

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FIFTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 4, 2005

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

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

A quorum was present.

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

REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means 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, subdivision 4; 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; 103I.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; 275.70, subdivision 5; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; 297H.13, subdivision 2; 349.12, subdivision 25; 462.357, subdivision 1e; 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; 275; 473; 477A; 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; 473.197, subdivisions 1, 2, 3, 5; 473.801, subdivision 6.

Reported the same back with the following amendments:

Page 18, delete line 17, and insert:

| | | |
|-------------------------------|-----------|------------|
| "Sec. 8. METROPOLITAN COUNCIL | 7,452,000 | 7,452,000" |
|-------------------------------|-----------|------------|

Page 44, line 10, after "of" insert "up to"

Page 44, line 11, after the period, insert "The commissioner must give the applicant an estimate of the costs of the road easement before the applicant submits the fee."

Page 67, after line 27, insert:

"Sec. 49. Minnesota Statutes 2004, section 84.928, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON ROADS AND RIGHTS-OF-WAY.] (a) Unless otherwise allowed in sections 84.92 to 84.929, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (b). This paragraph does not apply to a person who operates an all-terrain vehicle owned by or operated under contract with a publicly or privately owned utility when used for work on utilities.

(b) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the ditch or outside bank or slope of a public road right-of-way under its jurisdiction.

(c) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

- (1) degradation of vegetation on adjacent public property;
- (2) siltation of waters of the state;
- (3) impairment or enhancement to the act of taking game; or
- (4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

(d) The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

(e) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(f) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

(g) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(h) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state."

Page 78, after line 2, insert:

"Sec. 72. Minnesota Statutes 2004, section 89.36, subdivision 2, is amended to read:

Subd. 2. [PURCHASE OF STOCK.] The commissioner of natural resources may purchase tree planting stock for the purposes herein authorized under the provisions of sections 89.35 to 89.39, or any other applicable law now or hereafter in force. The commissioner must give preference for Minnesota grown planting stock."

Pages 133 to 137, delete sections 151 and 152

Pages 148 and 149, delete section 161 and insert:

"Sec. 161. Laws 2003, chapter 128, article 1, section 5, subdivision 6, is amended to read:

Subd. 6. Trails and Waterways Management

| | | |
|-------------------|------------|------------|
| | 24,060,000 | 21,173,000 |
| Summary by Fund | | |
| General | 1,234,000 | 1,234,000 |
| Natural Resources | 20,655,000 | 18,255,000 |
| Game and Fish | 2,171,000 | 1,684,000 |

\$5,724,000 the first year and \$5,724,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid.

\$261,000 the first year and \$261,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior.

\$690,000 the first year and \$690,000 the second year are from the natural resources fund for state trail operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2). This is a onetime appropriation.

\$553,000 the first year and \$553,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4). This is a onetime appropriation.

The appropriation in Laws 2001, First Special Session chapter 2, section 5, subdivision 6, from the water recreation account in the natural resources fund for preconstruction, acquisition, and staffing needs for the Mississippi Whitewater trail authorized by Minnesota Statutes, section 85.0156, is available until June 30, 2005.

Upon a showing of need, the commissioner of natural resources may use up to 50 percent of a snowmobile maintenance and grooming grant under Minnesota Statutes, section 84.83, that was available as of December 31, 2002, to reimburse the intended recipient for expenses incurred in the purchase or lease of snowmobile trail grooming equipment to be used for grant-in-aid trails. The costs must be incurred between July 1, 2002, and June 30, 2003, and recipients must provide acceptable documentation of the costs to the commissioner. All applications for reimbursement under this section must be received no later than September 1, 2003.

\$1,000,000 the first year and \$600,000 the second year are from the natural resources fund for off-highway vehicle trail designation, development, maintenance, and repair. Of this amount, \$600,000 the first year and \$360,000 the second year are from the all-terrain vehicle account, \$50,000 the first year and \$30,000 the second year are from the off-highway motorcycle account, and \$350,000 the first year and \$210,000 the second year are from the off-road vehicle account.

\$1,000,000 the first year is from the natural resources fund for the Iron Range off-highway vehicle recreation area. Of this amount, \$600,000 is from the all-terrain vehicle account, \$350,000 is from the off-road vehicle account, and \$50,000 is from the off-highway motorcycle account. This appropriation is available until expended.

By August 1, 2003, the commissioner of finance shall transfer \$475,000 from the all-terrain vehicle account, \$20,000 from the off-highway motorcycle account, and \$5,000 from the off-road vehicle account to the off-highway vehicle damage account in Minnesota Statutes, section 84.780.

\$300,000 is from the snowmobile trails and enforcement account in the natural resources fund to acquire permanent easements for a snowmobile trail to connect the Willard Munger State Trail in Hermantown to the North Shore State Trail in Duluth. This is a onetime appropriation and is available until expended.

\$700,000 the first year is from the water recreation account in the natural resources fund for a cooperative project with the U.S. Army Corps of Engineers to develop the Mississippi Whitewater Park. Of this amount, \$525,000 is available to provide a match for \$975,000 of federal funds, in a ratio of 65 percent federal to 35

percent state, for construction design development. \$175,000 is available for use by the department for project management, including costs for the project review team, real estate acquisition, staff coordination of the project, and legal services.

The appropriation in this subdivision from the water recreation account in the natural resources fund for a cooperative project with the U.S. Army Corps of Engineers to develop the Mississippi Whitewater Park authorized by Minnesota Statutes, section 85.0156, is available until June 30, 2007."

Page 157, after line 36, insert:

"Sec. 172. [HEALTH AND ENVIRONMENT CLEARINGHOUSE FEASIBILITY REPORT.]

The Minnesota Pollution Control Agency must report to the legislature by January 15, 2006, on the feasibility of establishing a central clearinghouse to link emission and exposure data from existing sources with health data from the Minnesota Department of Health to assist Minnesota agencies and organizations to become eligible for federal environmental public health tracking funds. The clearinghouse must include data from the Pollution Control Agency's environmental public access initiative and the What's in My Neighborhood database, brownfield sites identified by the Department of Agriculture, the Pollution Control Agency, or the Department of Employment and Economic Development, and other relevant toxic exposure data."

Pages 164 to 176, delete article 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything before "amending"

Page 1, line 22, delete the second "subdivision" and insert "subdivisions 1,"

Page 1, line 28, after the second semicolon, insert "89.36, subdivision 2;"

Page 2, line 8, delete "275.70, subdivision 5;"

Page 2, line 12, after the second semicolon, insert "Laws 2003, chapter 128, article 1, section 5, subdivision 6;"

Page 2, line 17, delete "275;" and delete "477A; proposing coding for new"

Page 2, line 18, delete everything before "repealing"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 902 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abrams, Lenczewski, Bernardy and Kohls introduced:

H. F. No. 2498, A bill for an act relating to public finance; authorizing purchases of certain guaranteed investment contracts; authorizing a special levy; modifying the authority of cities and counties to finance purchases of computers and related items; extending the term of certain notes; clarifying the financing of conservation easements; extending sunsets on establishment of special service districts and housing improvement areas; providing for financing of certain improvements; extending the maximum maturity of certain bonds; revising time for certain notices of issues; exempting obligations issued to pay judgments from net debt limits; modifying the authority to finance street reconstruction; modifying limits on city capital improvement bonds and enabling certain towns to issue bonds under a capital improvement plan; modifying certain tax increment financing provisions; providing a bidding exception; increasing reserve from public facilities pool for certain purposes; providing for payment of certain refunding bonds; abolishing the housing bond credit enhancement program and providing for debt service on the bonds; authorizing a tax abatement extension; providing for an international economic development zone; providing tax incentives; requiring a report; appropriating money for certain refunds; amending Minnesota Statutes 2004, sections 13.55, by adding a subdivision; 116J.556; 118A.05, subdivision 5; 272.02, by adding a subdivision; 275.70, subdivision 5; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; 343.11; 373.01, subdivision 3; 373.40, subdivision 1; 410.32; 412.301; 428A.101; 428A.21; 469.015, subdivision 4; 469.034, subdivision 2; 469.158; 469.174, subdivisions 11, 25; 469.175, subdivisions 1, 4a, 6; 469.176, subdivisions 2, 4d; 469.1761, subdivisions 1, 3; 469.1763, subdivision 6; 469.177, subdivision 1; 469.1771, subdivision 5; 469.178, subdivision 1; 469.1813, subdivisions 1, 6; 473.197, subdivision 4; 473.39, subdivision 1f, by adding a subdivision; 474A.061, subdivision 2c; 474A.131, subdivision 1; 475.51, subdivision 4; 475.52, subdivisions 1, 3, 4; 475.521, subdivisions 1, 2, 3, 4; Laws 1996, chapter 412, article 5, section 24; Laws 2003, chapter 127, article 12, section 38; proposing coding for new law in Minnesota Statutes, chapters 428A; 452; 469; repealing Minnesota Statutes 2004, sections 469.176, subdivision 1; 469.1766; 473.197, subdivisions 1, 2, 3, 5; Laws 1998, chapter 389, article 11, section 19, subdivision 3.

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

Lenczewski and Larson introduced:

H. F. No. 2499, A bill for an act relating to public safety; prohibiting predatory offenders from attending meetings held to warn the public of the offenders' presence in a community; amending Minnesota Statutes 2004, section 244.052, subdivision 4.

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

Wilkin introduced:

H. F. No. 2500, A bill for an act relating to insurance; regulating the filing and use of individual health insurance policy forms; establishing a minimum loss ratio guarantee; amending Minnesota Statutes 2004, sections 62A.02, subdivision 3, by adding a subdivision; 62A.021, subdivision 1.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Smith moved that the House refuse to concur in the Senate amendments to H. F. No. 1, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

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. 872.

H. F. No. 872 was reported to the House.

Buesgens moved to amend H. F. No. 872, the third engrossment, as follows:

Page 155, line 3, after "section 124D.095," insert "subdivision 9,"

The motion prevailed and the amendment was adopted.

Greiling moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 131, after line 14, insert:

"Sec. 70. [127A.095] [IMPLEMENTATION OF NO CHILD LEFT BEHIND ACT.]

Subdivision 1. [CONTINUED IMPLEMENTATION.] The Department of Education shall continue to implement the federal No Child Left Behind Act, Public Law 107-110, without interruption until June 30, 2006.

Subd. 2. [NO CHILD LEFT BEHIND NULLIFICATION.] (a) The consolidated state plan submitted by the state to the federal Department of Education on implementing the No Child Left Behind Act, Public Law 107-110, and any other Minnesota state contract or agreement under the provisions of the No Child Left Behind Act, shall be nullified and revoked by the commissioner of education on July 1, 2006.

(b) The commissioner shall report to the education funding divisions and the education policy committees of the house of representatives and the senate by April 1, 2006, whether the following conditions have been met:

(1) the Department of Education has received approval from the federal Department of Education to allow the state to use a value-added measurement of student achievement for determining adequate yearly progress;

(2) the Department of Education has received approval from the federal Department of Education to allow the state to develop a plan using multiple measures in addition to relying on standardized test results to evaluate school and student performance for the purpose of determining adequate yearly progress;

(3) the Department of Education has received approval from the federal Department of Education to allow the state to average three years of data for the purposes of identifying a school for improvement;

(4) the Department of Education has developed a plan and model legislation to ensure that if an adequate yearly progress determination was made in error, that the error will not adversely affect the school's or school district's sanction status in subsequent years. The Department of Education must have a policy in place to correct errors to accountability reports;

(5) the Department of Education has reported the additional costs for state fiscal years 2006 to 2009 that the No Child Left Behind Act imposes on the state, the state's school districts, and charter schools that are in excess of costs associated with the Improving America's Schools Act of 1994, Public Law 103-382;

(6) the Department of Education has received approval from the federal Department of Education to allow the state to use No Child Left Behind money to provide supplemental education services only in the academic subject area that causes a school to miss adequate yearly progress;

(7) the Department of Education has received approval from the federal Department of Education to exclude from sanctions schools that have not made adequate yearly progress solely due to a subgroup of students with disabilities not testing at a proficient level;

(8) the Department of Education has received approval from the federal Department of Education to exclude from sanctions a school that is classified as not having made adequate yearly progress solely due to different subgroups testing below proficient levels for at least two consecutive years;

(9) the Department of Education has received approval from the federal Department of Education to identify a school as not making adequate yearly progress only after missing the adequate yearly progress targets in the same subject and subgroup for two consecutive years;

(10) the Department of Education has received approval from the federal Department of Education to identify a district as in need of improvement only after missing the adequate yearly progress target in the same subject across multiple grade spans for two consecutive years;

(11) the Department of Education has received approval from the federal Department of Education to limit the score of a student within multiple subgroups to the one subgroup that is the smallest subgroup in which that student is a part of when calculating adequate yearly progress;

(12) the Department of Education has implemented a uniform financial reporting system for school districts to report costs related to implementing No Child Left Behind Act requirements, including the costs of complying with sanctions;

(13) the Department of Education has received approval from the federal Department of Education to determine the percentage of the special education students that would be best educated based on out-of-level standards and tested accordingly based on an individual education plan;

(14) the Department of Education has received approval from the federal Department of Education to determine when to hold schools accountable for including a student with limited English proficiency in adequate yearly progress calculations; and

(15) the Department of Education has received approval from the federal Department of Education to consider a teacher teaching multiple subjects to be highly qualified based on a single means of evaluation.

(c) The state's continued implementation of the No Child Left Behind Act shall be discontinued effective July 1, 2006, unless the legislature passes a law during the 2006 regular legislative session establishing the legislature's satisfaction that the requirements under paragraph (b) have been met.

Subd. 3. [DEPARTMENT OF FINANCE CERTIFICATION.] If the legislature does not pass a law authorizing continued implementation of the No Child Left Behind Act under subdivision 2, paragraph (c), the commissioner of finance shall certify and report to the legislature beginning January 1, 2007, and each year thereafter the amount of federal revenue, if any, that has been withheld by the federal government as a result of the state's discontinued implementation of the No Child Left Behind Act. The report shall also specify the intended purpose of the federal revenue and the amount of revenue withheld from the state, each school district, and each charter school in each fiscal year.

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

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 Greiling amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | | |
|--------------|------------|----------|-------------|----------|------------|
| Abeler | Charron | Dempsey | Gunther | Klinzing | Nelson, P. |
| Abrams | Cornish | Eastlund | Hackbarth | Knoblach | Newman |
| Anderson, B. | Cox | Emmer | Hamilton | Kohls | Nornes |
| Beard | Cybart | Erhardt | Heidgerken | Krinkie | Olson |
| Blaine | Dauids | Erickson | Holberg | Lanning | Ozment |
| Bradley | Dean | Finstad | Hoppe | Magnus | Paulsen |
| Brod | DeLaForest | Garofalo | Howes | McNamara | Penas |
| Buesgens | Demmer | Gazelka | Johnson, J. | Meslow | Peppin |

| | | | | |
|--------------|----------|------------|------------|--------------|
| Peterson, N. | Seifert | Soderstrom | Vandevveer | Wilkin |
| Powell | Severson | Sykora | Wardlow | Zellers |
| Ruth | Simpson | Tingelstad | Westerberg | Spk. Sviggum |
| Samuelson | Smith | Urdahl | Westrom | |

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

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

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.

Abeler, Thao, Mariani and Paymar moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 56, after line 29, insert:

"Sec. 65. [FISCAL YEAR 2006 COMPENSATORY REVENUE FOR REFUGEES.]

(a) Notwithstanding Minnesota Statutes, section 126C.05, subdivisions 3 and 16, refugees from the Wat Krabok Refugee Camp in Thailand who were not enrolled in a Minnesota public school on October 1, 2004, but who were enrolled in a Minnesota public school on June 1, 2005, must be included in the calculation of compensatory revenue pupil units for fiscal year 2006.

(b) The total aid expended under this section must not exceed \$2,000,000."

Page 56, line 36, delete "\$5,136,086,000" and insert "\$5,137,772,000"

Page 57, line 1, delete "\$5,361,776,000" and insert "\$5,362,117,000"

Page 57, line 3, delete "\$4,351,108,000" and insert "\$4,352,794,000"

Page 57, line 4, delete "\$814,688,000" and insert "\$815,002,000"

Page 59, delete line 2, and insert:

"This appropriation is part of the base budget for subsequent fiscal years."

Page 193, line 32, after the period insert "For fiscal year 2006 only, the commissioner of education must reduce the current year payment percentage by the amount necessary to save \$4,000,000."

Page 221, after line 3 insert:

"Sec. 3. [GRANTS FOR INTENSIVE ENGLISH INSTRUCTION FOR NEW ADULT REFUGEES.]

The commissioner of education shall establish a reimbursement grant program to fund intensive English as a second language (ESL) programs for adult refugees. Intensive ESL programming must provide intensive instruction for adult refugees who are making inadequate literacy progress as measured by a standard assessment test. The intensive instruction must be focused on participants gaining sufficient literacy to achieve self-sufficiency through employment.

Organizations eligible for grants under this section include adult basic education programs, school districts, postsecondary institutions, and nonprofit or community-based organizations or other private organizations with experience in providing English language instruction to non-English speaking immigrants and refugees. Grant applications must contain information required by the commissioner in the form prescribed by the commissioner. At a minimum, the application must document experience in literacy programs serving immigrants and refugees, describe fiscal accounting systems and reporting capacity, ensure that administrative expenses are limited to five percent of grant funds, and provide a description of the proposed instructional services and training plans. Funds must be paid to programs on a reimbursement basis. The grant program expires on June 30, 2007."

Page 221, after line 31, insert:

"Subd. 5. [INTENSIVE ENGLISH INSTRUCTION.] For grants for intensive English instruction for adult refugees under section 3:

| | | |
|--------------------|-------|---------------|
| <u>\$1,000,000</u> | | <u>2006</u> |
| <u>\$1,000,000</u> | | <u>2007</u> " |

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bernardy moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 18, line 29, delete "alternative compensation"

Page 18, line 30, delete "revenue."

Page 19, line 4, delete "\$4,740" and insert "\$4,792"

Page 19, line 5, delete "\$4,885" and insert "\$4,937"

Page 23, line 19, delete "\$24,300" and insert "\$20,553"

Pages 26, 27 and 28, delete sections 31, 32 and 33

Page 57, after line 5, insert:

"This appropriation includes \$3,700,000 each year for the alternative compensation program under section 122A.415."

Pages 91 through 94, delete sections 39, 40 and 41

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker called Abrams to the Chair.

Carlson moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 18, line 29, delete "alternative compensation" and insert "full-day kindergarten"

Page 19, after line 21, insert:

"Sec. 21. Minnesota Statutes 2004, section 126C.10, is amended by adding a subdivision to read:

Subd. 2c. [FULL-DAY KINDERGARTEN.] A school district may operate a full-day kindergarten program as a part of its general fund activities. A school board, at its discretion, may choose to offer half-day kindergarten programs, full-day kindergarten programs, or a combination of kindergarten programs.

Each school district is eligible for full-day kindergarten aid equal to the adjusted average daily membership of its kindergarten population times the formula allowance for that year, times 0.42.

This aid is in addition to any other revenue received for these kindergarten pupils.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2007."

Page 26, delete section 31

Page 27, delete sections 32 and 33

Page 55, delete section 61

Page 57, after line 5, insert:

"Of this amount, \$3,700,000 each year is for alternative compensation aid under section 122A.415."

Page 91, delete section 39

Page 93, delete section 40

Page 94, delete section 41

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 Carlson amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

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

Eken and Sailer moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Pages 3 and 4, delete section 3

Pages 12 and 13, delete section 12

Pages 19 and 20, delete section 21

Page 21, line 20, delete "\$4,740 for fiscal year 2006"

Page 21, delete line 21 and insert "the general education basic formula allowance."

Page 23, line 35, delete "\$4,601 for fiscal year"

Page 23, delete line 33 and insert "the general education basic formula allowance."

Page 27, line 11, delete "\$19,329,000" and insert "\$14,329,000"

Page 27, line 12, delete "\$75,636,000" and insert "\$53,357,000"

A roll call was requested and properly seconded.

The question was taken on the Eken and Sailer amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Davnie offered an amendment to H. F. No. 872, the third engrossment, as amended.

Buesgens requested a division of the Davnie amendment to H. F. No. 872, the third engrossment, as amended.

Buesgens further requested that the second portion of the divided Davnie amendment to H. F. No. 872, the third engrossment, as amended, be voted on first.

The second portion of the Davnie amendment to H. F. No. 872, the third engrossment, as amended, reads as follows:

Pages 141 and 142, delete section 79

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 second portion of the Davnie amendment and the roll was called. There were 79 yeas and 55 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the second portion of the Davnie amendment was adopted.

The Speaker resumed the Chair.

The first portion of the Davnie amendment to H. F. No. 872, the third engrossment, as amended, reads as follows:

Page 59, line 5, delete "123B.05:"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Davnie amendment and the roll was called.

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

There were 80 yeas and 53 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Anderson, B. | Dean | Gunther | Kohls | Olson | Severson |
| Beard | DeLaForest | Hackbarth | Krinkie | Paulsen | Simpson |
| Blaine | Demmer | Hamilton | Lanning | Penas | Sykora |
| Bradley | Emmer | Holberg | Magnus | Peppin | Vandever |
| Buesgens | Erhardt | Hoppe | McNamara | Peterson, N. | Westrom |
| Charron | Erickson | Howes | Meslow | Powell | Wilkin |
| Cornish | Finstad | Johnson, J. | Nelson, P. | Ruth | Zellers |
| Cox | Garofalo | Klinzing | Newman | Samuelson | Spk. Sviggum |
| Cybart | Gazelka | Knoblach | Nornes | Seifert | |

The motion prevailed and the first portion of the Davnie amendment was adopted.

Goodwin, Davnie, Slawik, Greiling and Bernardy moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 80, after line 11, insert:

"Sec. 26. [121A.033] [ANTI BULLYING POLICY.]

Subdivision 1. [POLICY REQUIREMENT.] School districts must adopt and implement an anti bullying policy, consistent with this section, to prevent disruptive and violent behavior, including harassment, intimidation and bullying, that interferes with students' ability to learn and educators' ability to provide students with a safe and non-threatening learning environment. This policy must expect school employees and volunteers to model appropriate behavior that includes treating others with respect and refusing to tolerate harassment, intimidation and bullying.

Subd. 2. [DEFINITIONS.] (a) "Harassment, intimidation or bullying" means an intentional gesture or written, verbal or physical act or threat that:

(1) has the effect of harming a student, damaging a student's personal property, placing a student in reasonable fear of physical harm to the student or others or fear of damage to the student's property; or

(2) is sufficiently severe, persistent or persuasive to create an intimidating, threatening or abusive educational environment for a student.

(b) "At school" means a classroom, in or immediately adjacent to a school building, on a school bus or other school-related vehicle, at an official school bus stop, or at a school-sponsored activity or event whether or not it is held on school premises.

Subd. 3. [POLICY COMPONENTS; ADOPTION.] (a) A school board must act to formally include at least the following components in an anti bullying policy that prohibits harassment, intimidation and bullying:

(1) a statement prohibiting harassment, intimidation and bullying on school property, on a school bus or other school vehicle, at an official school bus stop and at a school sponsored activity or event, whether or not the activity or event is held on or off the school campus;

(2) definitions of prohibited behavior that are consistent with this section;

(3) a description of expected student behavior;

(4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

(5) a reporting process that permits, among other things, anonymous reporting but does not permit disciplinary actions based solely on anonymous reports;

(6) a requirement that school employees report incidences of harassment, intimidation and bullying;

(7) a procedure for responding to reported incidences of harassment, intimidation and bullying;

(8) a procedure for promptly investigating reports of harassment, intimidation and bullying;

(9) a requirement to notify the parent or guardian of a student involved in or affected by harassment, intimidation or bullying;

(10) school responses to identified incidents of harassment, intimidation or bullying;

(11) a process for recording reported incidents of harassment, intimidation or bullying;

(12) a prohibition against retaliating against persons who report incidents of harassment, intimidation or bullying and the consequences of retaliating;

(13) protection for victims of harassment, intimidation or bullying including after an incident is reported;

(14) counseling for students who are victims or targets of harassment, intimidation or bullying;

(15) consequences for false accusations intended as retaliation of harassment, intimidation or bullying;

(16) discipline and counseling for students who engage in harassment, intimidation or bullying;

(17) a requirement that reports about harassment, intimidation and bullying be treated as nonpublic data, consistent with other nonpublic educational data under chapter 13; and

(18) means for providing periodic notice about this policy.

(b) The commissioner must develop and transmit a model policy, consistent with this section, and, upon request, assist a school board in developing a local policy. A school board must formally adopt a policy under this section and submit a timely copy to the commissioner. The school board also must include periodic notice of the policy in the district's student discipline policy and other similar school district documents.

Subd. 4. [PROHIBITION AGAINST REPRISALS, RETALIATION AND FALSE ACCUSATIONS.] (a) School employees, students and volunteers must not engage in reprisals, retaliation or false accusations against a victim, witness or other person with information about incidents of harassment, intimidation or bullying.

(b) School employees, students and volunteers with information about an incident of harassment, intimidation and bullying are encouraged to report the information to a designated person within the school.

Subd. 5. [IMMUNITY.] School employees, students and volunteers are individually immune from liability arising from reporting harassment, intimidation or bullying if they:

(1) act in good faith to promptly report an incident of harassment, intimidation or bullying;

(2) make the report to the appropriate, designated school official; and

(3) make the report in compliance with the procedures specified in the district policy prohibiting harassment, intimidation and bullying.

Subd. 6. [POLICY TRAINING AND EDUCATION.] Schools and school districts are encouraged to cooperate in undertaking anti harassment, intimidation and bullying initiatives that involve school personnel, students, volunteers, parents, law enforcement officials and the public. Such initiatives include:

(1) training school personnel and volunteers in direct contact with students on the district policy prohibiting harassment, intimidation and bullying;

(2) educating students on the district policy prohibiting harassment, intimidation and bullying; and

(3) incorporating the substance of the district policy prohibiting harassment, intimidation and bullying into the school employee training program."

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 Goodwin et al amendment and the roll was called. There were 62 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Dorn moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 54, delete section 58

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 Dorn amendment and the roll was called. There were 65 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

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

Davnie moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 219, after line 16, insert:

"Section 1. Minnesota Statutes 2004, section 124D.52, subdivision 3, is amended to read:

Subd. 3. [ACCOUNTS; REVENUE; AID.] (a) Each district, group of districts, or private nonprofit organization providing adult basic education programs must establish and maintain a reserve account within the community service fund for the receipt and disbursement of all funds related to these programs. All revenue received pursuant to this section must be utilized solely for the purposes of adult basic education programs. State aid must not equal more than 100 percent of the unreimbursed expenses of providing these programs, excluding in-kind costs.

(b) For purposes of paragraph (a), an adult basic education program may include as valid expenditures for the previous fiscal year program spending that occurs from July 1 to September 30 of the following year. Program spending may only be counted for one fiscal year.

(c) Notwithstanding section 123A.26 or any other law to the contrary, an adult basic education consortium providing an approved adult basic education program may be its own fiscal agent and is eligible to receive state-aid payments directly from the commissioner.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

The Speaker called Meslow to the Chair.

Rukavina moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 19, line 5, delete "\$4,885" and insert "\$4,894"

Page 23, line 19, delete "\$24,300" and insert "\$19,200"

Page 32, line 15, delete the new language and reinstate the stricken language

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 38 yeas and 95 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|-------------|------------|--------------|---------|
| Anderson, I. | Entenza | Huntley | Lieder | Otremba | Solberg |
| Bernardy | Fritz | Jaros | Magnus | Pelowski | Welti |
| Clark | Hamilton | Johnson, R. | Marquart | Peterson, A. | Westrom |
| Dill | Hilstrom | Johnson, S. | Moe | Poppe | |
| Dorman | Hilty | Juhnke | Murphy | Rukavina | |
| Dorn | Hosch | Koenen | Nelson, M. | Sailer | |
| Eken | Howes | Liebling | Opatz | Sertich | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Abeler | Dean | Hackbarth | Latz | Paymar | Smith |
| Abrams | DeLaForest | Hansen | Lenczewski | Penas | Soderstrom |
| Anderson, B. | Demmer | Hausman | Lesch | Peppin | Sykora |
| Atkins | Dempsey | Heidgerken | Lillie | Peterson, N. | Thao |
| Beard | Dittrich | Holberg | Loeffler | Peterson, S. | Thissen |
| Blaine | Eastlund | Hoppe | Mahoney | Powell | Tingelstad |
| Bradley | Ellison | Hornstein | Mariani | Ruth | Urdahl |
| Brod | Emmer | Hortman | McNamara | Ruud | Vandever |
| Buesgens | Erhardt | Johnson, J. | Meslow | Samuelson | Wagenius |
| Carlson | Erickson | Kelliher | Mullery | Scalze | Walker |
| Charron | Finstad | Klinzing | Nelson, P. | Seifert | Wardlow |
| Cornish | Garofalo | Knoblach | Newman | Severson | Westerberg |
| Cox | Gazelka | Kohls | Nornes | Sieben | Wilkin |
| Cybart | Goodwin | Krinkie | Olson | Simon | Zellers |
| Davids | Greiling | Lanning | Ozment | Simpson | Spk. Sviggum |
| Davnie | Gunther | Larson | Paulsen | Slawik | |

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

The Speaker resumed the Chair.

Wardlow, Urdahl, Heidgerken and Sertich moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 65, after line 13, insert:

"Sec. 6. Minnesota Statutes 2004, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The following subject areas are required for statewide accountability:

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship;
- (5) health and physical education, for which locally developed academic standards apply; and

(6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards.

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

At a minimum, school districts must maintain the same physical education and health education requirements for kindergarten through 8th grade students adopted for the 2004-2005 school year through the 2007-2008 school year."

Page 66, after line 15, insert:

"Sec. 7. Minnesota Statutes 2004, section 120B.024, is amended to read:

120B.024 [GRADUATION REQUIREMENTS; COURSE CREDITS.]

Students beginning 9th grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

- (1) four credits of language arts;
- (2) three credits of mathematics, encompassing at least algebra, geometry, statistics, and probability sufficient to satisfy the academic standard;
- (3) three credits of science, including at least one credit in biology;
- (4) three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics or three credits of social studies encompassing at least United States history, geography, government and citizenship, and world history, and one-half credit of economics taught in a school's social studies or business department;
- (5) one credit in the arts; ~~and~~
- (6) one-half credit in physical education and one-half credit in health education; and
- (7) a minimum of ~~seven~~ six elective course credits.

A course credit is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter, as determined by the local school district."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Olson and Wardlow moved to amend the Wardlow et al amendment to H. F. No. 872, the third engrossment, as amended, as follows:

Page 2, line 22, after "maintain" insert "for the 2005-2006 through 2007-2008 school years"

Page 2, line 23, delete "requirements" and insert "student instruction time"

Page 2, line 24, delete "for" and insert "in"

Page 2, line 25, delete "through the 2007-2008 school year"

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

The question recurred on the Wardlow et al amendment, as amended, and the roll was called. There were 99 yeas and 34 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|------------|
| Abeler | Eastlund | Hilty | Lillie | Paulsen | Slawik |
| Abrams | Eken | Hoppe | Loeffler | Paymar | Smith |
| Anderson, B. | Ellison | Hornstein | Magnus | Pelowski | Soderstrom |
| Anderson, I. | Entenza | Hortman | Mahoney | Penas | Solberg |
| Atkins | Erhardt | Hosch | Mariani | Peterson, A. | Thao |
| Beard | Finstad | Howes | Marquart | Peterson, S. | Thissen |
| Bernardy | Fritz | Huntley | McNamara | Powell | Tingelstad |
| Brod | Garofalo | Jaros | Meslow | Rukavina | Urdahl |
| Carlson | Goodwin | Johnson, S. | Moe | Ruud | Wagenius |
| Charron | Greiling | Juhnke | Mullery | Sailer | Walker |
| Clark | Gunther | Kelliher | Murphy | Samuelson | Wardlow |
| Cybart | Hackbarth | Koenen | Nelson, M. | Scalze | Walti |
| Davnie | Hamilton | Larson | Nelson, P. | Seifert | Westerberg |
| DeLaForest | Hansen | Lenczewski | Olson | Sertich | Zellers |
| Dill | Hausman | Lesch | Opatz | Sieben | |
| Dittrich | Heidgerken | Liebling | Otremba | Simon | |
| Dorman | Hilstrom | Lieder | Ozment | Simpson | |

Those who voted in the negative were:

| | | | | | |
|----------|----------|-------------|---------|--------------|--------------|
| Blaine | Dean | Gazelka | Kohls | Peppin | Vandever |
| Bradley | Demmer | Holberg | Krinkie | Peterson, N. | Westrom |
| Buesgens | Dempsey | Johnson, J. | Lanning | Poppe | Wilkin |
| Cornish | Dorn | Johnson, R. | Latz | Ruth | Spk. Sviggum |
| Cox | Emmer | Klinzing | Newman | Severson | |
| Davids | Erickson | Knoblach | Nornes | Sykora | |

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

Davnie and Dorman moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 58, delete lines 32 to 36

Page 59, delete lines 1 and 2

Page 152, lines 32 and 33, delete "\$2,500,000" and insert "\$4,500,000"

Page 1 of the Abeler et al amendment, adopted earlier today, delete lines 22 to 24

A roll call was requested and properly seconded.

The question was taken on the Davnie and Dorman amendment and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Westrom moved to amend H. F. No. 872, the third engrossment, as amended, as follows:

Page 196, after line 12, insert:

"Subd. 6. [FUND TRANSFER; CHOKIO-ALBERTA.] Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, on June 30, 2005, Independent School District No. 771, Chokio-Alberta, may permanently transfer up to \$150,000 from its reserved operating capital account to the undesignated general fund balance."

The motion prevailed and the amendment was adopted.

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, subdivision 1, by adding a subdivision; 120B.024; 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, 9, 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.52, subdivision 3; 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, subdivisions 1, 3; 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 1, sections 51; 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; repealing Minnesota Statutes 2004, sections 122A.24; 122A.415, subdivision 2; 123B.83, subdivision 1; 124D.095, subdivision 9; 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4; 126C.12; 126C.42, subdivisions 1, 4; 128C.12, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|------------|----------|------------|-------------|
| Abeler | Brod | Davids | Eastlund | Gazelka | Hoppe |
| Abrams | Buesgens | Dean | Emmer | Gunther | Hortman |
| Anderson, B. | Charron | DeLaForest | Erhardt | Hackbarth | Howes |
| Beard | Cornish | Demmer | Erickson | Hamilton | Johnson, J. |
| Blaine | Cox | Dempsey | Finstad | Heidgerken | Klinzing |
| Bradley | Cybart | Dittrich | Garofalo | Holberg | Knoblach |

| | | | | | |
|----------|------------|--------------|------------|------------|--------------|
| Kohls | Nelson, P. | Penas | Samuelson | Sykora | Westrom |
| Krinkie | Newman | Peppin | Seifert | Tingelstad | Wilkin |
| Lanning | Nornes | Peterson, N. | Severson | Urdahl | Zellers |
| Magnus | Olson | Powell | Simpson | Vandever | Spk. Sviggum |
| McNamara | Ozment | Ruth | Smith | Wardlow | |
| Meslow | Paulsen | Ruud | Soderstrom | Westerberg | |

Those who voted in the negative were:

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

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.

CALENDAR FOR THE DAY

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

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Krinkie from the Committee on Taxes to which was referred:

H. F. No. 2461, A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; authorizing issuance of trunk highway bonds; providing for general contingent accounts and tort claims; modifying provision for handling state mail; providing for repayment of money advanced for highways; modifying vehicle registration plate, tax, and fee provisions and providing for definitions; modifying motor vehicle, traffic regulation, driver's license, and driving record provisions relating to commercial motor vehicles; proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; increasing or modifying fees for motor vehicle transfers and driver and vehicle services; allowing state transportation funds to be used for design and preliminary engineering of bridges in smaller cities; authorizing billing for highway sign program and establishing special account; modifying apportionments for county state-aid

highways; increasing amount deductible from county state-aid highway fund for administrative costs; modifying traffic regulation relating to unimpeded vision from inside vehicles; redefining recreational vehicle combination to include certain combinations hauling horse trailers and related vehicles; increasing maximum gross weight for certain vehicles and combinations hauling livestock on noninterstate trunk highways; extending exemption for milk truck weight limit; modifying driver's license and permit provisions; allowing driver's license suspension for paying license fees with dishonored check; providing a bidding exception for certain federally subsidized transit facilities; abolishing provision regulating unlawful gasoline sales; providing for metropolitan transit operations and funding; abolishing bus fare policy provision; permitting development of bus rapid transit in Cedar Avenue transit corridor; providing for speed limits; providing for wetland replacement near city of Cologne; modifying employment status of public safety radio communications operators; requiring discontinuance of insurance verification sampling program until modified and providing remedies for charged violations; establishing accounts; setting maximum speed for trains in city of Orr; abolishing statewide bicycle registration program; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding a subdivision; 162.08, subdivision 3; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 8; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.14, by adding a subdivision; 169.18, subdivision 5; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2; 171.055, subdivision 2; 171.06, subdivision 2; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 297B.09, subdivision 1; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 190; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 325D.71; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

Reported the same back with the following amendments:

Page 3, delete lines 11 and 12, and insert:

| | | | |
|-----------|-------------|-------------|--------------|
| "C.S.A.H. | 441,335,000 | 453,948,000 | 895,283,000 |
| M.S.A.S. | 117,048,000 | 120,841,000 | 237,889,000" |

Page 3, delete lines 15 and 16, and insert:

| | | | |
|----------------|-----------------|-----------------|------------------|
| "Trunk Highway | 1,148,525,000 | 1,263,068,000 | 2,411,593,000 |
| TOTAL | \$1,859,863,000 | \$1,991,442,000 | \$3,851,305,000" |

Page 3, delete lines 22 and 23, and insert:

| | | |
|-------------------------------------|-----------------|------------------|
| "Subdivision 1. Total Appropriation | \$1,668,891,000 | \$1,799,849,000" |
|-------------------------------------|-----------------|------------------|

Page 3, delete lines 31 to 33, and insert:

| | | |
|---------------|---------------|----------------|
| "C.S.A.H. | 441,335,000 | 453,948,000 |
| M.S.A.S. | 117,048,000 | 120,841,000 |
| Trunk Highway | 1,074,379,000 | 1,188,931,000" |

Page 5, delete line 9, and insert:

| | | |
|-----------------------|---------------|----------------|
| "Subd. 3. State Roads | 1,012,272,000 | 1,126,824,000" |
|-----------------------|---------------|----------------|

Page 5, delete line 12, and insert:

| | | |
|----------------|---------------|----------------|
| "Trunk Highway | 1,012,263,000 | 1,126,815,000" |
|----------------|---------------|----------------|

Page 5, delete line 17, and insert:

| | |
|--------------|--------------|
| "801,561,000 | 916,113,000" |
|--------------|--------------|

Page 7, delete line 13, and insert:

| | |
|-------------|-------------|
| "40,426,000 | 48,587,000" |
|-------------|-------------|

Page 7, line 14, delete "\$42,086,000" and insert "\$40,426,000"

Page 7, line 15, delete "\$62,005,000" and insert "\$48,587,000"

Page 7, delete lines 42 to 45, and insert:

| | | |
|-----------------------|-------------|-------------|
| "Subd. 4. Local Roads | 558,383,000 | 574,789,000 |
|-----------------------|-------------|-------------|

Summary by Fund

| | | |
|----------|-------------|--------------|
| C.S.A.H. | 441,335,000 | 453,948,000 |
| M.S.A.S. | 117,048,000 | 120,841,000" |

Page 7, delete line 50, and insert:

| | |
|--------------|--------------|
| "441,335,000 | 453,948,000" |
|--------------|--------------|

Page 8, delete line 5, and insert:

| | |
|--------------|--------------|
| "117,048,000 | 120,841,000" |
|--------------|--------------|

Pages 82 to 85, delete articles 3 and 4

Page 149, after line 8, insert:

"Sec. 78. [HIGHWAY SIGNS FOR NORTH MISSISSIPPI REGIONAL PARK.]

Notwithstanding any contrary law, rule, or agency order, the commissioner of transportation shall place directional signs displaying the name North Mississippi Regional Park, in appropriate locations approaching the 49th Avenue exit on eastbound marked Interstate Highway 94 and approaching the 49th Avenue exit on westbound marked Interstate Highway 94. The commissioner shall erect the signs after being assured of the availability of funds from nonstate sources sufficient to pay all costs of producing, erecting, and maintaining the signs.

Sec. 79. [DEPARTMENT OF TRANSPORTATION; SIGN.]

The commissioner of transportation shall take all steps necessary to ensure that the official directional sign in each direction on marked Trunk Highway 169 that marks the marked Trunk Highway 19 exit shows the direction to the city of Henderson.

Sec. 80. [TRANSIT PARKING FACILITY; RESTRICTION.]

Notwithstanding any other law, a state agency, political subdivision, or local transit agency may not require a permit as a condition for parking in a park-and-ride facility financed in whole or in part with state funds. For purposes of this section, a "park-and-ride facility" is a parking lot or lots intended and operated primarily to provide parking for persons boarding regular route transit buses at a nearby transit stop or station.

Sec. 81. [ETHANOL MANDATE.]

Notwithstanding any other provision of law, if the minimum percentage of denatured alcohol that must be contained in gasoline sold or offered for sale in Minnesota under Minnesota Statutes, section 239.731, is more than ten percent, that percentage reverts to ten percent 90 days after the effective date of any federal law relating to (1) the federal excise tax rate on gasoline-ethanol blends, or (2) the deposit of revenues from the federal excise tax on gasoline-ethanol blends, that in the determination of the commissioner of transportation will result in a loss of federal transportation funds to Minnesota that is directly attributable to requiring a minimum of more than ten percent denatured ethanol in gasoline sold or offered for sale in Minnesota."

Page 149, delete line 16

Page 149, line 17, delete "(e)" and insert "(d)"

Page 149, line 18, delete "(f)" and insert "(e)"

Renumber the articles in sequence

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "authorizing issuance of trunk highway bonds;"

Page 1, line 46, after the semicolon, insert "providing for road signs; regulating park-and-ride lots; ensuring ethanol requirements do not result in loss of federal funds;"

Page 2, line 8, delete "subdivisions 1a," and insert "subdivision"

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

Page 2, line 45, delete "325D.71;"

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.

MOTIONS AND RESOLUTIONS

Paulsen moved that the name of Bernardy be added as an author on H. F. No. 20. The motion prevailed.

Goodwin moved that the name of Bernardy be added as an author on H. F. No. 420. The motion prevailed.

Severson moved that the name of Bernardy be added as an author on H. F. No. 682. The motion prevailed.

Lenczewski moved that the name of Bernardy be added as an author on H. F. No. 705. The motion prevailed.

Abrams moved that the name of Garofalo be added as an author on H. F. No. 711. The motion prevailed.

Abeler moved that the name of Bernardy be added as an author on H. F. No. 770. The motion prevailed.

Vandever moved that the name of Bernardy be added as an author on H. F. No. 890. The motion prevailed.

Davnie moved that the name of Bernardy be added as an author on H. F. No. 1192. The motion prevailed.

Sykora moved that the name of Bernardy be added as an author on H. F. No. 1419. The motion prevailed.

Meslow moved that the name of Bernardy be added as an author on H. F. No. 1759. The motion prevailed.

Slawik moved that the name of Bernardy be added as an author on H. F. No. 1901. The motion prevailed.

Lenczewski moved that the name of Cybart be added as an author on H. F. No. 2339. The motion prevailed.

Dorman moved that his name be stricken as an author on H. F. No. 2486. The motion prevailed.

House Resolution No. 12 was reported to the House.

HOUSE RESOLUTION NO. 12

A House resolution recognizing May 5, 2005, as a Day of Prayer in Minnesota.

Whereas, the citizens of the state of Minnesota have roots in many cultures, with nearly every nationality represented, and honor a variety of religious traditions; and

Whereas, the history of our state is replete with leaders who voluntarily called upon God, whether the need was great or small; and

Whereas, civic and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

Whereas, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the laws of Nature and of Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

Whereas, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both houses of Congress and signed by the President; and

Whereas, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God's grace, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders, bless our troops, and bring wholeness to the United States and its citizens; and

Whereas, May 5, 2005, marks the fifty-fourth consecutive observance of the National Day of Prayer in cities and towns throughout the United States and provides us with a powerful opportunity to humble ourselves; and

Whereas, this year it is fitting that we pray especially for American armed services members serving in Iraq, Afghanistan, Bosnia, Kosovo, and other parts of the world, or supporting those who serve there; and

Whereas, the citizens of Minnesota should gather on this day to pray in their own way; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes May 5, 2005, as a Day of Prayer in the state of Minnesota and commends this observance to all citizens.

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 the National Prayer Committee.

Erickson moved that House Resolution No. 12 be now adopted. The motion prevailed and House Resolution No. 12 was adopted.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. Nos. 902 and 1420 on the Fiscal Calendar for Thursday, May 5, 2005.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:45 a.m., Thursday, May 5, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:45 a.m., Thursday, May 5, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives