

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 29, 2005

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 6B, Hermantown, 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	Dempsey	Hoppe	Liebling	Paymar	Smith
Abrams	Dill	Hornstein	Lieder	Pelowski	Soderstrom
Anderson, B.	Dittrich	Hortman	Lillie	Penas	Solberg
Anderson, I.	Dorn	Hosch	Loeffler	Peppin	Sykora
Atkins	Eastlund	Howes	Magnus	Peterson, A.	Thao
Beard	Eken	Huntley	Mahoney	Peterson, N.	Thissen
Bernardy	Ellison	Jaros	Mariani	Peterson, S.	Tingelstad
Blaine	Emmer	Johnson, J.	Marquart	Poppe	Urdahl
Bradley	Entenza	Johnson, R.	McNamara	Powell	Vandever
Brod	Finstad	Johnson, S.	Meslow	Rukavina	Wagenius
Buesgens	Fritz	Juhnke	Moe	Ruth	Walker
Carlson	Garofalo	Kahn	Mullery	Ruud	Wardlow
Charron	Gazelka	Kelliher	Murphy	Sailer	Walti
Clark	Goodwin	Klinzing	Nelson, M.	Samuelson	Westerberg
Cornish	Greiling	Knoblach	Nelson, P.	Scalze	Westrom
Cox	Gunther	Koenen	Newman	Seifert	Wilkin
Cybart	Hackbarth	Kohls	Nornes	Sertich	Zellers
Davids	Hamilton	Lanning	Olson	Severson	Spk. Sviggum
Davnie	Hansen	Larson	Opatz	Sieben	
Dean	Hausman	Latz	Otremba	Simon	
DeLaForest	Heidgerken	Lenczewski	Ozment	Simpson	
Demmer	Hilstrom	Lesch	Paulsen	Slawik	

A quorum was present.

Holberg was excused until 10:25 a.m. Dorman and Krinkie were excused until 10:50 a.m. Erhardt was excused until 11:00 a.m. Erickson was excused until 11:05 a.m. Hilty was excused until 11:25 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Finstad 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. 808 and H. F. No. 912, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Beard moved that the rules be so far suspended that S. F. No. 808 be substituted for H. F. No. 912 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 969 and H. F. No. 560, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hamilton moved that the rules be so far suspended that S. F. No. 969 be substituted for H. F. No. 560 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1056 and H. F. No. 1134, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Severson moved that S. F. No. 1056 be substituted for H. F. No. 1134 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1146 and H. F. No. 1389, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gunther moved that the rules be so far suspended that S. F. No. 1146 be substituted for H. F. No. 1389 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1296 and H. F. No. 1293, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Howes moved that S. F. No. 1296 be substituted for H. F. No. 1293 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1355 and H. F. No. 1521, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hamilton moved that the rules be so far suspended that S. F. No. 1355 be substituted for H. F. No. 1521 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1861 and H. F. No. 1988, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mahoney moved that S. F. No. 1861 be substituted for H. F. No. 1988 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1869 and H. F. No. 1994, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Moe moved that S. F. No. 1869 be substituted for H. F. No. 1994 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. 872, A bill for an act relating to education; providing for early childhood, adult, family, and kindergarten through grade 12 education including general education, excellence in education, special programs, facilities and technology, nutrition and accounting, libraries, early education, prevention, self-sufficiency and lifelong learning, state agencies, forecast deficiencies, and technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 8; 119A.46, subdivisions 1, 2, 3, 8; 120A.05, by adding a subdivision; 120A.22, subdivision 12; 120B.02; 120B.021, by adding a subdivision; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.13, subdivisions 1, 3, by adding a subdivision; 120B.23; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 121A.03, subdivision 1; 121A.06, subdivisions 2, 3; 121A.17, subdivisions 1, 3, 5; 121A.19; 121A.41, subdivision 10; 121A.47, subdivision 14; 121A.53; 121A.55; 122A.06, subdivision 4; 122A.09, subdivisions 4, 10; 122A.12, subdivision 2; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 14; 122A.414; 122A.415, subdivisions 1, 3; 123A.05, subdivision 2; 123A.06, subdivision 1; 123A.24, subdivision 2; 123B.02, by adding a subdivision; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.49, subdivision 4; 123B.53, subdivision 1; 123B.54; 123B.59, subdivisions 3, 3a; 123B.63, subdivision 2; 123B.71, subdivisions 8, 12; 123B.749; 123B.75, subdivision 5, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.92, subdivisions 1, 5, 9; 124D.095, subdivision 8; 124D.10, subdivisions 3, 4, 6, 8, 15, 23; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivisions 1, 2; 124D.118, subdivision 4; 124D.135, subdivisions 1, 5; 124D.15, subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivisions 2, 3; 124D.20, subdivision 3; 124D.40; 124D.531, subdivisions 1, 4; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.091, subdivision 5; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 4, by adding subdivisions; 125A.79, subdivisions 1, 5, 6, 7, by adding subdivisions; 126C.01, subdivision 11; 126C.05, by adding a subdivision; 126C.10, subdivisions 1, 2, 3, 6, 7, 8, 13, 13a, 17, 18, 24, 31, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivisions 1, 2, 3, by adding a subdivision; 126C.17, subdivisions 2, 5, 7, 9, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.48, subdivisions 2, 8, by adding a subdivision; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.42, subdivision 2; 127A.45, subdivisions 2, 10, 11, 12, 13, 14, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 127A.50, subdivision 5; 128C.12, subdivision 1; 134.31, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 179A.03, subdivision 14; 260C.007, subdivision 6, by adding a subdivision; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as

amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123A; 123B; 124D; 125B; 129C; 171; 179A; repealing Minnesota Statutes 2004, sections 122A.24; 122A.415, subdivision 2; 123B.05; 123B.83, subdivision 1; 124D.095; 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4; 126C.12; 126C.42, subdivisions 1, 4.

Reported the same back with the following amendments:

Page 98, after line 11, insert:

"(c) Prior to entering into an agreement, each individual school district must submit the proposed agreement to the exclusive representatives of the employees affected by the agreement in their school district. The exclusive representative must consent in writing to the proposed agreement before it is submitted to the commissioner for review to ensure the rights of the bargaining unit members. Two or more employee organizations that represent the employees in a unit may petition jointly under this subdivision provided that any organization may withdraw from joint certification in favor of the remaining organizations on 30 days' notice to the remaining organizations, the employer, and the commissioner without affecting the rights and obligations of the remaining organizations. The terms and conditions of collective bargaining agreements covering school employee bargaining units remain in effect until a successor agreement becomes effective.

(d) If a proposed agreement results in contracting out of public services previously provided by district employees, school district employees shall have the right of first refusal for equivalent positions and shall maintain equivalent wages, benefits, and hours of employment."

Page 98, line 13, after "agreement" insert "with exclusive representative written consent"

Page 100, after line 6, insert:

"Sec. 46. Minnesota Statutes 2004, section 123A.21, is amended by adding a subdivision to read:

Subd. 7a. [HEALTH COVERAGE; CERTAIN ACTIONS AGAINST MEMBERS PROHIBITED.] Within 90 days of a renewal date, a service cooperative or health insurance company that offers health coverage to its members shall not terminate a member's coverage, impose a fine, or penalize in any other way a member that seeks information on, or a bid for, alternative health coverage, including a request that the service cooperative or health insurance company provide the member with the member's claims experience data for the purpose of seeking a bid for alternative coverage."

Page 175, after line 24, insert:

"Sec. 8. Minnesota Statutes 2004, section 123B.71, subdivision 9, is amended to read:

Subd. 9. [INFORMATION REQUIRED.] A school board proposing to construct a facility described in subdivision 8 shall submit to the commissioner a proposal containing information including at least the following:

(1) the geographic area and population to be served, preschool through grade 12 student enrollments for the past five years, and student enrollment projections for the next five years;

(2) a list of existing facilities by year constructed, their uses, and an assessment of the extent to which alternate facilities are available within the school district boundaries and in adjacent school districts;

(3) a list of the specific deficiencies of the facility that demonstrate the need for a new or renovated facility to be provided, and a list of the specific benefits that the new or renovated facility will provide to the students, teachers, and community users served by the facility;

(4) the relationship of the project to any priorities established by the school district, educational cooperatives that provide support services, or other public bodies in the service area;

(5) a specification of how the project will increase community use of the facility and whether and how the project will increase collaboration with other governmental or nonprofit entities;

(6) a description of the project, including the specification of site and outdoor space acreage and square footage allocations for classrooms, laboratories, and support spaces; estimated expenditures for the major portions of the project; and the dates the project will begin and be completed;

(7) a specification of the source of financing the project; the scheduled date for a bond issue or school board action; a schedule of payments, including debt service equalization aid; and the effect of a bond issue on local property taxes by the property class and valuation;

(8) an analysis of how the proposed new or remodeled facility will affect school district operational or administrative staffing costs, and how the district's operating budget will cover any increased operational or administrative staffing costs;

(9) a description of the consultation with local or state road and transportation officials on school site access and safety issues, and the ways that the project will address those issues;

(10) a description of how indoor air quality issues have been considered and a certification that the architects and engineers designing the facility will have professional liability insurance;

(11) as required under section 123B.72, for buildings coming into service after July 1, 2002, a certification that the plans and designs for the extensively renovated or new facility's heating, ventilation, and air conditioning systems will meet or exceed code standards; will provide for the monitoring of outdoor airflow and total airflow of ventilation systems; and will provide an indoor air quality filtration system that meets ASHRAE standard 52.1;

(12) a specification of any desegregation requirements that cannot be met by any other reasonable means; ~~and~~

(13) a specification, if applicable, of how the facility will utilize environmentally sustainable school facility design concepts; and

(14) a description of how the architects and engineers have considered the American National Standards Institute Acoustical Performance Criteria, Design Requirements and Guidelines for Schools of the maximum background noise level and reverberation times.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 25, after "1;" insert "123A.21, by adding a subdivision;"

Page 1, line 31, after "8," insert "9,"

Page 2, line 28, delete "subdivisions" and insert "subdivisions"

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.

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

H. F. No. 2187, A bill for an act relating to public and municipal corporations; creating a county subsidiary corporation to provide health care and related services, education, and research; providing for governance of Hennepin County Medical Center; amending Minnesota Statutes 2004, sections 179A.03, subdivisions 7, 14, 15; 179A.06, subdivision 2; 353.01, subdivisions 2b, 2d, 6; 353.64, subdivision 10; 353E.02, subdivision 2a; 383B.117, subdivision 2; 383B.217, subdivision 7; 383B.46; proposing coding for new law in Minnesota Statutes, chapters 179A; 383B; repealing Minnesota Statutes 2004, section 383B.217, subdivisions 1, 2, 3, 4, 5, 6, 8.

Reported the same back with the following amendments:

Page 7, line 33, after the period, insert "The annual budget shall address how efficiencies and revenues contribute to stabilize or reduce county liabilities for indigent care."

Page 9, line 18, delete "383B.914" and insert "383B.913"

Page 16, line 32, delete "and" and insert a comma

Page 16, line 33, before the period, insert ", and services to improve the health status of the community including indigent populations"

Page 26, line 7, delete "of the corporation"

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

The report was adopted.

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

H. F. No. 2428, A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, section 624.714, subdivision 17, as reenacted.

Reported the same back with the following amendments:

Page 1, delete lines 15 and 16 and insert:

"Because Laws 2003, chapter 28, has been found to be unconstitutional by the Court of Appeals due to a violation of section 17, article IV, of the Minnesota Constitution regarding the enactment of that chapter, then Laws 2003,"

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 808, 969, 1056, 1146, 1296, 1355, 1861 and 1869 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abrams, Lenczewski and Krinkie introduced:

H. F. No. 2488, A bill for an act relating to taxes; sales and use tax; making changes to conform with Streamlined Sales Tax Agreement requirements; amending Minnesota Statutes 2004, sections 297A.67, subdivisions 7, 9; 297A.68, subdivision 28; 297A.71, subdivision 12; 297A.75, subdivision 1.

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

Mariani, Lesch, Mahoney and Thao introduced:

H. F. No. 2489, A bill for an act relating to taxation; clarifying that major and intermediate airports are not included in fiscal disparities; amending Minnesota Statutes 2004, section 473F.02, subdivision 2.

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

Krinkie, Wilkin and Vandever introduced:

H. F. No. 2490, A bill for an act relating to taxation; gross receipts; prohibiting state referrals to pharmacies that are not collecting the MinnesotaCare tax on prescription drugs; amending Minnesota Statutes 2004, section 295.57, by adding a subdivision.

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

Davnie and Lenczewski introduced:

H. F. No. 2491, A bill for an act relating to taxation; providing that certain land that qualifies for inclusion in a soils condition district may be included in a redevelopment tax increment financing district; amending Minnesota Statutes 2004, section 469.174, subdivision 10.

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

Urdahl; Heidgerken; Johnson, J.; Ruud and Sykora introduced:

H. F. No. 2492, A bill for an act relating to education; requiring schools to adopt, implement, and regularly practice a uniform lock down plan; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

Poppe introduced:

H. F. No. 2493, A bill for an act relating to flood control; creating a demonstration project; appropriating money.

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

Klinzing, Wilkin, Dittrich, Cybart, Eastlund, Cox, Simpson, Charron, Sviggum, Finstad, Hamilton, Brod, Knoblach, Beard, Seifert and Nelson, P., introduced:

H. F. No. 2494, 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.

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 the Speaker.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 915, A bill for an act relating to transportation; modifying provisions relating to aeronautics; making clarifying changes; amending Minnesota Statutes 2004, sections 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; repealing Minnesota Statutes 2004, section 360.59, subdivisions 4, 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Beard moved that the House concur in the Senate amendments to H. F. No. 915 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 915, A bill for an act relating to transportation; modifying provisions relating to aeronautics; making clarifying changes; amending Minnesota Statutes 2004, sections 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; repealing Minnesota Statutes 2004, section 360.59, subdivisions 4, 9.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

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

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

Senators Sams, Vickerman and Dille.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Hamilton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 4. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 893, 1486, 1509, 1940 and 1780.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 893, A bill for an act relating to counties; authorizing county boards to contract for the sale of biomass; amending Minnesota Statutes 2004, section 282.04, subdivision 1.

The bill was read for the first time.

Rukavina moved that S. F. No. 893 and H. F. No. 905, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1486, A bill for an act relating to public safety; prohibiting quotas for issuing traffic and vehicle inspection citations; amending Minnesota Statutes 2004, section 299D.08.

The bill was read for the first time.

Rukavina moved that S. F. No. 1486 and H. F. No. 998, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1509, A bill for an act relating to housing; providing certain manufactured home park exclusions; amending Minnesota Statutes 2004, section 327.23, by adding a subdivision.

The bill was read for the first time.

Olson moved that S. F. No. 1509 and H. F. No. 1585, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1940, A bill for an act relating to metropolitan government; requiring senate confirmation of the chair of the Metropolitan Airports Commission; providing a residency requirement and for terms of office for members of the Metropolitan Council and the Metropolitan Airports Commission; creating a nominating committee; modifying a reporting requirement; amending Minnesota Statutes 2004, sections 473.123, subdivisions 2a, 3; 473.604, subdivision 1; 473.621, subdivision 1b.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1780, A bill for an act relating to employment; permitting employers of professional athletes to request or require random drug testing; amending Minnesota Statutes 2004, section 181.951, subdivision 4.

The bill was read for the first time.

Hosch moved that S. F. No. 1780 and H. F. No. 1103, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 4:

Davids, Hamilton and Juhnke.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1976.

H. F. No. 1976 was reported to the House.

The Speaker called Seifert to the Chair.

Sertich and Gunther moved to amend H. F. No. 1976, the second engrossment, as follows:

Page 113, after line 10, insert:

"Sec. 27. [RECOMMENDATIONS ON STANDARD STATEWIDE CHILD CARE LICENSE FEE; REPORT.]

The commissioner of human services in conjunction with the Minnesota Association of County Social Service Administrators and the Minnesota Licensed Family Child Care Association, shall examine the feasibility of a statewide standard for setting license fees and background study fees for licensed family child care providers, and shall make recommendations on the feasibility of a statewide standard for setting license fees and background study fees in a report to the chairs of the senate and house of representatives committees having jurisdiction over child care issues. The report is due January 15, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Otremba offered an amendment to H. F. No. 1976, the second engrossment, as amended.

POINT OF ORDER

Bradley 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 Otremba amendment was not in order. Speaker pro tempore Seifert ruled the point of order well taken and the Otremba amendment out of order.

Entenza appealed the decision of Speaker pro tempore Seifert.

A roll call was requested and properly seconded.

POINT OF ORDER

Olson raised a point of order pursuant to section 101 of "Mason's Manual of Legislative Procedure," relating to Debate Limited to the Question Before the House. Speaker pro tempore Seifert ruled the point of order not well taken.

CALL OF THE HOUSE

On the motion of Paulsen and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

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

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion did not prevail.

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of Speaker pro tempore Seifert stand as the judgment of the House?" and the roll was called. There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of Speaker pro tempore Seifert should stand.

Wilkin; Cybart; Powell; Dill; Ozment; Wardlow; McNamara; Peterson, N.; Sertich; Atkins; Hansen; Cox; Garofalo; Lillie and Rukavina moved to amend H. F. No. 1976, the second engrossment, as amended, as follows:

Page 79, after line 18, insert:

"Sec. 84. Laws 2003, chapter 128, article 1, section 172, is amended to read:

Sec. 172. [TEMPORARY PETROFUND FEE EXEMPTION FOR MINNESOTA COMMERCIAL AIRLINES.]

(a) A commercial airline providing regularly scheduled jet service and with its corporate headquarters in Minnesota is exempt from the fee established in Minnesota Statutes, section 115C.08, subdivision 3, until July 1, ~~2005~~ 2007, provided the airline develops a plan approved by the commissioner of commerce demonstrating that the savings from this exemption will go towards minimizing job losses in Minnesota, and to support the airline's efforts to avoid filing for federal bankruptcy protections.

(b) A commercial airline exempted from the fee is ineligible to receive reimbursement under Minnesota Statutes, chapter 115C, until July 1, ~~2005~~ 2007. A commercial airline that has a release during the fee exemption period is ineligible to receive reimbursement under Minnesota Statutes, chapter 115C, for the costs incurred in response to that release.

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

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 Wilkin et al amendment and the roll was called. There were 105 yeas and 29 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I.	Goodwin	Hortman	Kelliher	Mahoney	Thao
Bernardy	Greiling	Hosch	Larson	Mariani	Thissen
Clark	Hausman	Jaros	Lenczewski	Mullery	Wagenius
Davnie	Hilstrom	Johnson, S.	Lesch	Nelson, M.	Walker
Ellison	Hornstein	Kahn	Loeffler	Sieben	

The motion prevailed and the amendment was adopted.

Howes; Cornish; Nelson, P.; Moe; Dill; Gazelka; Simpson and Sailer moved to amend H. F. No. 1976, the second engrossment, as amended, as follows:

Page 95, after line 7, insert:

"Sec. 4. Minnesota Statutes 2004, section 120A.40, is amended to read:

120A.40 [SCHOOL CALENDAR.]

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before ~~September 1~~ Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before ~~September 1~~ Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

(b) A district may begin the school year on any day before ~~September 1~~ Labor Day to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility. A school district that agrees to the same schedule with a school district in an adjoining state also may begin the school year before Labor Day as authorized under this paragraph.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Slawik moved to amend H. F. No. 1976, the second engrossment, as amended, as follows:

Page 95, after line 7, insert:

"Sec. 4. Minnesota Statutes 2004, section 245A.023, is amended to read:

245A.023 [IN-SERVICE TRAINING.]

(a) For purposes of child care centers, in-service training must be completed within the license period for which it is required. In-service training completed by staff persons as required must be transferable upon a staff person's change in employment to another child care program. License holders shall record all staff in-service training on forms prescribed by the commissioner of human services.

(b) Notwithstanding Minnesota Rules, part 9502.0385, for day care facilities, the license holder and each primary caregiver must complete 12 hours of inservice safety training each year.

(c) Notwithstanding Minnesota Rules, part 9503.0035, for child care centers, all teachers, assistant teachers, and staff members must complete 12 hours of inservice safety training each year."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

DeLaForest moved to amend the Slawik amendment to H. F. No. 1976, the second engrossment, as amended, as follows:

Page 1, line 16, delete "12" and insert "36"

Page 1, line 20, delete "12" and insert "36"

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

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

Those who voted in the affirmative were:

Abeler	Dorn	Hornstein	Lesch	Ozment	Simon
Abrams	Eken	Hortman	Liebling	Paymar	Slawik
Anderson, I.	Entenza	Hosch	Lieder	Pelowski	Solberg
Atkins	Erhardt	Huntley	Lillie	Peterson, A.	Thao
Bernardy	Fritz	Jaros	Loeffler	Peterson, S.	Thissen
Carlson	Garofalo	Johnson, R.	Mahoney	Poppe	Tingelstad
Charron	Gazelka	Johnson, S.	Mariani	Rukavina	Urdahl
Clark	Goodwin	Juhnke	Meslow	Ruth	Wagenius
Cornish	Greiling	Kahn	Moe	Ruud	Walker
Cox	Gunther	Kelliher	Mullery	Sailer	Wolti
Davnie	Hansen	Koenen	Murphy	Samuelson	
Dill	Hausman	Larson	Nelson, M.	Scalze	
Dittrich	Hilstrom	Latz	Opatz	Sertich	
Dorman	Hilty	Lenczewski	Otremba	Sieben	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Hamilton	Krinkie	Paulsen	Soderstrom
Beard	Demmer	Heidgerken	Lanning	Penas	Sykora
Blaine	Dempsey	Holberg	Magnus	Peppin	Vandever
Bradley	Eastlund	Hoppe	Marquart	Peterson, N.	Wardlow
Brod	Ellison	Howes	McNamara	Powell	Westerberg
Buesgens	Emmer	Johnson, J.	Nelson, P.	Seifert	Westrom
Cybart	Erickson	Klinzing	Newman	Severson	Wilkin
Davids	Finstad	Knoblach	Nornes	Simpson	Zellers
Dean	Hackbarth	Kohls	Olson	Smith	Spk. Sviggum

The motion prevailed and the amendment was adopted.

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; requiring studies and reports; 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.05, subdivisions 1, 5; 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; 120A.40; 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.023; 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; 256I.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; Laws 2003, chapter 128, article 1, section 172; 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.

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 68 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Charron	Davids	Dempsey	Erhardt
Abrams	Bradley	Cornish	Dean	Dorman	Erickson
Anderson, B.	Brod	Cox	DeLaForest	Eastlund	Finstad
Beard	Buesgens	Cybart	Demmer	Emmer	Garofalo

Gazelka	Johnson, J.	Meslow	Peppin	Smith	Westrom
Gunther	Klinzing	Nelson, P.	Peterson, N.	Soderstrom	Wilkin
Hackbarth	Knoblach	Newman	Powell	Sykora	Zellers
Hamilton	Kohls	Nornes	Ruth	Tingelstad	Spk. Sviggum
Heidgerken	Krinkie	Olson	Samuelson	Urdahl	
Holberg	Lanning	Ozment	Seifert	Vandever	
Hoppe	Magnus	Paulsen	Severson	Wardlow	
Howes	McNamara	Penas	Simpson	Westerberg	

Those who voted in the negative were:

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

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

CALL OF THE HOUSE LIFTED

Paulsen moved that the call of the House be suspended. The motion prevailed and it was so ordered.

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 the Speaker.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1422.

H. F. No. 1422 was reported to the House.

Bradley moved to amend H. F. No. 1422, the second engrossment, as follows:

Page 58, line 2, after "of" delete "the" and insert "their practice"

Page 58, line 3, delete everything before "and"

Page 59, line 32, delete "by" and insert "under the direction of"

Page 60, line 6, before the period insert "or an organization federally certified as a peer review organization-like entity eligible to operate in Minnesota"

Page 82, line 3, after "using" insert "the"

Page 82, line 4, after "assistance" insert "families with children"

Page 82, line 5, after "nonallowable" insert "self-employment"

Page 88, line 24, after "days" insert "of notification"

Page 217, after line 5, insert:

"Sec. 8. Minnesota Statutes 2004, section 256B.0943, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION OF CLIENT ELIGIBILITY.] A client's eligibility to receive children's therapeutic services and supports under this section shall be determined based on a diagnostic assessment by a mental health professional that is performed within 180 days of the initial start of service. The diagnostic assessment must:

- (1) include current diagnoses on all five axes of the client's current mental health status;
- (2) determine whether a child under age 18 has a diagnosis of emotional disturbance or, if the person is between the ages of 18 and 21, whether the person has a mental illness;
- (3) document children's therapeutic services and supports as medically necessary to address an identified disability, functional impairment, and the individual client's needs and goals;
- (4) be used in the development of the individualized treatment plan; and
- (5) be completed annually until age 18. A child with autism spectrum disorder may receive a diagnostic assessment once every three years, at the request of the parent, to determine continued eligibility for therapeutic support services under this section. For individuals between age 18 and 21, unless a client's mental health condition has changed markedly since the client's most recent diagnostic assessment, annual updating is necessary. For the purpose of this section, "updating" means a written summary, including current diagnoses on all five axes, by a mental health professional of the client's current mental health status and service needs."

Page 319, line 37, after "increase" insert "percentages"

Page 319, line 41, delete "an additional" and insert "a"

Page 319, line 44, after the period insert "These percentage increases replace, and are not in addition to, the percentage increases provided in the specified sections of Minnesota Statutes."

Page 329, line 27, delete "175" and insert "190"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg and Bradley moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 230, line 30, after the comma, insert "administration."

The motion prevailed and the amendment was adopted.

Heidgerken moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 299, after line 29, insert:

"Sec. 50. Minnesota Statutes 2004, section 157.011, is amended by adding a subdivision to read:

Subd. 3. [RULE EXEMPTION.] Notwithstanding any rule to the contrary, no food establishment shall be required to acquire equipment or change construction solely because ownership of the food establishment has been transferred."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Smith to the Chair.

Fritz moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 129, line 34, delete "(a)"

Page 130, line 8, after "of" insert "nonadministrative"

Page 130, delete lines 15 to 20

Page 191, line 1, after "of" insert "nonadministrative"

Page 196, line 22, after "of" insert "nonadministrative"

A roll call was requested and properly seconded.

The question was taken on the Fritz amendment and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson	Dill	Eken	Fritz	Hansen
Atkins	Clark	Dittrich	Ellison	Goodwin	Hausman
Bernardy	Davnie	Dorn	Entenza	Greiling	Hilstrom

Hilty	Juhnke	Liebling	Mullery	Peterson, S.	Simon
Hornstein	Kahn	Lieder	Murphy	Poppe	Slawik
Hortman	Kelliher	Lillie	Nelson, M.	Rukavina	Solberg
Hosch	Koenen	Loeffler	Opatz	Ruud	Thao
Huntley	Larson	Mahoney	Otremba	Sailer	Thissen
Jaros	Latz	Mariani	Paymar	Scalze	Wagenius
Johnson, R.	Lenczewski	Marquart	Pelowski	Sertich	Walker
Johnson, S.	Lesch	Moe	Peterson, A.	Sieben	Wolti

Those who voted in the negative were:

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

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

Olson, Powell, Bradley and Otremba moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 230, line 10, after the second comma insert "patient consent requirements."

Page 230, line 23, after the second comma insert "patient consent requirements."

The motion prevailed and the amendment was adopted.

Olson, Rukavina, Powell and Bradley moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 231, line 1, after the comma insert "free-market health care policy organizations with an interest in medical privacy"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kelliher moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 290, after line 19, insert:

"Sec. 42. [145.471] [EMERGENCY CARE FOR SEXUAL ASSAULT VICTIMS ACT.]

Sections 145.471 to 145.4713 may be cited as the "Emergency Care for Sexual Assault Victims Act."

Sec. 43. [145.4711] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 145.471 to 145.4713, the following definitions apply.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 3. [EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.] "Emergency care to sexual assault victims" means medical examinations, procedures, and services provided at a hospital to a sexual assault victim following an alleged sexual assault.

Subd. 4. [EMERGENCY CONTRACEPTION.] "Emergency contraception" means a hormonal drug approved by the federal Food and Drug Administration that prevents pregnancy within the interval between sexual intercourse and implantation.

Subd. 5. [SEXUAL ASSAULT.] "Sexual assault" means criminal sexual conduct in the first degree under section 609.342, criminal sexual conduct in the second degree under section 609.343, criminal sexual conduct in the third degree under section 609.344, criminal sexual conduct in the fourth degree under section 609.345, or incest under section 609.365.

Subd. 6. [SEXUAL ASSAULT VICTIM.] "Sexual assault victim" means a woman who alleges that she was, or is alleged to have been, sexually assaulted and who presents at a hospital as a patient.

Sec. 44. [145.4712] [EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.]

It shall be the standard of care for all hospitals that provide emergency care to sexual assault victims to provide each sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception and prophylactic antibiotics for treatment of sexually transmitted diseases.

Sec. 45. [145.4713] [COMPLAINTS.]

The commissioner shall accept and investigate complaints regarding hospital compliance with section 145.4712. The commissioner shall periodically determine whether hospitals are in compliance with section 145.4712. Failure to comply with section 145.4712 may be grounds for the suspension or revocation of a hospital's license under section 144.55, subdivision 6."

A roll call was requested and properly seconded.

The question was taken on the Kelliher amendment and the roll was called. There were 58 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorman	Hilty	Latz	Nelson, M.	Simon
Anderson, I.	Dorn	Hornstein	Lesch	Paymar	Slawik
Atkins	Ellison	Hortman	Liebling	Peterson, S.	Solberg
Bernardy	Entenza	Huntley	Lieder	Poppe	Thao
Carlson	Erhardt	Jaros	Lillie	Rukavina	Thissen
Clark	Goodwin	Johnson, R.	Loeffler	Ruud	Wagenius
Cox	Greiling	Johnson, S.	Mahoney	Sailer	Walker
Davnie	Hansen	Kahn	Mariani	Scalze	Wolti
Dill	Hausman	Kelliher	Moe	Sertich	
Dittrich	Hilstrom	Larson	Mullery	Sieben	

Those who voted in the negative were:

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

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

Kahn, Hausman, Lenczewski, Loeffler, Larson, Hilstrom, Paymar, Greiling, Clark, Otremba, Kelliher, Fritz and Murphy moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 310, after line 15, insert:

"Sec. 65. [CERVICAL CANCER ELIMINATION STUDY.]

(a) The commissioner of health shall develop a statewide integrated and comprehensive cervical cancer prevention plan, including strategies for promoting and implementing the plan. The plan must include activities that identify and implement methods to improve the cervical cancer screening rates in Minnesota, including, but not limited to:

(1) identifying and disseminating appropriate evidence-based cervical cancer screening guidelines to be used in Minnesota;

(2) increasing the use of appropriate screening based on these guidelines for patients seen by medical groups in Minnesota and monitoring results of these medical groups; and

(3) reducing the number of women who should but have not been screened.

(b) In developing the plan, the commissioner shall also identify and examine limitations and barriers in providing cervical cancer screening, diagnosis tools, and treatment, including, but not limited to, medical care reimbursement, treatment costs, and the availability of insurance coverage.

(c) The commissioner may work with a nonprofit quality improvement organization in Minnesota to identify evidence-based guidelines for cervical cancer screening and to identify methods to improve the cervical cancer screening rates among medical groups; and may work with a nonprofit health care result reporting organization to monitor results by medical groups in Minnesota.

(d) The commissioner may convene an advisory committee that includes representatives of health care providers, the American Cancer Society, health plan companies, the University of Minnesota Academic Health Center, community health boards, and the general public.

(e) The commissioner shall submit a report to the legislature by January 15, 2006, on:

(1) the statewide cervical cancer prevention plan, including a description of the plan activities and strategies developed for promoting and implementing the plan;

(2) methods for monitoring the results by medical groups and by the entire state of cervical cancer screening improvement activities; and

(3) recommended changes to existing laws, programs, or services in terms of reducing the occurrence of cervical cancer by improving insurance coverage for the prevention, diagnosis, and treatment for cervical cancer."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 81, after line 29, insert:

"Sec. 52. Minnesota Statutes 2004, section 256L.01, subdivision 3a, is amended to read:

Subd. 3a. [FAMILY WITH CHILDREN.] (a) "Family with children" means:

(1) parents; and their children; ~~and dependent siblings~~ residing in the same household; ~~or~~

(2) grandparents, foster parents, relative caretakers as defined in the medical assistance program, or legal guardians; and their wards who are children; ~~and dependent siblings~~ residing in the same household; or

(3) children and their noncustodial parents, if: (1) the noncustodial parent is enrolled in MinnesotaCare; (2) the children reside in Minnesota and are not already covered by MinnesotaCare or medical assistance; and (3) the children are enrolled with the noncustodial parent in MinnesotaCare and are not counted in the family size of the

custodial parent for purposes of determining eligibility and premiums for MinnesotaCare or determining eligibility for medical assistance. A child shall be counted in the household size of a noncustodial parent only for purposes of determining eligibility and premiums for MinnesotaCare under this clause.

(b) The term includes children ~~and dependent siblings~~ who are temporarily absent from the household in settings such as schools, camps, or parenting time with noncustodial parents.

~~(c) For purposes of this subdivision, a dependent sibling means an unmarried child who is a full-time student under the age of 25 years who is financially dependent upon a parent, grandparent, foster parent, relative caretaker, or legal guardian. Proof of school enrollment is required.~~

[EFFECTIVE DATE.] This section is effective July 1, 2006, or upon federal approval, whichever is later."

Page 109, after line 5, insert:

"(c) The commissioner of human services shall seek federal waivers and approvals necessary to implement the amendments to Minnesota Statutes, section 256L.01, subdivision 3a."

Page 314, after line 39, insert:

"[BUDGET NEUTRALITY; APPROPRIATION CHANGES.] Of the general fund appropriations identified for Agency Management, \$7,000,000 in fiscal year 2007 shall be subtracted from the accounts responsible for the department's professional contracting activities.

The following general fund appropriations are hereby added to the appropriations identified for MinnesotaCare activities:

	FY 2006	FY 2007
MinnesotaCare - Eligibility for non-custodial children	-0-	\$7,000,000

The commissioner of finance shall make transfers between funds as necessary to fully implement this provision."

Adjust totals (internal to DHS accounts) accordingly

ReNUMBER the sections in sequence and correct internal references

Amend the title accordingly

POINT OF ORDER

Wilkin 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 Rukavina amendment was not in order. The Speaker ruled the point of order not well taken and the Rukavina amendment in order.

The question recurred on the Rukavina amendment to H. F. No. 1422, the second engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Johnson, S.; Sailer and Eken moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 185, after line 31, insert:

"Sec. 16. Minnesota Statutes 2004, section 256B.0917, subdivision 8, is amended to read:

Subd. 8. [LIVING-AT-HOME/BLOCK NURSE PROGRAM GRANT.] (a) The organization awarded the contract under subdivision 7, shall develop and administer a grant program to establish or expand up to ~~33~~ 47 community-based organizations that will implement living-at-home/block nurse programs that are designed to enable senior citizens to live as independently as possible in their homes and in their communities. At least one-half of the programs must be in counties outside the seven-county metropolitan area. Nonprofit organizations and units of local government are eligible to apply for grants to establish the community organizations that will implement living-at-home/block nurse programs. In awarding grants, the organization awarded the contract under subdivision 7 shall give preference to nonprofit organizations and units of local government from communities that:

- (1) have high nursing home occupancy rates;
 - (2) have a shortage of health care professionals;
 - (3) are located in counties adjacent to, or are located in, counties with existing living-at-home/block nurse programs; and
 - (4) meet other criteria established by LAH/BN, Inc., in consultation with the commissioner.
- (b) Grant applicants must also meet the following criteria:
- (1) the local community demonstrates a readiness to establish a community model of care, including the formation of a board of directors, advisory committee, or similar group, of which at least two-thirds is comprised of community citizens interested in community-based care for older persons;
 - (2) the program has sponsorship by a credible, representative organization within the community;
 - (3) the program has defined specific geographic boundaries and defined its organization, staffing and coordination/delivery of services;
 - (4) the program demonstrates a team approach to coordination and care, ensuring that the older adult participants, their families, the formal and informal providers are all part of the effort to plan and provide services; and
 - (5) the program provides assurances that all community resources and funding will be coordinated and that other funding sources will be maximized, including a person's own resources.
- (c) Grant applicants must provide a minimum of five percent of total estimated development costs from local community funding. Grants shall be awarded for four-year periods, and the base amount shall not exceed \$80,000 per applicant for the grant period. The organization under contract may increase the grant amount for applicants from communities that have socioeconomic characteristics that indicate a higher level of need for assistance. Subject to the availability of funding, grants and grant renewals awarded or entered into on or after July 1, 1997,

shall be renewed by LAH/BN, Inc. every four years, unless LAH/BN, Inc. determines that the grant recipient has not satisfactorily operated the living-at-home/block nurse program in compliance with the requirements of paragraphs (b) and (d). Grants provided to living-at-home/block nurse programs under this paragraph may be used for both program development and the delivery of services. The base amount awarded to each applicant for a grant period shall be increased by four percent for the fiscal year beginning July 1, 2006, and shall be increased by the change in the Consumer Price Index-All Items (United States city average) (CPI-U) for fiscal years beginning on or after July 1, 2007.

(d) Each living-at-home/block nurse program shall be designed by representatives of the communities being served to ensure that the program addresses the specific needs of the community residents. The programs must be designed to:

(1) incorporate the basic community, organizational, and service delivery principles of the living-at-home/block nurse program model;

(2) provide senior citizens with registered nurse directed assessment, provision and coordination of health and personal care services on a sliding fee basis as an alternative to expensive nursing home care;

(3) provide information, support services, homemaking services, counseling, and training for the client and family caregivers;

(4) encourage the development and use of respite care, caregiver support, and in-home support programs, such as adult foster care and in-home adult day care;

(5) encourage neighborhood residents and local organizations to collaborate in meeting the needs of senior citizens in their communities;

(6) recruit, train, and direct the use of volunteers to provide informal services and other appropriate support to senior citizens and their caregivers; and

(7) provide coordination and management of formal and informal services to senior citizens and their families using less expensive alternatives."

Page 314, after line 39, insert:

"[BUDGET NEUTRALITY; APPROPRIATION CHANGES.] Of the general fund appropriations identified for Agency Management, \$660,000 in fiscal year 2006 and \$36,000 in fiscal year 2007 shall be subtracted from the accounts responsible for the department's professional contracting activities.

The following appropriations are added to the general fund appropriations for the following activities:

(1) \$560,000 is appropriated from the general fund to the commissioner of human services, for the biennium beginning July 1, 2005, to fund 14 additional living at home/block nurse programs.

(2) \$36,000 is appropriated from the general fund to the commissioner of human services, for the fiscal year beginning July 1, 2006, to increase base funding for living at home/block nurse programs as required by Minnesota Statutes, section 256B.0917, subdivision 8, paragraph (c).

(3) \$100,000 is appropriated from the general fund to the commissioner of human services, for the biennium beginning July 1, 2005, to fund the contract awarded under Minnesota Statutes, section 256B.0917, subdivision 7."

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 Johnson, S., et al amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Goodwin offered an amendment to H. F. No. 1422, the second engrossment, as amended.

POINT OF ORDER

Bradley 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 Goodwin amendment was not in order. The Speaker ruled the point of order well taken and the Goodwin amendment out of order.

Goodwin appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 68 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of the Speaker should stand.

The Speaker called Abrams to the Chair.

Otremba moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 101, delete lines 29 through 36

Page 102, delete lines 1 through 36

Page 103, delete lines 1 through 7

Page 314, after line 39, insert:

"[BUDGET NEUTRALITY; APPROPRIATION CHANGES.] Of the general fund appropriations identified for Agency Management, \$676,000 in fiscal year 2006 and \$3,371,000 in fiscal year 2007 shall be subtracted from the accounts responsible for the department's professional contracting activities.

The following appropriations are added to the general fund appropriations identified for medical assistance activities associated with irrevocable trusts:

	FY 2006	FY 2007
Medical Assistance Long-Term Care Facilities	439,000	3,371,000
Medical Assistance Waivers	87,000	505,000
Medical Assistance Basic Health Care- Elderly and Disabled	150,000	674,000
Total Medical Assistance- Trust Activity	676,000	3,371,000"

Adjust totals accordingly

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 Otremba amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson	Dill	Eken	Fritz	Hansen
Atkins	Clark	Dittrich	Ellison	Goodwin	Hausman
Bernardy	Davnie	Dorn	Entenza	Greiling	Hilstrom

Hilty	Juhnke	Liebling	Murphy	Poppe	Slawik
Hornstein	Kahn	Lieder	Nelson, M.	Rukavina	Solberg
Hortman	Kelliher	Lillie	Opatz	Ruud	Thao
Hosch	Koenen	Loeffler	Otremba	Sailer	Thissen
Huntley	Larson	Mariani	Paymar	Scalze	Wagenius
Jaros	Latz	Marquart	Pelowski	Sertich	Walker
Johnson, R.	Lenczewski	Moe	Peterson, A.	Sieben	Welti
Johnson, S.	Lesch	Mullery	Peterson, S.	Simon	

Those who voted in the negative were:

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

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

The Speaker resumed the Chair.

Wagenius moved to amend H. F. No. 1422, the second engrossment, as amended, as follows:

Page 285, line 26, delete "and"

Page 285, line 27, before the period insert "; and

(8) testing private drinking water wells"

Page 286, line 9, after "145.4243" insert "and the known risk factors for spontaneous abortions including, but not limited to, the risks associated with exposure to nitrates and to pesticides in drinking water"

A roll call was requested and properly seconded.

The question was taken on the Wagenius amendment and the roll was called. There were 49 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Ellison	Hausman	Hortman	Johnson, S.
Atkins	Davnie	Entenza	Hilstrom	Huntley	Kahn
Bernardy	Dittrich	Goodwin	Hilty	Jaros	Kelliher
Carlson	Dorn	Greiling	Hornstein	Johnson, R.	Larson

Latz	Mahoney	Ozment	Ruud	Solberg
Lesch	Mariani	Paymar	Scalze	Thao
Liebling	Mullery	Peterson, A.	Sieben	Thissen
Lieder	Murphy	Peterson, S.	Simon	Wagenius
Loeffler	Nelson, M.	Poppe	Slawik	Walker

Those who voted in the negative were:

Abeler	Demmer	Hamilton	Lenczewski	Penas	Tingelstad
Anderson, B.	Dempsey	Hansen	Lillie	Peppin	Urdahl
Anderson, I.	Dill	Heidgerken	Magnus	Peterson, N.	Vandever
Beard	Dorman	Holberg	Marquart	Powell	Wardlow
Blaine	Eastlund	Hoppe	McNamara	Rukavina	Welti
Bradley	Eken	Hosch	Meslow	Ruth	Westerberg
Brod	Emmer	Howes	Moe	Sailer	Westrom
Buesgens	Erhardt	Johnson, J.	Nelson, P.	Samuelson	Wilkin
Charron	Erickson	Juhnke	Newman	Seifert	Zellers
Cornish	Finstad	Klinzing	Nornes	Sertich	Spk. Sviggum
Cox	Fritz	Knoblach	Olson	Severson	
Cybart	Garofalo	Koenen	Opatz	Simpson	
Dauids	Gazelka	Kohls	Otremba	Smith	
Dean	Gunther	Krinkie	Paulsen	Soderstrom	
DeLaForest	Hackbarth	Lanning	Pelowski	Sykora	

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

Rukavina, Pelowski, Otremba and Heidgerken offered an amendment to H. F. No. 1422, the second engrossment, as amended.

POINT OF ORDER

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

Huntley offered an amendment to H. F. No. 1422, the second engrossment, as amended.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 3.21 that the Huntley amendment was not in order. The Speaker ruled the point of order well taken and the Huntley amendment out of order.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Anderson, I.	Bernardy	Brod	Charron	Cox
Abrams	Atkins	Blaine	Buesgens	Clark	Cybart
Anderson, B.	Beard	Bradley	Carlson	Cornish	Dauids

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

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

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; 157.011, by adding a subdivision; 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, subdivisions 3a, 26; 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.0943, subdivision 3; 256B.095; 256B.0951, subdivision 1; 256B.0952, subdivision 5; 256B.0953, subdivision 1; 256B.15, subdivision 1; 256B.19, subdivision 1; 256B.195, subdivision 3; 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 subdivisions; 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; 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.

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.

Paulsen moved that those not voting be excused from voting. The motion prevailed.

There were 74 yeas and 59 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

CALL OF THE HOUSE LIFTED

Paulsen moved that the call of the House be suspended. The motion prevailed and it was so ordered.

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, May 2, 2005. The motion prevailed.

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Thissen moved that the name of Atkins be added as an author on H. F. No. 2474. The motion prevailed.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Monday, May 2, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

