

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 6, 2005

The House of Representatives convened at 9:30 a.m. and was called to order by Paul Kohls, Speaker pro tempore.

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

A quorum was present.

Clark, Finstad, Scalze and Westerberg were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Urdahl 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. 2461, A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; 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; providing for road signs; regulating park-and-ride lots; ensuring ethanol requirements do not result in loss of federal funds; 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, subdivision 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, subdivisions 2, 2a; 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; 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 16 and 17 and insert:

"Trunk Highway	1,148,211,000	1,260,498,000	2,408,709,000
TOTAL	\$1,859,549,000	\$1,988,872,000	\$3,848,421,000"

Page 3, delete lines 23 and 24 and insert:

"Subdivision 1. Total Appropriation		\$1,668,577,000	\$1,797,279,000"
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Page 5, after line 1, insert:

"The commissioner shall conduct a study of the feasibility and potential of regular route commuter transit service from outside the transit service area to inside the transit service area, operated by a private entity without public financial assistance. The commissioner shall conduct the study to evaluate the effectiveness of incentives to provide such service by a private entity, including: (1) income tax exemptions; (2) motor vehicle registration tax exemptions; (3) motor fuel tax exemptions; (4) use of freeway and expressway shoulders for bus travel; (5) use of existing bus stops within the transit service area; and (6) other incentives the commissioner determines may provide an incentive for such service.

The commissioner shall report on the results of the study to the chairs of the legislative committees having jurisdiction over transportation policy and finance by February 15, 2006."

Page 5, delete line 10 and insert:

"Subd. 3. State Roads		1,011,958,000	1,124,254,000"
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Page 5, delete line 13 and insert:

"Trunk Highway	1,011,949,000	1,124,245,000"
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Page 5, delete line 18 and insert:

"801,247,000	913,543,000"
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Page 7, delete line 14 and insert:

"40,112,000	46,017,000"
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Page 9, line 8, after "The" insert "trunk highway fund"

Page 9, line 10, delete "\$12,590,000" and insert "\$12,534,000"

Page 95, after line 8, insert:

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

Page 102, after line 3, insert:

"Sec. 24. [168.1251] [DISABLED VETERANS OF AMERICA PLATES.]

Subdivision 1. [ISSUANCE AND DESIGN.] The commissioner shall issue special license plates bearing the inscription "DISABLED AMERICAN VETERAN" to an applicant who is certified in writing by the United States Department of Veterans Affairs or the state commissioner of veterans affairs as having a permanent and total service-connected disability, who complies with all laws relating to the registration and licensing of motor vehicles and drivers, and who pays a fee of \$10 for each set of license plates applied for. The special license plates must be of a design and size determined by the commissioner.

Subd. 2. [APPLICATION.] Application for issuance of these plates may be made only at the time of renewal or first application for registration.

Subd. 3. [TRANSFER.] On payment of a fee of \$5, special plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by the disabled veterans upon notification to the commissioner.

Subd. 4. [SURCHARGE.] For each set of special plates issued under this section, the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under subdivision 1. The commissioner shall collect the surcharge until a total of \$5,000 has been collected from the surcharge, and shall not collect it thereafter.

Subd. 5. [MOTOR VEHICLE; SPECIAL DEFINITION.] For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, van, pickup truck, motorcycle, or recreational vehicle.

Subd. 6. [FEES CREDITED.] Fees, including surcharges, collected under this section must be credited to the vehicle services operating account in the special revenue fund."

Page 108, delete section 31

Page 130, line 35, to page 131, line 5, delete the new language

Page 138, after line 11, insert:

"Sec. 62. Minnesota Statutes 2004, section 174.03, is amended by adding a subdivision to read:

Subd. 2a. [STATE AVIATION PLAN.] (a) Each revision of the state transportation plan must include a chapter setting out a state aviation plan. The plan must include the following:

(1) an analysis of the projected commercial aviation needs of the state over the next 20 years;

(2) a description of the present capacity, function, and levels of activity at each commercial service airport as designated by the Federal Aviation Administration, each airport that the commissioner determines is likely to become a commercial service airport in the next 20 years, and any other airport that the commissioner determines should be included by reason of commercial passenger or cargo service levels; and

(3) a description of the capacity, function, and levels of activity that each airport identified in clause (2) must have in order to carry out the plan's goal and objectives and meet the needs described under clause (1).

(b) In assessing aviation needs and the capacity, function, and level of activity at any airport, the plan must consider both commercial passenger service and cargo service.

Sec. 63. [174.032] [ADVISORY COUNCIL ON AVIATION PLANNING.]

Subdivision 1. [ADVISORY COUNCIL CREATED.] (a) The commissioner shall create an advisory council on aviation planning to advise the commissioner on the aviation chapter of the state transportation plan. The council consists of the following members appointed by the commissioner except where otherwise provided:

(1) one member of the Metropolitan Airports Commission;

(2) one representative of major commercial airlines;

(3) one representative of independent pilots who fly for small business;

(4) one representative of the air cargo industry;

(5) two representatives of the business community unrelated to aviation, one of whom must reside within the seven-county metropolitan area and one of whom must reside outside that area;

(6) one representative of environmental interests;

(7) one employee of the Department of Transportation's Office of Aeronautics;

(8) two representatives of neighborhoods that are significantly affected by airplane noise;

(9) one representative of tier-two airports (St. Cloud, Duluth, Willmar, and Rochester);

(10) one member of the senate committee having jurisdiction over transportation policy, appointed by the chair of that committee; and

(11) one member of the house of representatives committee having jurisdiction over transportation policy, appointed by the chair of that committee.

(b) Members of the advisory council serve at the pleasure of the appointing authority. Members shall serve without compensation.

Subd. 2. [ADVISORY COUNCIL DUTIES.] (a) The advisory council on aviation planning shall advise the commissioner on the aviation planning chapter of the state transportation plan required under section 174.03, subdivision 2a. In carrying out these duties, the advisory council shall prepare an initial draft of the chapter and submit it to the commissioner, revise the draft if so requested by the commissioner, and comment to the commissioner on any revisions to the draft the commissioner makes. In drafting the chapter the council shall consider:

(1) present and anticipated capacity needs of commercial service airports, including limitations on expanding the capacity of individual commercial service airports imposed by state or local regulations, safety or environmental concerns, and land uses near the airport that are incompatible with airport operations;

(2) the needs of Minnesota residents and businesses for passenger and cargo service, from both a statewide and regional perspective;

(3) anticipated changes in commercial aircraft types and characteristics;

(4) noise and other environmental impacts of aviation at commercial service airports;

(5) trends in the aviation and airline industries; and

(6) relationship between aviation and other forms of transportation covered by the state transportation plan.

(b) The advisory council may also make recommendations to the commissioner, the Metropolitan Airports Commission, and the legislature concerning the policy steps needed to implement the chapter.

Subd. 3. [TERM OF COUNCIL; EXPIRATION; RECONVENING.] (a) The commissioner shall appoint the first advisory council by July 1, 2005. The council shall submit any recommendations it makes to the legislature by January 15, 2006. The terms of all members of the advisory council serving on July 1, 2005, expire on January 1, 2007.

(b) The commissioner shall appoint and convene a new advisory council not less than two years before the date on which each revision of the state transportation plan is required under section 174.03, subdivision 1a. Each such advisory council must consist of members as prescribed in subdivision 1, who shall serve on the same terms as set forth under subdivision 1. Each such advisory council expires on the date on which the revision of the state transportation plan becomes final."

Page 146, after line 14, insert:

"Sec. 82. [SPECIFIC SERVICE SIGN.]

Notwithstanding any other law or administrative rule or order, the commissioner of transportation shall erect a specific service sign on the east side of Trunk Highway 52, near its intersection with 37th Street NW in Olmsted County. The sign must display the name or business panel or both, of a retail establishment on the east side of Trunk Highway 52 that began operation before construction of the noise wall on the east side of Trunk Highway 52, and the premises of which is blocked by the noise wall from view from trunk Highway 52."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 38, delete "providing for speed limits;"

Page 2, line 3, after the second semicolon, insert "requiring a state aviation plan; creating an advisory council on aviation planning;"

Page 2, line 20, delete everything after "13;"

Page 2, line 34, after "171.36;" insert "174.03, by adding a subdivision;"

Page 2, line 40, after "171;" insert "174;"

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

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Erhardt; Larson; Cox; Hornstein; Tingelstad; Samuelson; Beard; Nelson, M.; Lieder; Hausman; Abeler; Greiling and Scalze introduced:

H. F. No. 2504, A bill for an act relating to transportation; increasing motor fuel tax rates; changing vehicle registration tax; revising county state-aid fund distribution formula; authorizing local wheelage taxes; providing for deposit of revenues from wheelage tax and motor vehicle sales tax; authorizing issuance of \$1,000,000,000 in state trunk highway bonds; proposing constitutional amendment for dedication of motor vehicle sales tax revenues for transportation; appropriating money; amending Minnesota Statutes 2004, sections 162.07, subdivision 1, by adding subdivisions; 163.051; 168.013, subdivision 1a; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1.

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

Lenczewski introduced:

H. F. No. 2505, A bill for an act relating to Hennepin County; requiring an agreement that the Minnesota Twins will be renamed the Hennepin County Twins if specified county taxes are approved.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1481, A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; regulating state and local government operations; modifying provisions related to public employment; ratifying certain labor agreements and compensation plans; regulating elections and campaign finance; regulating Minneapolis teacher pensions; modifying provisions related to the military and veterans; providing conforming amendments; amending Minnesota Statutes 2004, sections 3.011; 3.012; 3.02; 10A.01, subdivisions 5, 21, 23, 26; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08; 10A.20, subdivisions 2, 5, by adding a subdivision; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 1, 3, 4, 5, 6a; 11A.04; 11A.07, subdivisions 4, 5; 11A.24, subdivision 6; 13.635, by adding a subdivision; 14.19; 15.054; 15B.17, subdivision 1; 16A.103, by adding a subdivision; 16A.1286, subdivisions 2, 3; 16A.152, subdivision 2; 16A.1522, subdivision 1; 16A.281; 16B.52, subdivision 1; 16C.10, subdivision 7; 16C.144; 16C.16, subdivision 1, by adding a subdivision; 16C.23, by adding a subdivision; 43A.183; 43A.23, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 11; 190.16, by adding a subdivision; 192.19; 192.261, subdivisions 1,

2; 192.501, subdivision 2; 193.29, subdivision 3; 193.30; 193.31; 197.608, subdivision 5; 200.02, subdivisions 7, 23, by adding a subdivision; 201.022, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivisions 1, 2; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82, subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 240A.02, subdivision 3; 354A.08; 354A.12, subdivisions 3a, 3b; 358.11; 373.40, subdivision 2; 375.20; 394.25, by adding a subdivision; 447.32, subdivision 4; 458.40; 462.357, by adding a subdivision; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.345, by adding a subdivision; 471.975; 473.147, by adding a subdivision; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; 507.093; 507.24, subdivision 2; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 6; 8; 10A; 14; 15; 15B; 16A; 16B; 16C; 43A; 196; 197; 204D; 205; 205A; 206; 298; 354A; 471; 507; proposing coding for new law as Minnesota Statutes, chapter 471B; repealing Minnesota Statutes 2004, sections 16A.151, subdivision 5; 16A.30; 16B.33; 43A.11, subdivision 2; 197.455, subdivision 3; 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; 240A.08; 354A.28; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

The Senate has appointed as such committee:

Senators Kiscaden, Higgins, Metzen, Michel and Larson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1385, A bill for an act relating to higher education; allocating money for educational and related purposes with certain conditions; modifying various loan, grant, and financial aid provisions; requiring institutions to provide certain data; permitting disclosure of certain data to determine eligibility; amending various reciprocity provisions; providing definitions; directing the Board of Trustees to designate centers of excellence; amending the Minnesota college savings plan; authorizing transfer of certain bonding authority; amending provisions related to private career schools; establishing fees; providing for merger with the Higher Education Facilities Authority; establishing the Rochester University Development Committee; appropriating money; amending Minnesota Statutes 2004, sections 13.46, subdivision 2; 135A.031, subdivisions 3, 4; 135A.052, subdivision 1; 135A.30, subdivisions 3, 4, 5; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 4; 136A.08, by adding subdivisions; 136A.121, subdivisions 2, 5, 6, 9, by adding a subdivision; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.04, subdivision 4; 136F.32, subdivision 2; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 2, 3, 13; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivisions 1, 2, 4; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12;

141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 192.502, subdivision 1; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; 141; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nornes moved that the House refuse to concur in the Senate amendments to H. F. No. 1385, 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.

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sykora moved that the House refuse to concur in the Senate amendments to H. F. No. 872, 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.

Mr. Speaker:

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

S. F. No. 2277.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2277, A bill for an act relating to education; providing for early childhood, family, and adult education including early childhood, child care, adult basic education, and prevention policy; providing for a study; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivision 2; 119A.46, subdivisions 1, 2, 3, 8; 119B.09, subdivision 1; 119B.13, by adding a subdivision; 121A.17, subdivisions 1, 3, 5, by adding a subdivision; 121A.19; 124D.135, subdivision 1; 124D.15, subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivision 2; 124D.22, subdivision 3; 124D.531, subdivisions 1, 4; 2005 S.F. No. 1879, article 2, section 1, subdivisions 2, 3, 4, 5, 10, if enacted; 2005 S.F. No. 1879, article 2, section 2, subdivision 2, if enacted; proposing coding for new law in Minnesota Statutes, chapters 121A; 124D; repealing Minnesota Statutes 2004, sections 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4.

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

CALENDAR FOR THE DAY

H. F. No. 2028 was reported to the House.

Peterson, A., moved to amend H. F. No. 2028 as follows:

Page 2, after line 28, insert:

"Sec. 2. [LAC QUI PARLE COUNTY; AUDITOR, TREASURER, RECORDER MAY BE APPOINTED.]

Subdivision 1. [AUTHORITY TO MAKE OFFICES APPOINTIVE.] Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Lac qui Parle County Board of Commissioners, any or all of the offices of county auditor, county treasurer, and county recorder are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. [BOARD CONTROLS; MAY CHANGE AS LONG AS DUTIES DONE.] Upon adoption of a resolution by the Lac qui Parle County Board of Commissioners and subject to subdivisions 3 and 4, the duties of the elected official required by statute whose office is made appointive as authorized by this section must be discharged by the Board of Commissioners of Lac qui Parle County acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. [INCUMBENTS TO COMPLETE TERM.] The person elected at the last general election to a position made appointed under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. [PUBLISHING RESOLUTION; PETITION, REFERENDUM.] The county board may provide for the appointment of the county auditor, county treasurer and the county recorder as permitted in this section if the resolution to make the office appointed is approved by 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider adopting the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The resolution may be implemented without the submission of the question to the voters of the county unless, within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Subd. 5. [EFFECTIVE DATE; LOCAL APPROVAL.] This section is effective the day after the governing body of Lac qui Parle County and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

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 Peterson, A., amendment and the roll was called. There were 87 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Hornstein	Lenczewski	Otremba	Simpson
Atkins	Fritz	Hortman	Lesch	Ozment	Slawik
Beard	Garofalo	Hosch	Liebling	Paulsen	Solberg
Bernardy	Gazelka	Howes	Lieder	Paymar	Thao
Carlson	Goodwin	Huntley	Lillie	Pelowski	Thissen
Charron	Greiling	Jaros	Loeffler	Peterson, A.	Tingelstad
Cox	Gunther	Johnson, R.	Mahoney	Peterson, N.	Urdahl
Cybart	Hackbarth	Johnson, S.	Mariani	Peterson, S.	Wagenius
Davnie	Hamilton	Kahn	McNamara	Poppe	Walker
Dempsey	Hansen	Kelliher	Meslow	Ruud	Wardlow
Dittrich	Hausman	Koenen	Moe	Sailer	Welti
Dorn	Heidgerken	Kohls	Mullery	Samuelson	Spk. Sviggum
Eken	Hilstrom	Lanning	Murphy	Sertich	
Ellison	Hilty	Larson	Nelson, M.	Sieben	
Entenza	Hoppe	Latz	Opatz	Simon	

Those who voted in the negative were:

Abrams	Cornish	Emmer	Krinkie	Penas	Smith
Anderson, B.	Davids	Erickson	Magnus	Peppin	Soderstrom
Anderson, I.	Dean	Holberg	Marquart	Powell	Sykora
Blaine	DeLaForest	Johnson, J.	Nelson, P.	Rukavina	Vandever
Bradley	Demmer	Juhnke	Newman	Ruth	Westrom
Brod	Dill	Klinzing	Nornes	Seifert	Wilkin
Buesgens	Eastlund	Knoblach	Olson	Severson	Zellers

The motion prevailed and the amendment was adopted.

H. F. No. 2028, A bill for an act relating to local government; providing a process for making certain offices appointive in Pope and Lac qui Parle Counties.

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 92 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Dorn	Hackbarth	Hosch	Lanning
Abrams	Cybart	Eken	Hamilton	Howes	Larson
Anderson, I.	Davnie	Ellison	Hausman	Huntley	Latz
Atkins	DeLaForest	Entenza	Heidgerken	Jaros	Lenczewski
Beard	Demmer	Erhardt	Hilstrom	Johnson, R.	Lesch
Bernardy	Dempsey	Gazelka	Hilty	Johnson, S.	Liebling
Bradley	Dill	Goodwin	Hoppe	Kahn	Lieder
Carlson	Dittrich	Greiling	Hornstein	Kelliher	Lillie
Cornish	Dorman	Gunther	Hortman	Kohls	Loeffler

Mahoney	Nelson, M.	Peterson, N.	Sertich	Thao	Welti
Mariani	Opatz	Poppe	Sieben	Thissen	Zellers
McNamara	Ozment	Rukavina	Simon	Tingelstad	Spk. Sviggum
Meslow	Paymar	Ruth	Simpson	Urdahl	
Moe	Pelowski	Ruud	Slawik	Wagenius	
Mullery	Penas	Sailer	Solberg	Walker	
Murphy	Peterson, A.	Samuelson	Sykora	Wardlow	

Those who voted in the negative were:

Anderson, B.	Eastlund	Johnson, J.	Marquart	Peppin	Vandever
Blaine	Emmer	Juhnke	Nelson, P.	Peterson, S.	Westrom
Brod	Erickson	Klinzing	Newman	Powell	Wilkin
Buesgens	Fritz	Knoblach	Nornes	Seifert	
Charron	Garofalo	Koenen	Olson	Severson	
Davids	Hansen	Krinkie	Otremba	Smith	
Dean	Holberg	Magnus	Paulsen	Soderstrom	

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

H. F. No. 987, A bill for an act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A; 325F.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Newman

The bill was passed and its title agreed to.

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

MOTIONS AND RESOLUTIONS

Knoblach moved that the name of Westrom be added as an author on H. F. No. 1214. The motion prevailed.

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

Wilkin moved that the name of Loeffler be added as an author on H. F. No. 1809. The motion prevailed.

Dorman moved that the name of Juhnke be added as an author on H. F. No. 2285. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1:

Smith; Johnson, J.; Newman; Murphy and Hilstrom.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1385:

Nornes, Eastlund, Cox, Opatz and Atkins.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1422:

Bradley, Wilkin, Abeler, Finstad and Otremba.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Monday, May 9, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Kohls declared the House stands adjourned until 12:00 noon, Monday, May 9, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives