on or after that date."

Page 3, after line 30, insert:

"(f) Each Minnesota identification card issued to an applicant who has been convicted of aggravated robbery under section 609.245, must be plainly marked "armed robbery." The commissioner may adjust the fees for identification cards issued under this paragraph to recover any additional costs of issuing the identification cards."

Page 3, line 31, delete "This section" and insert "Paragraphs (a) to (e)"

Page 3, line 34, after the period, insert "Paragraph (f) is effective August 1, 2005, and applies to crimes convicted on or after that date."

Page 3, line 35, delete "69" and insert "288" and delete "8" and insert "15"

Page 3, line 36, delete "10" and insert "14" and delete "244.052" and insert "609.245"

"Subd. 3. [SPECIAL PLATES AND LICENSES.]

Every person who is convicted under subdivision 1 and who owns or jointly owns a motor vehicle taxed as a passenger automobile, must obtain special armed robbery license plates and affix them to the vehicle."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 26 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Erhardt	Hilty	Kelliher	Murphy	Walker
Atkins	Fritz	Hosch	Koenen	Nelson, M.	
Carlson	Greiling	Jaros	Lesch	Otremba	
Davnie	Hansen	Johnson, S.	Lieder	Scalze	
Ellison	Hilstrom	Kahn	Mullery	Thao	

Those who voted in the negative were:

Abeler	Bernardy	Buesgens	Cybart	Demmer	Dorman
Abrams	Blaine	Charron	Davids	Dempsey	Dorn
Anderson, B.	Bradley	Cornish	Dean	Dill	Eastlund
Beard	Brod	Cox	DeLaForest	Dittrich	Eken

Emmer	Hortman	Liebling	Opatz	Ruud	Thissen
Entenza	Howes	Lillie	Ozment	Sailer	Tingelstad
Erickson	Huntley	Loeffler	Paulsen	Samuelson	Urdahl
Finstad	Johnson, J.	Magnus	Paymar	Seifert	Vandev eer
Garofalo	Johnson, R.	Mahoney	Pelowski	Sertich	Wagenius
Gazelka	Juhnke	Mariani	Penas	Severson	Wardlow
Goodwin	Klinzing	Marquart	Peppin	Sieben	Welti
Gunther	Knoblach	McNamara	Peterson, A.	Simon	Westerberg
Hackbarth	Kohls	Meslow	Peterson, N.	Simpson	Westrom
Hamilton	Krinkie	Moe	Peterson, S.	Slawik	Wilkin
Heidgerken	Lanning	Nelson, P.	Poppe	Smith	Zellers
Holberg	Larson	Newman	Powell	Soderstrom	Spk. Sviggum
Hoppe	Latz	Nornes	Rukavina	Solberg	
Hornstein	Lenczewski	Olson	Ruth	Sykora	

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

Juhnke requested a division of the Emmer et al amendment to H. F. No. 1, the third engrossment, as amended.

Juhnke further requested that the second portion of the divided Emmer et al amendment be voted on first.

The second portion of the Emmer et al amendment to H. F. No. 1, the third engrossment, as amended, reads as follows:

Page 33, after line 30, insert:

"Sec. 4. Minnesota Statutes 2004, section 171.07, subdivision 1, is amended to read:

Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in a manner as the commissioner deems necessary, and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(d) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

(e) A license issued to an applicant required to register as a risk level III predatory offender under section 244.052, must be plainly marked "predatory offender." The commissioner may adjust the fees for licenses issued under this paragraph to recover any additional costs of issuing the licenses.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Sec. 5. Minnesota Statutes 2004, section 171.07, subdivision 3, is amended to read:

Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, date of birth, and residence address; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(d) The fee for a Minnesota identification card is 50 cents when issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

(e) Each Minnesota identification card issued to an applicant required to register as a risk level III predatory offender under section 244.052, must be plainly marked "predatory offender." The commissioner may adjust the fees for identification cards issued under this paragraph to recover any additional costs of issuing the identification cards.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Page 69, after line 8, insert:

"Sec. 11. Minnesota Statutes 2004, section 244.052, is amended by adding a subdivision to read:

Subd. 4e. [DISCLOSURE TO LAW ENFORCEMENT; DRIVERS LICENSES; IDENTIFICATION CARDS.] Every person who is required to register as a risk III predatory offender under this section and who applies for a drivers license or an identification card under chapter 171, must obtain a license or identification card that is plainly marked "predatory offender."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the second portion of the Emmer et al amendment and the roll was called. There were 121 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Bernardy	Charron	Dean	Dorman	Entenza
Abrams	Blaine	Cornish	DeLaForest	Dorn	Erhardt
Anderson, B.	Bradley	Cox	Demmer	Eastlund	Erickson
Anderson, I.	Brod	Cybart	Dempsey	Eken	Finstad
Atkins	Buesgens	Davids	Dill	Ellison	Fritz
Beard	Carlson	Davnie	Dittrich	Emmer	Garofalo

Gazelka	Howes	Lenczewski	Otremba	Samuelson	Vandev eer
Goodwin	Huntley	Lesch	Ozment	Scalze	Wagenius
Greiling	Jaros	Liebling	Paulsen	Seifert	Walker
Gunther	Johnson, J.	Lieder	Pelowski	Sertich	Wardlow
Hackbarth	Johnson, R.	Lillie	Penas	Severson	Welti
Hamilton	Juhnke	Loeffler	Peppin	Sieben	Westerberg
Hansen	Kelliher	Magnus	Peterson, A.	Simon	Westrom
Heidgerken	Klinzing	Marquart	Peterson, N.	Simpson	Wilkin
Hilstrom	Knoblach	McNamara	Peterson, S.	Slawik	Zellers
Hilty	Koenen	Moe	Poppe	Smith	Spk. Sviggum
Holberg	Kohls	Nelson, P.	Powell	Soderstrom	
Hoppe	Krinkie	Newman	Rukavina	Solberg	
Hornstein	Lanning	Nornes	Ruth	Sykora	
Hortman	Larson	Olson	Ruud	Tingelstad	
Hosch	Latz	Opatz	Sailer	Urdahl	

Those who voted in the negative were:

Hausman	Kahn	Mariani	Mullery	Nelson, M.	Thao
Johnson, S.	Mahoney	Meslow	Murphy	Paymar	Thissen

The motion prevailed and the second portion of the Emmer et al amendment was adopted.

The first portion of the Emmer et al amendment to H. F. No. 1, the third engrossment, as amended, reads as follows:

Page 33, after line 30, insert:

"Sec. 3. Minnesota Statutes 2004, section 168.12, is amended by adding a subdivision to read:

Subd. 2g. [PREDATORY OFFENDERS; SPECIAL PLATES.] (a) The commissioner shall issue the special sex offender plates required under section 244.052, subdivision 4d, on payment of the registration tax required by law for the vehicle, compliance with all other applicable laws relating to registration and licensing of motor vehicles and drivers, and payment of an additional fee of \$10. The plates must be plainly marked "predatory offender."

(b) The commissioner may adjust the fees for these plates to recover any additional costs of issuing the plates. The fees specified in this subdivision must be paid into the state treasury and deposited in the highway user tax distribution fund.

(c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

(d) A person required to obtain special plates under this subdivision is not eligible to obtain any other special plates under this chapter.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to all persons currently required to register as level III predatory offenders and those who are required to do so on or after this date.

Page 69, after line 8, insert:

"Sec. 10. Minnesota Statutes 2004, section 244.052, is amended by adding a subdivision to read:

Subd. 4d. [DISCLOSURE TO LAW ENFORCEMENT; SPECIAL PLATES.] Every person who is required to register as a risk III predatory offender under this section, and who owns or jointly owns a motor vehicle taxed as a passenger automobile, must obtain special sex offender license plates and affix them to the vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the first portion of the Emmer et al amendment and the roll was called. There were 82 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abrams	DeLaForest	Hackbarth	Krinkie	Paulsen	Slawik
Anderson, B.	Demmer	Hamilton	Larson	Pelowski	Smith
Atkins	Dempsey	Hansen	Lenczewski	Peppin	Sykora
Bernardy	Dorman	Heidgerken	Lesch	Peterson, S.	Tingelstad
Blaine	Dorn	Hilstrom	Lillie	Powell	Urdahl
Bradley	Eken	Holberg	Magnus	Ruth	Vandever
Brod	Emmer	Hoppe	McNamara	Ruud	Wardlow
Buesgens	Entenza	Hosch	Moe	Sailer	Westerberg
Carlson	Erickson	Howes	Newman	Samuelson	Westrom
Charron	Finstad	Johnson, J.	Nornes	Scalze	Wilkin
Cornish	Fritz	Kelliher	Olson	Seifert	Zellers
Cybart	Garofalo	Klinzing	Opatz	Severson	Spk. Sviggum
Dauids	Gazelka	Knoblach	Otremba	Sieben	
Dean	Gunther	Kohls	Ozment	Simpson	

Those who voted in the negative were:

Abeler	Erhardt	Johnson, R.	Loeffler	Paymar	Solberg
Anderson, I.	Goodwin	Johnson, S.	Mahoney	Penas	Thao
Beard	Greiling	Juhnke	Mariani	Peterson, A.	Thissen
Cox	Hausman	Kahn	Marquart	Peterson, N.	Wagenius
Davnie	Hilty	Koenen	Meslow	Poppe	Walker
Dill	Hornstein	Lanning	Mullery	Rukavina	Wolti
Dittrich	Hortman	Latz	Murphy	Sertich	
Eastlund	Huntley	Liebling	Nelson, M.	Simon	
Ellison	Jaros	Lieder	Nelson, P.	Soderstrom	

The motion prevailed and the first portion of the Emmer et al amendment was adopted.

Slawik, Mahoney, Garofalo, Paymar and Gunther moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 92, after line 16, insert:

"(d) Licensed family day care providers and child care centers must notify parents considering enrollment of a child or parents of a child attending the family day care or child care center if the program employs or has living in the home any person who is the subject of either a set-aside or variance."

The motion prevailed and the amendment was adopted.



The Speaker called Abrams to the Chair.

Solberg and Rukavina moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 232, line 28, before "The" insert "Except as provided in this paragraph."

Page 233, line 4, after the period, insert "The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed."

The motion prevailed and the amendment was adopted.

Paymar and Hilstrom moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 5, delete lines 7 and 8 and insert:

"Subdivision 1. Total Appropriation	124,270,000	114,756,000"
-------------------------------------	-------------	--------------

Page 5, delete line 10 and insert:

"General	79,578,000	79,694,000"
----------	------------	-------------

Page 7, delete lines 9 and 10 and insert:

"Subd. 6. Office of Justice Programs	32,452,000	32,447,000"
--------------------------------------	------------	-------------

Page 7, after line 26, insert:

"[BATTERED WOMEN'S SHELTERS.] \$250,000 the first year and \$250,000 the second year are for grant funding for battered women's shelters under Minnesota Statutes, section 611A.32, and for safe homes. This appropriation shall become part of the base level funding for fiscal year 2008 and fiscal year 2009."

Page 8, line 56, delete "404,724,000" and insert "404,474,000" and delete "420,290,000" and insert "420,040,000"

Page 9, line 1, delete "403,834,000" and insert "403,584,000" and delete "419,400,000" and insert "419,150,000"

Page 9, line 8, delete "288,043,000" and insert "287,793,000" and delete "303,358,000" and insert "303,108,000"

Page 9, line 10, delete "287,463,000" and insert "287,213,000" and delete "302,778,000" and insert "302,528,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar and Hilstrom amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker resumed the Chair.

Poppe, Hilstrom, Welti, Otremba and Kelliher moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 9, delete lines 7 and 8, and insert:

"Subd. 2. Correctional Institutions	287,293,000	302,608,000"
-------------------------------------	-------------	--------------

Page 9, delete line 10, and insert:

"General Fund	286,713,000	302,028,000"
---------------	-------------	--------------

Page 9, delete line 22, and insert:

"Subd. 3. Community Services	101,873,000	102,124,000"
------------------------------	-------------	--------------

Page 9, delete line 24, and insert:

"General Fund                      101,773,000   102,024,000"

Page 9, line 38, delete "\$250,000" and insert "\$1,000,000"

Page 9, line 38, delete "\$300,000" and insert "\$1,050,000"

A roll call was requested and properly seconded.

The question was taken on the Poppe et al amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Krinkie moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Pages 162 to 180, delete article 10

Renumber the articles 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 Krinkie amendment and the roll was called. There were 20 yeas and 111 nays as follows:

Those who voted in the affirmative were:

Abrams	DeLaForest	Jaros	Krinkie	Seifert
Anderson, B.	Eastlund	Juhnke	Paulsen	Thao
Anderson, I.	Emmer	Kahn	Peppin	Vanderveer
Buesgens	Holberg	Klinzing	Rukavina	Zellers

Those who voted in the negative were:

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

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

Dill moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Pages 288 to 290, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Beard moved to amend H. F. No. 1, the third engrossment, as amended, as follows:

Page 305, delete lines 4 to 14 and insert:

"(a) A railroad company or person employed by a railroad company shall not:

(1) intentionally deny, delay, or interfere with medical treatment or first aid treatment to an employee of a railroad who has been injured during employment; or

(2) discipline, harass, or intimidate an employee to discourage the employee from receiving medical attention or threaten to discipline an employee who has been injured during employment for requesting medical treatment or first aid treatment.

(b) Nothing in this section shall deny a railroad company or railroad employee from making a reasonable inquiry of an injured employee about the circumstance of an injury in order to gather information necessary to identify a safety hazard.

(c) It is not a violation under this section for a railroad company or railroad employee to enforce safety regulations.

(d) A railroad or person who violates paragraph (a) is subject to a criminal penalty of up to \$1,000."

The motion prevailed and the amendment was adopted.

H. F. No. 1, A bill for an act relating to public safety; appropriating money for the courts, Public Safety, and Corrections Departments, the Peace Officer Standards and Training Board, the Private Detective Board, Human Rights Department, and the Sentencing Guidelines Commission; making a standing appropriation for bond service for the 911 system; appropriating money for methamphetamine grants, homeless outreach grants, and youth intervention grants; requiring life without release sentences for certain egregious first degree criminal sexual conduct offenses; requiring indeterminate life sentences for certain sex offenses; increasing statutory maximum sentences for sex offenses; authorizing asexualization for certain sex offenders; requiring certain predatory offenders to obtain marked vehicle license plates and drivers' licenses or identification cards; establishing the Minnesota Sex Offender Review Board and providing its responsibilities, including release decisions, access to data, expedited rulemaking, and the applicability to it of contested case proceedings and the Open Meeting Law; directing the Sentencing Guidelines Commission to modify the sentencing guidelines; providing criminal penalties; modifying predatory offender registration and community notification requirements; expanding Department of Human Services access to the predatory offender registry; modifying the human services criminal background check law; establishing an ongoing Sex Offender Policy Board to develop uniform supervision and professional standards; requesting the Supreme Court to study use of the court system as an alternative to the administrative process for discharge of persons committed as sexually dangerous persons or sexual psychopathic personalities; making miscellaneous technical and conforming amendments to the sex offender law; requiring level III sex offenders to submit to polygraphs as a condition of release; providing that computers are subject to forfeiture if used to commit designated offenses; amending fire marshal safety law; defining explosives for purposes of rules regulating storage and use of explosives; transferring the youth intervention program to the Department of Public Safety; amending the Emergency Communications Law by assessing fees and authorizing issuance of bonds for the third phase of the statewide public safety radio communication system; requiring a statewide human trafficking assessment and study; establishing a gang and drug oversight council and a financial crimes oversight council; requiring correctional facilities to provide the Bureau of Criminal Apprehension with certain fingerprint information; requiring law enforcement agencies to take biological specimens for DNA analysis for persons arrested for designated crimes in 2005 and further crimes in 2010; establishing correctional officers discipline procedures; increasing surcharges on criminal and traffic offenders; changing certain waiting periods for limited drivers' licenses; changing provisions relating to certain drivers' license restrictions; limiting public defender representation; authorizing public defender access to certain criminal justice data; requiring the revisor of statutes to publish a table containing cross-references to Minnesota Laws imposing collateral sanctions; requiring background checks for certain child care and placement

situations; requiring the finder of fact to find a severe aggravating factor before imposing a sentence in excess of that provided by the Sentencing Guidelines; providing procedures where state intends to seek an aggravated durational departure; defining new crimes, amending crimes and imposing criminal penalties; prohibiting persons from operating motor vehicles containing traffic signal-override devices; requiring restraint of children under the age of seven; providing for a study on sentencing policy; requiring a report by counties to the legislature on level III sex offenders; amending Minnesota Statutes 2004, sections 2.722, subdivision 1; 13.461, by adding subdivisions; 13.6905, subdivision 17; 13.82, by adding a subdivision; 13.851, subdivision 5, by adding a subdivision; 13.87, subdivision 3; 13.871, subdivision 5; 13D.05, subdivision 2; 16C.09; 43A.047; 84.362; 116L.30; 144.335, by adding a subdivision; 144A.135; 152.02, subdivisions 4, 5; 168.12, by adding a subdivision; 169.06, by adding a subdivision; 169.71, subdivision 1; 169A.275, subdivision 1; 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions; 171.07, subdivisions 1, 3; 171.09; 171.20, subdivision 4; 171.26; 171.30, subdivision 2a; 214.04, subdivision 1; 216D.08, subdivisions 1, 2; 237.70, subdivision 7; 241.67, subdivision 3; 242.195, subdivision 1; 243.1606, subdivision 1; 243.166; 243.167; 243.24, subdivision 2; 244.05, subdivisions 4, 5, 6, 7; 244.052, subdivisions 3, 4, by adding subdivisions; 244.09, subdivision 5; 244.10, subdivision 2, by adding subdivisions; 244.18, subdivision 2; 245C.03, subdivision 1; 245C.13, subdivision 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.17, subdivisions 1, 2, 3; 245C.21, subdivisions 3, 4; 245C.22, by adding a subdivision; 245C.23, subdivision 1; 245C.24, subdivisions 2, 3, 4, by adding a subdivision; 245C.30, subdivisions 1, 2; 246.13; 253B.18, subdivisions 4a, 5, by adding a subdivision; 259.11; 259.24, subdivisions 1, 2a, 5, 6a; 260C.201, subdivision 11; 260C.212, subdivision 4; 282.04, subdivision 2; 299A.38, subdivisions 2, 2a, 3; 299A.465, by adding subdivisions; 299C.03; 299C.08; 299C.093; 299C.095, subdivision 1; 299C.10, subdivision 1, by adding a subdivision; 299C.11; 299C.14; 299C.145, subdivision 3; 299C.155; 299C.21; 299C.65, subdivisions 1, 2, 5, by adding a subdivision; 299F.011, subdivision 7; 299F.014; 299F.05; 299F.051, subdivision 4; 299F.06, subdivision 1; 299F.19, subdivisions 1, 2; 299F.362, subdivisions 3, 4; 299F.391, subdivision 1; 299F.46, subdivisions 1, 3; 325F.04; 326.3382, by adding a subdivision; 326.3384, subdivision 1; 343.31; 357.021, subdivisions 6, 7; 357.18, subdivision 3; 403.02, subdivisions 7, 13, 17, by adding a subdivision; 403.025, subdivisions 3, 7; 403.05, subdivision 3; 403.07, subdivision 3; 403.08, subdivision 10; 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.21, subdivision 8; 403.27, subdivisions 3, 4, by adding subdivisions; 403.30, subdivisions 1, 3, by adding subdivisions; 508.82, subdivision 1; 508A.82, subdivision 1; 518B.01, by adding a subdivision; 590.01, subdivision 1, by adding a subdivision; 609.02, subdivision 16; 609.108, subdivisions 1, 3, 4, 6, 7; 609.109, subdivisions 3, 4, 5, 6, 7; 609.1095, subdivisions 2, 4; 609.115, by adding a subdivision; 609.117; 609.1351; 609.185; 609.2231, subdivision 3; 609.2242, subdivision 3; 609.229, subdivision 3, by adding a subdivision; 609.321, subdivision 12; 609.341, subdivision 14, by adding subdivisions; 609.342, subdivisions 2, 3; 609.343, subdivisions 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3; 609.347; 609.3471; 609.348; 609.353; 609.485, subdivisions 2, 4; 609.487, by adding a subdivision; 609.50, subdivision 1; 609.505; 609.52, subdivision 2; 609.527, subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531, subdivision 1; 609.5311, subdivisions 2, 3; 609.5312, subdivisions 1, 3, 4, by adding a subdivision; 609.5314, subdivision 1; 609.5317, subdivision 1; 609.5318, subdivision 1; 609.605, subdivisions 1, 4; 609.725; 609.748, subdivisions 2, 3a, by adding a subdivision; 609.749, subdivision 2; 609.763, subdivision 3; 609.79, subdivision 2; 609.795, by adding a subdivision; 609A.02, subdivision 3; 609A.03, subdivision 7; 611.14; 611.16; 611.25, subdivision 1; 611.272; 611A.01; 611A.036; 611A.19; 611A.53, subdivision 1b; 617.23, subdivisions 2, 3; 624.22, subdivision 1; 626.04; 626.556, subdivision 3; 626.557, subdivisions 12b, 14; 631.045; 631.425, subdivision 4; 641.21; Laws 2004, chapter 201, section 22; proposing coding for new law in Minnesota Statutes, chapters 171; 241; 243; 244; 260C; 299A; 299C; 590; 609; 611; 629; proposing coding for new law as Minnesota Statutes, chapter 545A; repealing Minnesota Statutes 2004, sections 69.011, subdivision 5; 243.162; 243.166, subdivisions 1, 8; 244.10, subdivisions 2a, 3; 246.017, subdivision 1; 299A.64; 299A.65; 299A.66; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9; 299F.011, subdivision 4c; 299F.015; 299F.10; 299F.11; 299F.12; 299F.13; 299F.14; 299F.15; 299F.16; 299F.17; 299F.361; 299F.451; 299F.452; 403.025, subdivision 4; 403.30, subdivision 2; 609.108, subdivisions 2, 4, 5; 609.109, subdivisions 2, 4, 6; 609.119; 611.18; 624.04; Laws 2004, chapter 283, section 14.

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 123 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ellison	Hornstein	Johnson, S.	Rukavina	Thissen
Hausman	Jaros	Mariani	Thao	Walker

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

### CALENDAR FOR THE DAY

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

### MOTIONS AND RESOLUTIONS

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

Sykora moved that the names of Moe and Dittrich be added as authors on H. F. No. 1419. The motion prevailed.

Beard moved that the name of Hansen be added as an author on H. F. No. 2086. The motion prevailed.

Knoblach moved that the name of Tingelstad be added as an author on H. F. No. 2471. The motion prevailed.

House Resolution No. 11 was reported to the House.

#### HOUSE RESOLUTION NO. 11

A House resolution declaring Minnesota's own Take Our Daughters and Sons to Work Day 2005.

*Whereas*, currently, Take Our Daughters and Sons To Work Day is celebrated nationwide on the fourth Thursday in April; and

*Whereas*, in 2005, this day happens to fall within Minnesota's statewide testing window, and the mandatory tests make it difficult for students to participate in the day; and

*Whereas*, children's visits to the workplace are important educational experiences, as well as important components of career development; and

*Whereas*, there is a trend for businesses to host their own celebrations during summer months, so as not to conflict with school and other school-related activities; and

*Whereas*, the official day is an important event to help develop the future workforce; and

*Whereas*, WomenVenture is spearheading a statewide effort to move Minnesota's celebration of Take Our Kids to Work Day into the summer months or other nonschool time; and

*Whereas*, this movement would encourage business, government, and schools to work together to support the educational value of a child visiting a parent or caring adult's place of work; and

*Whereas*, moving the day would benefit schools because the day would no longer disrupt the educational demands on students, nor would it interfere with attendance goals of schools; and

*Whereas*, the movement would also be advantageous for businesses and corporations because they could customize the event to a summer date that is optimal in their own planning schedule; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it endorses a statewide effort to establish Minnesota's own summer celebration of Minnesota Take Our Daughters and Sons to Work Day.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to WomenVenture.

Sykora moved that House Resolution No. 11 be now adopted. The motion prevailed and House Resolution No. 11 was adopted.

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knobloch announced his intention to place H. F. Nos. 1976 and 1422 on the Fiscal Calendar for Friday, April 29, 2005.



ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, April 29, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Friday, April 29, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

