

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 18, 2005

The House of Representatives convened at 9:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Finstad was excused.

Charron was excused until 10:20 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 1326 and H. F. No. 1438, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McNamara moved that the rules be so far suspended that S. F. No. 1326 be substituted for H. F. No. 1438 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1716 and H. F. No. 1859, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wilkin moved that S. F. No. 1716 be substituted for H. F. No. 1859 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1720 and H. F. No. 1875, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bradley moved that the rules be so far suspended that S. F. No. 1720 be substituted for H. F. No. 1875 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1815 and H. F. No. 1532, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Zellers moved that the rules be so far suspended that S. F. No. 1815 be substituted for H. F. No. 1532 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1984 and H. F. No. 1914, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark moved that the rules be so far suspended that S. F. No. 1984 be substituted for H. F. No. 1914 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Krinkie from the Committee on Taxes to which was referred:

H. F. No. 2228, A bill for an act relating to taxation; recodifying and clarifying the powers of the commissioner of revenue; recodifying a criminal penalty; appropriating money; amending Minnesota Statutes 2004, sections

16D.08, subdivision 2; 115B.49, subdivision 4; 239.785, subdivision 4; 256.9657, subdivision 7; 256.9792, subdivision 8; 273.11, subdivision 5; 287.37; 289A.35; 289A.42, subdivision 1; 289A.60, subdivision 13; 295.57, subdivision 1; 295.60, subdivision 7; 297A.64, subdivision 3; 297B.11; 297H.10, subdivision 1; 297I.10, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 270C; repealing Minnesota Statutes 2004, sections 270.01; 270.02; 270.021; 270.022; 270.04; 270.05; 270.052; 270.058; 270.059; 270.06; 270.0601; 270.0602; 270.0603; 270.0604; 270.0605; 270.061; 270.062; 270.063; 270.064; 270.065; 270.066; 270.0665; 270.067; 270.068; 270.0681; 270.0682; 270.069; 270.07; 270.084; 270.09; 270.10; 270.101; 270.102; 270.11, subdivisions 2, 3, 4, 5, 6, 7; 270.13; 270.14; 270.15; 270.16; 270.17; 270.18; 270.19; 270.20; 270.21; 270.22; 270.23; 270.24; 270.25; 270.26; 270.27; 270.271; 270.272; 270.273; 270.274; 270.275; 270.276; 270.277; 270.278; 270.30; 270.485; 270.494; 270.60; 270.65; 270.652; 270.66; 270.67; 270.68; 270.69; 270.691; 270.70; 270.7001; 270.7002; 270.701; 270.702; 270.703; 270.704; 270.705; 270.706; 270.707; 270.708; 270.709; 270.71; 270.72; 270.721; 270.73; 270.74; 270.75; 270.76; 270.771; 270.78; 270.79; 287.39; 289A.07; 289A.13; 289A.31, subdivisions 3, 4, 6; 289A.36; 289A.37, subdivisions 1, 3, 4, 5; 289A.38, subdivision 13; 289A.43; 289A.65; 290.48, subdivisions 3, 4; 290.92, subdivisions 6b, 22, 23; 290.97; 296A.20; 296A.201; 296A.25; 297A.86; 297A.93; 297D.14; 297E.08; 297E.09; 297E.12, subdivision 10; 297E.15; 297F.15, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297F.16; 297F.22; 297G.14, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297G.15; 297G.21; 297I.45; 297I.50; 297I.55; 297I.95.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2228 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1326, 1716, 1720, 1815 and 1984 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Meslow and Simon introduced:

H. F. No. 2519, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2004, section 66A.02, as amended.

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

Zellers introduced:

H. F. No. 2520, A bill for an act relating to education; modifying district requirements for health and safety revenue; amending Minnesota Statutes 2004, section 123B.57, subdivisions 1, 2, 6, 8, by adding a subdivision.

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

Welti introduced:

H. F. No. 2521, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Eyota Chesterwoods Trail.

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

Welti introduced:

H. F. No. 2522, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Great River Ridge Trail.

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

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. 785, A bill for an act relating to financing and operation of government in this state; modifying truth in taxation provisions and adding a taxpayer satisfaction survey; changing income, corporate franchise, withholding, estate, property, sales and use, mortgage registry, health care gross revenues, motor fuels, gambling, cigarette and tobacco products, occupation, net proceeds, production, liquor, insurance, and other taxes and tax-related provisions; making technical, clarifying, collection, enforcement, refund, and administrative changes to certain taxes and tax-related provisions, tax-forfeited lands, revenue recapture, unfair cigarette sales, state debt collection, sustainable forest incentive programs, and payments in lieu of taxes; changing local government aids and credits; providing for determination of population for certain purposes; updating references to the Internal Revenue Code, changing property tax exemptions, homesteads, assessment, valuation, classification, class rates, levies, deferral, review and equalization, appeals, notices and statements, and distribution provisions; changing rent constituting property taxes and property tax refunds; requiring state contracts be with vendors registered to collect use taxes; abolishing the political contribution refund; authorizing local sales taxes; extending a sales tax expiration; providing for compliance with streamlined sales tax agreement; changing the taxation of liquor and cigarettes; authorizing income tax checkoffs; requiring registration of tax shelters and providing for a voluntary compliance initiative; changing job

opportunity building zones, border city development zones, biotechnology and health sciences industry zone provisions; setting minimum employee compensation for qualifying business in a JOBZ; limiting sales tax construction exemption in job zones to businesses paying prevailing wage; requiring a referendum for certain subsidies to gambling enterprises; authorizing charges for certain emergency services; imposing a franchise fee on card clubs; defining the term "tax"; regulating tax preparers; suspending appropriations or aids to public employers who prohibit certain employees from wearing a flag on a uniform; providing for training and conduct of assessors; prohibiting purchases of tax-forfeited lands by certain local officials; providing for data classification and exchange of data; establishing a tax reform commission; providing and imposing powers and duties on the commissioner of revenue and other state agencies and departments and on certain political subdivisions and certain officials; changing and imposing penalties; requiring reports; transferring funds; appropriating money; amending Minnesota Statutes 2004, sections 4A.02; 16C.03, by adding a subdivision; 16D.10; 168A.05, subdivision 1a; 190.09, subdivision 2; 240.30, by adding a subdivision; 270.02, subdivision 3; 270.11, subdivision 2; 270.16, subdivision 2; 270.30, subdivisions 1, 5, 6, 8, by adding subdivisions; 270.65; 270.67, subdivision 4; 270.69, subdivision 4; 270A.03, subdivisions 5, 7; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 47, 53, 64, by adding subdivisions; 272.0211, subdivisions 1, 2; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.055; 273.0755; 273.11, subdivisions 1a, 8, by adding subdivisions; 273.111, by adding a subdivision; 273.123, subdivision 7; 273.124, subdivisions 3, 6, 8, 14, 21; 273.125, subdivision 8; 273.13, subdivisions 22, 23, 25, by adding a subdivision; 273.1315; 273.1384, subdivision 1; 273.19, subdivision 1a; 273.372; 274.01, subdivision 1; 274.014, subdivisions 2, 3; 274.14; 275.025, subdivision 4; 275.065, subdivisions 1c, 3, 4, 7, by adding subdivisions; 275.07, subdivisions 1, 4; 276.04, subdivision 2; 276.112; 276A.01, subdivision 7; 282.016; 282.08; 282.15; 282.21; 282.224; 282.301; 287.04; 289A.02, subdivision 7; 289A.08, subdivisions 1, 3, 7, 13, 16; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.20, subdivision 2; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivisions 6, 7, by adding subdivisions; 289A.40, subdivision 2, by adding subdivisions; 289A.50, subdivisions 1, 1a; 289A.56, by adding a subdivision; 289A.60, subdivisions 2a, 4, 6, 7, 11, 13, 20, by adding subdivisions; 290.01, subdivisions 6, 7, 7b, 19, as amended, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.06, subdivisions 2c, 22, by adding a subdivision; 290.067, subdivisions 1, 2a; 290.0671, subdivisions 1, 1a; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2; 290.0675, subdivision 1; 290.091, subdivisions 2, 3; 290.0922, subdivision 2; 290.191, subdivisions 2, 3; 290.92, subdivisions 1, 4b; 290A.03, subdivisions 3, 11, 13, 15, by adding subdivisions; 290A.07, by adding a subdivision; 290A.19; 290B.05, subdivision 3; 290C.05; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 295.52, subdivision 4; 295.53, subdivision 1; 295.582; 295.60, subdivision 3; 296A.22, by adding a subdivision; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivision 4; 297A.668, subdivisions 1, 5; 297A.67, subdivisions 2, 7, 9, 29, by adding a subdivision; 297A.68, subdivisions 2, 5, 28, 35, 37, 38, 39, by adding subdivisions; 297A.70, subdivision 10; 297A.71, subdivision 12, by adding a subdivision; 297A.72, by adding a subdivision; 297A.75, subdivision 1; 297A.87, subdivisions 2, 3; 297A.99, subdivisions 1, 3, 4, 9, by adding subdivisions; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.06, subdivision 2; 297E.07; 297F.08, subdivision 12, by adding a subdivision; 297F.09, subdivisions 1, 2; 297F.14, subdivision 4; 297G.09, by adding a subdivision; 297I.01, by adding subdivisions; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.01, subdivisions 3, 4; 298.24, subdivision 1; 298.75, by adding a subdivision; 325D.33, subdivision 6; 365.43, subdivision 1; 365.431; 366.011; 366.012; 373.45, subdivision 7; 469.169, by adding a subdivision; 469.1735, subdivision 3; 469.176, subdivisions 4l, 7; 469.310, subdivision 11, by adding a subdivision; 469.315; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.335; 469.337; 469.340, subdivision 1; 473.843, subdivision 5; 473F.02, subdivisions 2, 7; 477A.011, subdivisions 3, 34, 35, 36, 38; 477A.0124, subdivisions 2, 4; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.016; 477A.03, subdivisions 2a, 2b; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; 645.44, by adding a subdivision; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 2001, First Special Session chapter 5, article 3, section 8; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 3, section 4; Laws 2003, chapter 127, article 5, section 27; Laws 2003, chapter 127, article 5, section 28; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First Special Session chapter 21, article 6, section 9; Laws 2005, chapter 43, section 1; proposing coding for new law in Minnesota Statutes, chapters 15; 270; 272; 273; 275; 280; 289A; 290; 290C; 295; 297A; 297F; 373; 459; 473; repealing Minnesota Statutes 2004, sections 10A.322, subdivision 4; 16A.1522, subdivision 4; 270.85; 270.88; 272.02,

subdivision 65; 273.19, subdivision 5; 273.37, subdivision 3; 274.05; 275.065, subdivisions 5a, 6, 6b, 8; 275.15; 275.61, subdivision 2; 283.07; 290.06, subdivision 23; 297E.12, subdivision 10; 469.1794, subdivision 6; 477A.08; Laws 1975, chapter 287, section 5; Laws 1998, chapter 389, article 3, section 41; Laws 2003, chapter 127, article 9, section 9, subdivision 4; Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

The Senate has appointed as such committee:

Senators Pogemiller, Belanger, Betzold, Moua and Skoe.

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. 1320, A bill for an act relating to local government; modifying regional park district provisions for Hennepin County; changing the term limit for a park superintendent; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 1, 2, 4; 383B.70; 383B.702; 383B.703; 383B.71; 383B.72, 383B.73, subdivision 1; 398.10; 473.351, subdivisions 1, 6; 609.531, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hoppe moved that the House concur in the Senate amendments to H. F. No. 1320 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1320, A bill for an act relating to Hennepin County; modifying regional park district provisions; providing for a longer term of office for the park superintendent; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 1, 2, 4; 383B.70; 383B.702; 383B.703; 383B.71; 383B.72; 383B.73, subdivision 1; 398.10; 473.351, subdivision 1; 609.531, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abrams	Atkins	Blaine	Carlson	Cox	Davnie
Anderson, B.	Beard	Bradley	Clark	Cybart	Dean
Anderson, I.	Bernardy	Brod	Cornish	Davids	DeLaForest

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

Those who voted in the negative were:

Abeler	Dittrich	Hortman	Tingelstad
Buesgens	Goodwin	Krinkie	Wilkin

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

Mr. Speaker:

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

S. F. Nos. 1636, 664 and 1360.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1636, A bill for an act relating to commerce; regulating certain financial institutions; removing obsolete references to the credit union advisory task force; regulating residential mortgage originators; providing for insurance license renewals; regulating for the voluntary dissolution of fraternal benefit societies; amending Minnesota Statutes 2004, sections 47.10, subdivision 1; 47.75; 48.10; 48.15, subdivision 4; 48.512, by adding a subdivision; 52.062, subdivision 2; 55.10, subdivision 4; 58.16, subdivision 4; 60A.13, subdivision 5; 64B.30, by adding a subdivision; 82.17, subdivisions 10, 18; 82.36, subdivision 4; 82.41, subdivision 13; 325F.69, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 2004, section 52.062, subdivision 3; Minnesota Rules, part 2675.2610, subpart 5.

The bill was read for the first time.

Hamilton moved that S. F. No. 1636 and H. F. No. 1824, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 664, A bill for an act relating to alcoholic beverages; modifying brewpub regulations; regulating wine tastings; providing for uniform off-sale hours statewide; regulating Sunday on-sales; authorizing certain on-sale licenses; amending Minnesota Statutes 2004, sections 340A.301, subdivisions 6, 7; 340A.404, subdivision 2; 340A.417; 340A.418; 340A.503, by adding a subdivision; 340A.504, subdivisions 1, 3, 4; Laws 2000, chapter 440, section 10; Laws 2003, chapter 126, section 28.

The bill was read for the first time.

Hoppe moved that S. F. No. 664 and H. F. No. 605, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1360, A bill for an act relating to commerce; regulating unclaimed property held by cooperatives and the right to receive or recover unclaimed property; modifying public notice requirements; regulating certain abandoned tangible personal property; amending Minnesota Statutes 2004, sections 308A.711, subdivisions 1, 3; 308B.735, subdivisions 1, 3; 345.42, subdivision 1; 345.46; proposing coding for new law in Minnesota Statutes, chapter 345; repealing Minnesota Statutes 2004, sections 308A.711, subdivision 2; 308B.735, subdivision 2; 345.42, subdivisions 2, 3.

The bill was read for the first time.

Cybart moved that S. F. No. 1360 and H. F. No. 1398, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Wednesday, May 18, 2005:

S. F. Nos. 1368 and 2259; H. F. No. 1470; S. F. Nos. 1819, 471 and 877; H. F. No. 1272; S. F. Nos. 1379 and 1268; H. F. No. 400; and S. F. Nos. 1861 and 1780.

CALENDAR FOR THE DAY

H. F. No. 1470, A bill for an act relating to environment; authorizing annual adjustment of dry cleaner environmental fees; amending Minnesota Statutes 2004, section 115B.49, by adding a subdivision; repealing Minnesota Statutes 2004, section 115B.49, subdivision 4a.

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 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bernardy	Brod	Cornish	Davids
Abrams	Atkins	Blaine	Carlson	Cox	Davnie
Anderson, B.	Beard	Bradley	Clark	Cybart	Dean

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

Those who voted in the negative were:

Buesgens	DeLaForest	Heidgerken	Krinkie
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The bill was passed and its title agreed to.

S. F. No. 2259 was reported to the House.

Latz moved to amend S. F. No. 2259 as follows:

Page 12, after line 27, insert:

"Sec. 11. [624.7144] [PERMITS TO CARRY PISTOLS; OFF-LIMIT PLACES.]

(a) A person authorized to carry a pistol under section 624.714 is nevertheless not permitted to carry or possess a firearm on the property of a postsecondary institution.

(b) A person who violates paragraph (a) is guilty of a misdemeanor.

(c) This section does not apply to:

(1) an on-duty security guard;

(2) a person in a motor vehicle;

(3) a person while in a parking lot or parking ramp; or

(4) any other person with the express permission of the postsecondary institution to carry or possess a firearm.

(d) For purposes of this section, "postsecondary institution" means a public institution regulated under chapter 136F or 137 or a private institution registered under sections 136A.61 to 136A.71 or chapter 141."

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 Latz amendment and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Entenza	Hortman	Lenczewski	Paymar	Thao
Anderson, I.	Erhardt	Huntley	Lesch	Pelowski	Thissen
Atkins	Fritz	Jaros	Liebling	Peterson, A.	Wagenius
Bernardy	Goodwin	Johnson, R.	Lieder	Peterson, S.	Walker
Carlson	Greiling	Johnson, S.	Loeffler	Poppe	Welti
Clark	Hansen	Kahn	Mariani	Ruud	
Davnie	Hausman	Kelliher	Mullery	Scalze	
Dittrich	Hilstrom	Lanning	Nelson, M.	Sieben	
Dorn	Hilty	Larson	Nornes	Simon	
Ellison	Hornstein	Latz	Opatz	Slawik	

Those who voted in the negative were:

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

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

Simon moved to amend S. F. No. 2259 as follows:

Page 3, line 2, delete the new language and strike the existing language

Page 3, strike lines 3 to 5

Page 3, line 6, delete the new language and reinstate the stricken language

Page 3, line 9, delete the new language and reinstate the stricken language

Page 3, line 11, delete the new language and reinstate the stricken language

Page 3, line 13, delete the new language and reinstate the stricken language

Page 3, line 14, delete the new language and reinstate the stricken language

Page 3, line 18, delete the new language and reinstate the stricken language

Page 3, strike lines 22 to 26

A roll call was requested and properly seconded.

The question was taken on the Simon amendment and the roll was called. There were 56 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Ellison	Hornstein	Lenczewski	Paymar	Slawik
Atkins	Entenza	Hortman	Lesch	Pelowski	Thao
Bernardy	Erhardt	Huntley	Liebling	Peterson, A.	Thissen
Carlson	Fritz	Jaros	Lieder	Peterson, S.	Wagenius
Charron	Goodwin	Johnson, R.	Lillie	Poppe	Walker
Clark	Greiling	Johnson, S.	Loeffler	Ruud	Welti
Cox	Hansen	Kahn	Mahoney	Sailer	
Davnie	Hausman	Kelliher	Mariani	Scalze	
Dittrich	Hilstrom	Larson	Mullery	Sieben	
Dorn	Hilty	Latz	Opatz	Simon	

Those who voted in the negative were:

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

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

Slawik moved to amend S. F. No. 2259 as follows:

Page 12, line 2, after "area" insert "unless a conspicuously written notice is posted at each parking facility or parking area entrance stating that permit holders are not allowed to possess a firearm in the parking facility or parking area"

A roll call was requested and properly seconded.

The question was taken on the Slawik amendment and the roll was called. There were 29 yeas and 103 nays as follows:

Those who voted in the affirmative were:

Bernardy	Entenza	Jaros	Lenczewski	Mullery	Thissen
Carlson	Goodwin	Johnson, S.	Lesch	Paymar	Wagenius
Clark	Greiling	Kahn	Liebling	Scalze	Walker
Davnie	Hausman	Kelliher	Loeffler	Slawik	Welti
Ellison	Hornstein	Larson	Mariani	Thao	

Those who voted in the negative were:

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

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

Paymar moved to amend S. F. No. 2259 as follows:

Page 12, line 3, before the period, insert "or religious entities"

Page 12, line 5, after the period, insert "Religious entities may prohibit firearms, and provide notice thereof, on any of their real properties, in any lawful manner."

A roll call was requested and properly seconded.

The question was taken on the Paymar amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Entenza	Hortman	Latz	Opatz	Scalze
Atkins	Erhardt	Huntley	Lenczewski	Paymar	Sertich
Bernardy	Fritz	Jaros	Lesch	Pelowski	Sieben
Carlson	Goodwin	Johnson, R.	Liebling	Peterson, A.	Simon
Clark	Greiling	Johnson, S.	Lieder	Peterson, N.	Slawik
Cox	Hansen	Juhnke	Lillie	Peterson, S.	Thao
Davnie	Hausman	Kahn	Loeffler	Poppe	Thissen
Dittrich	Hilstrom	Kelliher	Mahoney	Rukavina	Wagenius
Dorn	Hilty	Lanning	Mariani	Ruud	Walker
Ellison	Hornstein	Larson	Mullery	Sailer	Welti

Those who voted in the negative were:

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

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

The Speaker called Abrams to the Chair.

Ellison moved to amend S. F. No. 2259 as follows:

Page 12, after line 27, insert:

"Sec. 11. [624.7144] [PERMITS TO CARRY PISTOLS; OFF-LIMIT PLACES.]

Subdivision 1. [VIOLATION; PENALTY.] (a) A person authorized to carry a pistol under section 624.714 is nevertheless not permitted to carry or possess a firearm inside (1) the Hubert H. Humphrey Metrodome Stadium complex, (2) the Target Center complex, (3) the RiverCentre Stadium complex, (4) on the state fairgrounds, (5) in a sports facility, (6) in a convention center, (7) in a movie theater, (8) playhouse, or (9) establishment licensed for the retail sale of intoxicating liquor under chapter 340A, unless expressly permitted by the management or operator of the facility.

(b) A person who violates paragraph (a) is guilty of a gross misdemeanor. A second or subsequent violation is a felony.

(c) This subdivision does not apply to:

(1) an on-duty security guard; or

(2) a person while in a parking lot or parking ramp.

Subd. 2. [DEFINITIONS.] (a) As used in this section, the terms in this subdivision have the meanings given.

(b) "Sports facility" means a facility suitable for professional, college, high school, or youth athletic events or competition if the facility includes seating or other amenities designed for spectators.

(c) "Convention center" means a community or convention hall, special event center, or amusement facility designed for occupancy by 200 or more people, whether publicly or privately owned or operated.

(d) "Movie theatre" means a building or portion of a building open to the public that contains one or more rooms where motion pictures are projected for public viewing.

(e) "Playhouse" means a building or a portion of a building open to the public used for the presentation of plays, dance, music, or other entertainment or educational events. "Playhouse" also includes an open-air area open to the public with a defined seating area and a stage area used for the presentation of plays, dance, music, or other entertainment or educational events."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Ellison amendment and the roll was called. There were 47 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abrams	Ellison	Hilstrom	Kelliher	Mahoney	Sieben
Anderson, I.	Entenza	Hilty	Larson	Mariani	Simon
Atkins	Erhardt	Hornstein	Latz	Mullery	Slawik
Bernardy	Fritz	Hortman	Lenczewski	Paymar	Thao
Carlson	Goodwin	Jaros	Lesch	Peterson, S.	Thissen
Clark	Greiling	Johnson, R.	Liebling	Poppe	Wagenius
Cox	Hansen	Johnson, S.	Lieder	Ruud	Walker
Davnie	Hausman	Kahn	Loeffler	Scalze	

Those who voted in the negative were:

Abeler	Buesgens	DeLaForest	Dorn	Gazelka	Hoppe
Anderson, B.	Charron	Demmer	Eastlund	Gunther	Hosch
Beard	Cornish	Dempsey	Eken	Hackbarth	Howes
Blaine	Cybart	Dill	Emmer	Hamilton	Huntley
Bradley	Dauids	Dittrich	Erickson	Heidgerken	Johnson, J.
Brod	Dean	Dorman	Garofalo	Holberg	Juhnke

Klinzing	McNamara	Opatz	Powell	Smith	Westerberg
Knoblach	Meslow	Otremba	Rukavina	Soderstrom	Westrom
Koenen	Moe	Ozment	Ruth	Solberg	Wilkin
Kohls	Murphy	Paulsen	Sailer	Sykora	Zellers
Krinkie	Nelson, M.	Pelowski	Samuelson	Tingelstad	Spk. Sviggum
Lanning	Nelson, P.	Penas	Seifert	Urdahl	
Lillie	Newman	Peppin	Sertich	Vandever	
Magnus	Nornes	Peterson, A.	Severson	Wardlow	
Marquart	Olson	Peterson, N.	Simpson	Walti	

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

Loeffler moved to amend S. F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 10. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 20a. [MONITORING FIREARM DISCHARGES RESULTING IN INJURY OR DEATH.] (a) Each time a permit to carry holder discharges a gun in a manner that results in an arrest for causing an injury or death, the commissioner of public safety shall reexamine the screening process and tools required under this section to determine if recommended changes should be considered that would better identify persons at risk of abuse of a permit to carry a weapon.

(b) Sheriffs and police chiefs must supply the Department of Public Safety with the basic data the department requires to complete the report under paragraph (a). Sheriffs and police chiefs may submit data classified as private to the Department of Public Safety under this paragraph.

(c) By March 1, 2006, and each year after that, the commissioner must submit the report required under paragraph (a) to the chairs of the public safety committees in the house and senate."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Loeffler amendment and the roll was called. There were 46 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abrams	Entenza	Hilty	Kelliher	Mullery	Slawik
Atkins	Erhardt	Hornstein	Latz	Nelson, M.	Thao
Bernardy	Fritz	Hortman	Lenczewski	Paymar	Thissen
Carlson	Goodwin	Huntley	Lesch	Peterson, S.	Wagenius
Clark	Greiling	Jaros	Liebling	Poppe	Walker
Cox	Hansen	Johnson, R.	Lieder	Ruud	Walti
Davnie	Hausman	Johnson, S.	Loeffler	Scalze	
Ellison	Hilstrom	Kahn	Mariani	Sieben	

Those who voted in the negative were:

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

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

Kahn moved to amend S. F. No. 2259 as follows:

Page 12, after line 18, insert:

"Sec. 10. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision to read:

Subd. 17a. [POSTING.] Notwithstanding any other law to the contrary, any establishment that does not prohibit guns must post a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) ALLOWS GUNS IN THESE PREMISES."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 22 yeas and 110 nays as follows:

Those who voted in the affirmative were:

Carlson	Goodwin	Hilty	Loeffler	Nelson, M.	Wagenius
Clark	Greiling	Johnson, S.	Mahoney	Sieben	Walker
Davnie	Hausman	Juhnke	Mariani	Slawik	
Ellison	Hilstrom	Kahn	Mullery	Thao	

Those who voted in the negative were:

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

Demmer	Hackbarth	Knoblach	Moe	Poppe	Sykora
Dempsey	Hamilton	Koenen	Murphy	Powell	Thissen
Dill	Hansen	Kohls	Nelson, P.	Rukavina	Tingelstad
Dittrich	Heidgerken	Krinkie	Newman	Ruth	Urdahl
Dorman	Holberg	Lanning	Nornes	Ruud	Vandever
Dorn	Hoppe	Larson	Olson	Sailer	Wardlow
Eastlund	Hornstein	Latz	Opatz	Samuelson	Welti
Eken	Hortman	Lenczewski	Otremba	Scalze	Westerberg
Emmer	Hosch	Lesch	Ozment	Seifert	Westrom
Entenza	Howes	Liebling	Paulsen	Sertich	Wilkin
Erhardt	Huntley	Lieder	Pelowski	Severson	Zellers
Erickson	Jaros	Lillie	Penas	Simon	Spk. Sviggum
Fritz	Johnson, J.	Magnus	Peppin	Simpson	
Garofalo	Johnson, R.	Marquart	Peterson, A.	Smith	
Gazelka	Kelliher	McNamara	Peterson, N.	Soderstrom	
Gunther	Klinzing	Meslow	Peterson, S.	Solberg	

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

The Speaker resumed the Chair.

Latz moved to amend S. F. No. 2259 as follows:

Page 12, after line 27, insert:

"Sec. 11. [624.7144] [PERMITS TO CARRY PISTOLS; OFF-LIMIT PLACES.]

Subdivision 1. [VIOLATION; PENALTY.] (a) A person authorized to carry a pistol under section 624.714 is nevertheless not permitted to carry or possess a firearm in an establishment licensed for the retail sale of intoxicating liquor under chapter 340A, unless the person is the owner or operator of the establishment or an employee expressly permitted to carry a firearm by the owner or operator.

(b) A person who violates paragraph (a) is guilty of a gross misdemeanor. A second or subsequent violation is a felony.

(c) This subdivision does not apply to:

(1) an on-duty security guard; or

(2) a person while in a parking lot or parking ramp."

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 Latz amendment and the roll was called. There were 47 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abrams	Ellison	Hilstrom	Kahn	Mariani	Sieben
Anderson, I.	Entenza	Hilty	Kelliher	Mullery	Simon
Atkins	Erhardt	Hornstein	Latz	Nelson, M.	Slawik
Bernardy	Fritz	Hortman	Lenczewski	Paymar	Thao
Carlson	Goodwin	Huntley	Lesch	Peterson, S.	Thissen
Clark	Greiling	Jaros	Liebling	Poppe	Wagenius
Cox	Hansen	Johnson, R.	Lieder	Ruud	Walker
Davnie	Hausman	Johnson, S.	Loeffler	Scalze	

Those who voted in the negative were:

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

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

Scalze moved to amend S. F. No. 2259 as follows:

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 2004, section 471.633, is amended to read:

471.633 [FIREARMS.]

(a) Except as provided under section 624.717, paragraph (b), the legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

~~(a)~~ (1) a governmental subdivision may regulate the discharge of firearms; and

~~(b)~~ (2) a governmental subdivision may adopt regulations identical to state law.

(b) Local regulation inconsistent with this section is void."

Page 12, after line 27, insert:

"Sec. 11. Minnesota Statutes 2004, section 624.717, is amended to read:

624.717 [LOCAL REGULATION.]

(a) Except as provided in paragraph (b), sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols.

(b) Except for the provisions under section 624.714, subdivision 9, a local unit of government may adopt regulations inconsistent with the provisions of section 624.714 that restrict the possession or carry of a firearm, including prohibiting the possession of a firearm in local government property."

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 Scalze amendment and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Hortman	Lenczewski	Paulsen	Slawik
Atkins	Fritz	Jaros	Lesch	Paymar	Thao
Bernardy	Goodwin	Johnson, R.	Liebling	Peterson, A.	Thissen
Carlson	Greiling	Johnson, S.	Lillie	Peterson, S.	Wagenius
Clark	Hausman	Kahn	Loeffler	Ruud	Walker
Davnie	Hilstrom	Kelliher	Mahoney	Scalze	Walti
Ellison	Hilty	Larson	Mariani	Sieben	
Entenza	Hornstein	Latz	Ozment	Simon	

Those who voted in the negative were:

Abeler	Dempsey	Heidgerken	Magnus	Penas	Solberg
Anderson, B.	Dill	Holberg	Marquart	Peppin	Sykora
Anderson, I.	Dittrich	Hoppe	McNamara	Peterson, N.	Tingelstad
Beard	Dorman	Hosch	Meslow	Poppe	Urdahl
Blaine	Dorn	Howes	Moe	Powell	Vanderveer
Bradley	Eastlund	Huntley	Mullery	Rukavina	Wardlow
Brod	Eken	Johnson, J.	Murphy	Ruth	Westerberg
Buesgens	Emmer	Juhnke	Nelson, M.	Sailer	Westrom
Charron	Erickson	Klinzing	Nelson, P.	Samuelson	Wilkin
Cornish	Garofalo	Knoblach	Newman	Seifert	Zellers
Cybart	Gazelka	Koenen	Nornes	Sertich	Spk. Sviggum
Davids	Gunther	Kohls	Olson	Severson	
Dean	Hackbarth	Krinkie	Opatz	Simpson	
DeLaForest	Hamilton	Lanning	Otremba	Smith	
Demmer	Hansen	Lieder	Pelowski	Soderstrom	

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

S. F. No. 2259, A bill for an act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003 with certain amendments; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, sections 609.66, subdivision 1d; 624.714, subdivisions 1b, 2, 2a, 3, 8, 12, 17, as reenacted, by adding a subdivision.

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 86 yeas and 47 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Entenza	Hornstein	Lanning	Mullery	Sieben
Bernardy	Erhardt	Hortman	Larson	Nelson, M.	Simon
Carlson	Fritz	Huntley	Latz	Paymar	Slawik
Clark	Goodwin	Jaros	Lenczewski	Pelowski	Thao
Cox	Greiling	Johnson, R.	Lesch	Peterson, A.	Thissen
Davnie	Hausman	Johnson, S.	Liebling	Peterson, S.	Wagenius
Dorn	Hilstrom	Kahn	Loeffler	Ruud	Walker
Ellison	Hilty	Kelliher	Mariani	Scalze	

The bill was passed and its title agreed to.

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1321, A bill for an act relating to civil law; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; changing a fee; making style and form changes; appropriating money; amending Minnesota Statutes 2004, sections 357.021, by adding a subdivision;

518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.091, subdivision 1; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.17, subdivisions 1, 2; 518.1705, subdivisions 2, 4, 6, 7, 8, 9; 518.175; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.1752; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.191, subdivision 1; 518.195, subdivisions 2, 3; 518.24; 518.25; 518.27; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.552; 518.58; 518.581; 518.582; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2, by adding a subdivision; 518.641; 518.642; 518.646; 518.65; 518.68, subdivision 1; 519.11, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2004, sections 518.111; 518.14, subdivision 2; 518.17, subdivisions 1a, 3, 6; 518.171; 518.185; 518.24; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.55, subdivision 4; 518.551, subdivisions 1, 5, 5a, 5b, 5c, 5d, 5e, 5f, 6, 7, 9, 11, 12, 13, 13a, 14, 15; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.6196; 518.62; 518.64, subdivisions 4, 4a, 5; 518.68.

Reported the same back with the following amendments:

Page 1, delete line 38 and insert:

"CHILD CUSTODY AND PARENTING TIME"

Page 2, line 5, delete "\$25" and insert "\$48"

Page 2, delete line 15

Page 2, line 16, delete "2006" and insert "2005"

Pages 2 to 48, delete sections 2 to 54 and insert:

"Sec. 2. Minnesota Statutes 2004, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including, but not limited to:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;

(9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363A.03, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;

(10) the capacity and disposition of the parties to give the child love, affection, care, and guidance, to ensure the child a good education, to provide the child with a nurturing environment, and to continue ~~educating and~~ raising the child in the child's culture, language or languages, and religion ~~or creed, if any;~~

(11) the child's cultural, linguistic, and religious background;

(12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents or between a parent and another individual, whether or not the individual alleged to have committed domestic abuse is or ever was a family or household member of the parent; ~~and~~

(13) ~~except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made,~~ the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child;

(14) any addiction to alcohol or other habituating substances or physical or sexual abuse attributable to either parent or any person living with either parent insofar as the acts, addiction, violence, or habits may adversely affect the child; and

(15) any false allegations made in bad faith by one parent against the other parent or anybody living with the other parent to gain unfair advantage in the custody determination.

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) ~~The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child. In determining the best interests of the child, the court may not use any one factor to the exclusion of all others, may not use the primary caretaker factor as a presumption, may not prefer one parent over the other on account of gender, and must make detailed findings of each relevant factor and explain how each has led to the conclusion reached, unless the presumption set forth in subdivision 2, paragraph (a), is applied and followed.~~

[EFFECTIVE DATE.] This section is effective July 1, 2007.

Sec. 3. Minnesota Statutes 2004, section 518.17, subdivision 2, is amended to read:

Subd. 2. [~~FACTORS WHEN JOINT CUSTODY IS SOUGHT~~ REBUTTABLE PRESUMPTIONS IN CHILD CUSTODY DISPUTES.] ~~In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:~~

(a) ~~the ability of parents to cooperate in the rearing of their children;~~ The court shall use a rebuttable presumption that joint legal and physical custody is in the best interests of the child. Any departure from that presumption must be justified by detailed findings. Whenever it appears that the parents have difficulty in communication or cooperation with respect to the child, the court may establish rules which govern in case of disagreement between them.

~~(b) methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods; If it appears that both parents are fit, but that joint legal and physical custody is not feasible and cannot be remedied by rules which govern in case of disagreement between the parents, the court shall use a rebuttable presumption that the best interests of the child will be served by granting legal and physical custody to the parent more disposed to encourage and permit frequent and continuing contact with the child by the other parent. Any departure from that presumption must be justified by detailed findings.~~

~~(c) whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing; and~~

~~(d) whether domestic abuse, as defined in section 518B.01, has occurred between the parents.~~

~~The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child. However, The court shall use a rebuttable presumption that joint legal or physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents. Use of that presumption requires detailed findings.~~

~~If the court awards joint legal or physical custody over the objection of a party, the court shall make detailed findings on each of the factors in this subdivision and explain how the factors led to its determination that joint custody would be in the best interests of the child.~~

[EFFECTIVE DATE.] This section is effective July 1, 2007.

Sec. 4. Minnesota Statutes 2004, section 518.175, is amended by adding a subdivision to read:

Subd. 1b. [PARENTING TIME; MEANING.] "Parenting time" means the amount of time a child is scheduled to spend with the parent according to a court order. Parenting time includes time with the child whether it is designated as visitation, physical custody, or parenting time. The percentage of parenting time may be calculated by calculating the number of overnights that a child spends with a parent, or by using a method other than overnights as the parent has significant time periods where the child is in the parent's physical custody, but does not stay overnight.

Sec. 5. [518.1781] [SIX-MONTH REVIEW.]

(a) A request for a six-month review hearing form must be attached to a decree of dissolution or legal separation or an order that initially establishes child custody, parenting time, or support rights and obligations of parents. The state court administrator is requested to prepare the request for review hearing form. The form must include information regarding the procedures for requesting a hearing, the purpose of the hearing, and any other information regarding a hearing under this section that the state court administrator deems necessary.

(b) The six-month review hearing shall be held if any party submits a written request for a hearing within six months after entry of a decree of dissolution or legal separation or order that establishes child custody, parenting time, or support.

(c) Upon receipt of a completed request for hearing form, the court administrator shall provide notice of the hearing to all other parties and the public authority. The court administrator shall schedule the six-month review hearing as soon as practicable following the receipt of the hearing request form.

(d) At the six-month hearing, the court must review:

(1) whether child support is current; and

(2) whether both parties are complying with the parenting time provisions of the order.

(e) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(f) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party pursuant to chapters 517C and 588 and the Minnesota Court Rules."

Pages 48 to 81, delete article 2

Page 81, line 28, delete "3" and insert "2"

Page 87, after line 27, insert:

"[EFFECTIVE DATE.] Subdivision 8 is effective July 1, 2007."

Page 98, line 27, delete "the parents"

Page 98, line 28, delete "parenting time approximates joint physical custody" and insert "a court order establishes a parenting time schedule wherein the obligor has care of the child at least 45 percent of the time"

Page 98, delete lines 35 to 37

Page 99, delete lines 1 to 7

Page 106, line 20, after "(f)" insert "(1)"

Page 106, line 21, delete "parent with whom the child"

Page 106, delete lines 22 to 33 and insert "parents to:

(i) contribute toward the actual health care costs of the children based on a pro rata share; or

(ii) if the child is receiving any form of assistance under chapter 256B or MinnesotaCare under chapter 256L, the parent with whom the child does not reside shall contribute a monthly amount toward the actual cost of medical assistance under chapter 256B or MinnesotaCare under chapter 256L determined by the court to be just and appropriate. The contribution of the parent with whom the child resides is the monthly contribution as determined by the eligibility requirements for public coverage.

(2) If the court finds pro rata apportionment unjust or inappropriate, the court shall:

(i) order the parties to contribute the amount of the health care costs the court finds just and appropriate; and

(ii) make findings regarding the factors considered, the amount of each parent's share of the cost, and the reasons the court did not order pro rata apportionment.

A presumption of no less than \$50 per month must be applied to the actual health care costs of the children or to the cost of health care coverage.

Page 107, delete lines 19 to 26

Page 107, line 27, delete "(e)" and insert "(d)"

Page 107, line 33, delete "(f)" and insert "(e)"

Page 108, line 4, delete "(g)" and insert "(f)"

Page 108, delete lines 11 to 36

Page 109, delete lines 1 to 36

Page 110, delete lines 1 to 10

Page 110, line 11, delete "8" and insert "6"

Page 111, line 10, delete "9" and insert "7"

Page 111, delete lines 23 to 36

Page 112, delete lines 1 to 3

Page 112, line 4, delete "11" and insert "8"

Page 113, delete lines 6 to 12

Page 113, line 13, delete "13" and insert "9"

Page 114, delete lines 22 to 36

Page 115, delete lines 1 to 14

Page 115, line 15, delete "16" and insert "10"

Page 116, line 9, delete "17" and insert "11"

Page 117, lines 5, 14, and 30, delete "18" and insert "12"

Page 117, line 31, delete "18" and insert "12"

Page 123, after line 11, insert:

"Subd. 5. [SUBSTANTIAL CHANGE IN CIRCUMSTANCES.] An enactment, amendment, or repeal of law does not constitute a substantial change in the circumstances for purposes of modifying a child support order.

Subd. 6. [MODIFICATION OF ORDER.] There may be no modification of an existing child support order during the first year following the effective date of this chapter except as follows:

(1) there is at least a 20 percent change in the gross income of the obligor;

(2) there is a change in the number of joint children for whom the obligor is legally responsible and is actually supporting;

(3) the child supported by the existing child support order becomes disabled; or

(4) both parents consent to modification of the existing order in compliance with the new income shares guidelines.

This subdivision expires January 1, 2008.

Subd. 7. [BASIC SUPPORT; LIMITATION.] On the first modification under the income shares method of calculation, the modification of basic support may be limited if the amount of the full variance would create hardship for either the obligor or the obligee."

Page 183, line 13, delete "\$770,000" and insert "\$2,601,000" and delete "2007" and insert "2006"

Page 183, line 22, delete "\$355,000" and insert "\$1,087,000"

Page 183, lines 24 and 25, delete "This is a onetime appropriation."

Page 183, line 26, delete "2006" and insert "2005"

Page 184, line 13, delete "2006" and insert "2007"

Page 184, line 14, delete "2006" and insert "2007"

Page 184, line 15, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 7 to 35 and insert "sections 357.021, by adding a subdivision; 518.17, subdivisions 1, 2; 518.1705, subdivision 7; 518.175, subdivision 3, by adding a subdivision; 518.18; 518.58, subdivision 4; 518.64, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 518; proposing coding for new law as Minnesota Statutes, chapter 517C; repealing Minnesota Statutes 2004, sections 518.111; 518.171; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.551, subdivisions 1, 5, 5a, 5b, 5c, 5d, 5e, 5f, 6, 7, 9, 11, 12, 13, 13a, 14, 15; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.6196; 518.68."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1801, A bill for an act relating to gaming; amending various provisions relating to lawful gambling; amending and providing definitions; making technical, clarifying, and conforming changes; providing for sports-themed tipboard games; providing for electronic bingo; regulating lottery service businesses; authorizing certain video games of chance and social skill games; amending Minnesota Statutes 2004, sections 349.12, subdivisions 5, 25, 33, 34, by adding subdivisions; 349.15, subdivision 1; 349.151, subdivisions 4, 4b, by adding subdivisions; 349.152, subdivision 2; 349.153; 349.154, subdivision 1; 349.155, subdivision 3; 349.16, subdivision 8; 349.161, subdivision 5; 349.162, subdivisions 1, 4, 5; 349.163, subdivision 3; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.168, subdivision 8; 349.17, subdivisions 5, 7; 349.1711, subdivisions 1, 2; 349.173; 349.18, subdivision 1; 349.19, subdivisions 4, 10; 349.211, subdivision 2c, by adding a subdivision; 349.2125, subdivision 1; 349.213; 609.75, subdivisions 1, 8; 609.761, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299L; repealing Minnesota Statutes 2004, sections 349.162, subdivision 3; 349.164; 349.17, subdivision 1.

Reported the same back with the following amendments:

Pages 7 and 8, delete section 6

Page 8, delete lines 11 to 22 and insert:

"Subdivision 1. [EXPENDITURE RESTRICTIONS.] (a) Gross profits from lawful gambling may be expended only for lawful purposes or allowable expenses as authorized by the membership of the conducting organization at a monthly meeting of the organization's membership. Provided that no more than 70 percent of the gross profit less the tax imposed under section 297E.02, subdivision 1, from bingo, and no more than 55 percent of the gross profit from other forms of lawful gambling, may be expended for allowable expenses related to lawful gambling.

(b) Effective July 1, 2006, no more than 70 percent of the gross profit less the tax imposed under section 297E.02, subdivision 1, from bingo, and no more than 60 percent of the gross profit from other forms of lawful gambling, may be expended for allowable expenses related to lawful gambling. Effective for licenses issued after June 30, 2006, compliance with this subdivision shall be measured by the board on a biennial basis, concurrent with the term of the license and shall be used as a condition for license renewal beginning July 1, 2008.

(c) Effective for licenses issued after June 30, 2006, organizations may request a waiver of the limits on allowable expenses from the board if the organization can demonstrate that it incurred necessary or unforeseeable expenses beyond the limits. The board shall develop criteria for which a waiver may be granted."

Page 9, after line 30, insert:

"(14) to approve or deny requests from licensees for:

(i) waivers from expense limits under section 349.15, subdivision 1;

(ii) waivers from fee requirements as provided in section 346.16, subdivision 6; and

(iii) variances from Gambling Control Board rules under section 14.055;"

Page 9, line 31, delete "(14)" and insert "(15)"

Page 9, line 33, delete "(15)" and insert "(16)"

Page 9, line 35, delete "(16)" and insert "(17)"

Page 10, line 3, delete "(17)" and insert "(18)"

Page 10, line 6, delete "(18)" and insert "(19)"

Pages 11 and 12, delete section 11

Page 13, delete section 14

Page 14, after line 36, insert:

"Sec. 13. Minnesota Statutes 2004, section 349.16, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE OF GAMBLING LICENSES.] (a) Licenses authorizing organizations to conduct lawful gambling may be issued by the board to organizations meeting the qualifications in paragraphs (b) to (h) if the board determines that the license is consistent with the purpose of sections 349.11 to 349.22.

(b) The organization must have been in existence for the most recent three years preceding the license application as a registered Minnesota nonprofit corporation or as an organization designated as exempt from the payment of income taxes by the Internal Revenue Code.

(c) The organization at the time of licensing must have at least 15 active members.

(d) The organization must not be in existence solely for the purpose of conducting gambling.

(e) The organization has identified in its license application the lawful purposes on which it proposes to expend net profits from lawful gambling.

(f) The organization has identified on its license application a gambling manager and certifies that the manager is qualified under this chapter.

(g) The organization must not, in the opinion of the board after consultation with the commissioner of revenue, be seeking licensing primarily for the purpose of evading or reducing the tax imposed by section 297E.02, subdivision 6.

(h) The organization has not exceeded the expenditure restrictions imposed under section 349.15, subdivision 1, or, if the organization has exceeded the expenditure restrictions imposed under section 349.15, subdivision 1, the organization has reimbursed any excess expenses from nongambling funds."

Page 16, line 29, strike "(h)" and insert "(d)"

Page 24, line 22, delete "30" and insert "32"

Page 25, line 32, delete "30" and insert "32"

Pages 25 and 26, delete section 30

Page 28, line 19, strike the period and insert ";

(5) notwithstanding clauses (1) to (4), the board may prohibit an organization from paying rent to a lessor if illegal gambling occurred at the site and the lessor or its employees knew of or participated in the illegal gambling."

Page 28, line 21, delete "the following limits" and insert "either of the following limits at the option of the parties to the lease"

Page 28, line 25, delete "ten" and insert "110"

Page 28, line 26, delete ", whichever is less"

Page 31, delete section 36

Page 37, after line 10, insert:

"Sec. 36. [SPORTS-THEMED TIPBOARDS.]

Subdivision 1. [PILOT PROJECT.] (a) The Gambling Control Board shall conduct a pilot program involving the conduct of sports-themed tipboards. For purposes of this section, a "sports-themed tipboard" means a board or placard that is not required to contain a seal, but for which the winning numbers are determined based upon the last number of the scores at specified intervals of a professional sporting event. The board is responsible for all costs associated with the pilot project.

(b) In conducting the pilot project, the board shall provide for operation procedures, internal control standards, posted information, records, and reports. The board must also provide for the award of prizes, method of payout, wagers, determination of winners, and the specifications of sports-themed tipboards. Cash or merchandise prizes may be awarded, however, the maximum prize which may be awarded for a sports-themed tipboard is \$500. A chance for a sports-themed tipboard may not be sold for more than \$10.

(c) Sales of sports-themed tipboards are limited to organizations that are currently licensed to conduct lawful gambling under Minnesota Statutes, chapter 349. The board shall select ten sites for the conduct of sports-themed tipboards. In selecting sites, the board shall maintain geographic balance.

Subd. 2. [REPORT.] The board shall prepare a report to the governor and the legislature on the results of the pilot project by February 15, 2006. The report must identify additional costs of the sports-themed tipboards, if any, that would be incurred by other state government agencies.

Subd. 3. [SUNSET.] This section expires January 15, 2006."

Page 37, delete lines 28 to 36

Page 38, delete lines 1 to 30

Page 38, line 31, delete "4" and insert "2"

Page 39, line 7, delete "5" and insert "3"

Page 39, line 16, delete "6" and insert "4"

Page 39, line 23, delete "7" and insert "5"

Page 39, line 24, delete "7" and insert "5"

Page 40, line 5, delete "8" and insert "6"

Page 40, delete lines 23 to 26 and insert:

"(2) it awards game credits or replays and contains a meter or device that records unplayed credits or replays. A video game that simulates horse racing that does not involve a prize payout is not a video game of chance."

Page 40, delete lines 27 and 28 and insert:

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

Page 41, line 5, strike "sum" and insert "value"

Page 41, delete lines 7 to 13 and insert:

"(4) for a tournament or contest involving Texas hold'em:

(i) the payment of an entry fee or other consideration for participating is prohibited:

(ii) the value of all prizes awarded to an individual winner of a tournament or contest at a single location may not exceed \$200 each day; and

(iii) the organizer or promoter must ensure that reasonable accommodations are made for players with disabilities. Accommodations to the table and the cards shall include the announcement of the cards visible to the entire table and the use of Braille cards for players who are blind."

Page 41, line 14, delete "Article 4" and insert "This section"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "34,"

Page 1, line 12, after "adding" insert "a" and delete "subdivisions" and insert "subdivision"

Page 1, line 13, delete "349.154, subdivision 1;"

Page 1, line 14, delete the first "subdivision" and insert "subdivisions 2,"

Page 1, lines 18 and 19, delete "subdivisions 1, 2;" and insert "subdivision 1;"

Page 1, line 20, delete everything after "2c" and insert a semicolon

Page 1, line 21, delete "a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2448, A bill for an act relating to human services; making forecast adjustments for human services programs.

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

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 2480, A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; authorizing Hennepin County to issue bonds and to contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; authorizing expenditures of tax revenues for youth activities and amateur sports and the extension of library hours; requiring actions by the state, the city of Minneapolis, and the Hennepin County Regional Railroad Authority; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 2004, section 10A.01, subdivision 35, is amended to read:

Subd. 35. [PUBLIC OFFICIAL.] "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- (8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the metropolitan council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.; ~~or~~

(17) member of the board of directors or executive director of the Minnesota State High School League; or

(18) member of the Minnesota Ballpark Authority established in section 4."

Page 1, line 25, delete "2" and insert "3"

Page 2, line 23, delete "3" and insert "4"

Page 3, line 7, delete "whether or"

Page 3, line 8, delete "not located in the development area."

Page 4, after line 7, insert:

"(c) Compensation of members appointed under paragraph (a) is governed by Minnesota Statutes, section 15.0575.

(d) One member appointed under paragraph (a), clause (1), must be a resident of a county other than Hennepin. All other members appointed under paragraph (a) must be residents of Hennepin County."

Page 4, line 16, after the period, insert "The bylaws adopted under this subdivision shall be similar in form and substance to bylaws adopted by the Metropolitan Sports Facilities Commission pursuant to Minnesota Statutes, section 473.553.

Subd. 5. [WEB SITE.] The authority shall establish a Web site for purposes of providing information to the public concerning all actions taken by the authority. At a minimum, the Web site must contain a current version of the authority's bylaws, notices of upcoming meetings, minutes of the authority's meetings, and contact telephone and fax numbers for public comments."

Page 4, delete lines 18 to 20

Page 4, line 21, delete "Subd. 2." and insert "Subdivision 1."

Page 4, line 27, delete "3" and insert "2"

Page 4, line 29, delete "condemnation."

Page 4, line 32, delete "4" and insert "3"

Page 5, line 20, delete "5" and insert "4"

Page 5, line 23, delete "6" and insert "5"

Page 5, line 29, delete "7" and insert "6"

Page 6, line 2, delete "8" and insert "7"

Page 6, line 7, delete "traffic" and insert "peace"

Page 6, line 11, delete "9" and insert "8"

Page 6, line 20, delete "10" and insert "9"

Page 6, line 24, delete "11" and insert "10"

Page 7, line 4, delete "12" and insert "11"

Page 7, line 13, delete "13" and insert "12"

Page 7, delete line 21, and insert:

"Subd. 13. [LOCAL GOVERNMENT ACTION; ENVIRONMENTAL REVIEW.]"

Page 7, delete lines 22 to 31

Page 7, line 32, delete "regulation, or ordinance."

Page 8, line 4, delete "6" and insert "7"

Page 8, line 5, delete "15" and insert "14"

Page 9, line 23, delete "13" and insert "14"

Page 11, after line 8, insert:

"Subd. 7. [COMMUNITY OWNERSHIP OPTION.] (a) The lease or use agreement for the ballpark must provide that if the owner of the team seeks to sell the team during the term of the agreement, the owner must provide a right of first refusal to a corporation formed to provide community ownership of the team.

(b) A corporation formed to exercise a right of first refusal must comply with major league baseball ownership rules. To the extent consistent with those rules, no person may own more than 35 percent of the common stock of the corporation, and at least 50 percent of the ownership of the common stock must be sold so that no person or entity owns more than one percent. The corporation must include a class of preferred stock. The articles of incorporation, bylaws, and other governing documents of the corporation must provide that the team may not move outside of the state or agree to voluntary contraction without approval of at least 75 percent of the shares of common stock and at least 75 percent of the shares of preferred stock. Notwithstanding any law to the contrary, these 75 percent approval requirements must not be amended by the shareholders or by any other means."

Page 11, line 9, delete "7" and insert "8"

Page 11, line 10, delete "ensure that" and insert "comply with all"

Page 11, line 11, delete "are complied with"

Page 11, line 12, delete "8" and insert "9"

Page 11, line 26, delete "9" and insert "10"

Page 11, line 35, delete "10" and insert "11"

Page 12, line 3, delete "11" and insert "12"

Page 12, line 8, delete "12" and insert "13"

Page 12, line 17, delete "13" and insert "14"

Pages 16 and 17, delete section 7

Page 18, line 26, delete "5 and 7" and insert "6 and 8"

Page 18, line 27, delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "defining members of the authority as public officials; providing powers and duties of the authority; providing a community ownership option upon sale of the team;"

Page 1, line 14, delete "section" and insert "sections 10A.01, subdivision 35;"

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

The report was adopted.

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

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 a taconite fund provision; 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; authorizing municipalities to improve streets and roads outside municipal boundaries; 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 limits on city capital improvement bonds and enabling certain towns to issue bonds under a capital improvement plan; authorizing the issuance of certain revenue bonds; 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, subdivision 64, 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; 298.223, subdivision 1; 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, 5, 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; 429; 452; 469; repealing Minnesota Statutes 2004, sections 469.176, subdivision 1a; 469.1766; 473.197, subdivisions 1, 2, 3, 5; Laws 1998, chapter 389, article 11, section 19, subdivision 3.

Reported the same back with the following amendments:

Page 12, line 3, insert a comma after "ordered" and delete "upon notice" and insert "in accordance with the notice."

Page 12, delete line 4 and insert "hearing, and appeal rights, provided for under sections 429.061 and 429.081."

Pages 28 to 31, delete sections 39 to 42 and insert:

"Sec. 39. [CITY OF ST. PAUL; RIVERCENTRE COMPLEX OPERATION.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "City" means the city of St. Paul, its mayor, city council, and any other board, authority, commission, or officer authorized by law, charter, or ordinance to exercise city powers of the nature referred to in this section.

(c) "RiverCentre complex" means collectively the auditorium; convention, conference and education center; arena; and parking ramp facilities presently and commonly known as the Roy Wilkins Auditorium, St. Paul RiverCentre, Xcel Energy Center, and RiverCentre Parking Ramp, including all property, real or personal, tangible or intangible, located in the city, intended to be used as part of the RiverCentre complex or additions to or extensions of it.

Subd. 2. [CREATION OF NONPROFIT ORGANIZATION.] As required under Minnesota Statutes, section 465.717, and notwithstanding any other law, city charter provision, or ordinance to the contrary, the city of St. Paul may participate in the creation of a nonprofit organization for the purposes provided in this section.

Subd. 3. [GOVERNING BOARD.] (a) The mayor of the city, subject to approval by the city council, shall appoint a majority of the members of the governing board of the nonprofit organization performing all or a part of the activities necessary to carry out the purposes specified in this section. The mayor may designate any officer or employee of the city to serve as a member of the governing board of any nonprofit organization.

(b) In addition to the appointments made by the mayor under paragraph (a), the mayor shall designate three members of the city council to serve on the governing board of the nonprofit organization.

(c) Notwithstanding any provision contained in the articles of incorporation and bylaws of the nonprofit organization, any member of the governing board appointed by the mayor may be removed only by the mayor for cause.

(d) The governing board of the nonprofit organization shall select, subject to the approval of the mayor, a president to serve as chief executive officer and general manager of the nonprofit organization.

(e) The procedures in Minnesota Statutes, section 317A.255, subdivision 1, paragraph (b), relating to director conflicts of interest, are not required if the contract or other transaction is between the city and the nonprofit organization.

Subd. 4. [RIVERCENTRE MANAGEMENT; AUTHORITY TO CONTRACT WITH NONPROFIT ORGANIZATION.] The city may enter into an agreement with the nonprofit organization created in subdivision 2 to equip, maintain, manage, and operate all or a portion of the RiverCentre complex and to manage and operate a convention bureau to market and promote the city as a tourist or convention center. Except as otherwise provided in this section, the nonprofit organization may only contract and utilize and expend funds for these purposes under the direction of its governing board, subject to the accounting, financial reporting, and other conditions that the city may prescribe in a contract made under this section between the city and the nonprofit organization. The nonprofit organization may use the services of the office of the city attorney and the city's purchasing department. All activities performed to carry out these purposes are deemed to be for a public purpose.

Subd. 5. [BONDHOLDERS' RIGHTS AND RIVERCENTRE COMPLEX TAX EXEMPTIONS PRESERVED.] (a) The city must protect the rights of holders of bonds issued for the RiverCentre complex, including preserving the tax-exempt status of the bonds.

(b) The use and operation of the RiverCentre complex by the nonprofit organization with which the city contracts under this act is a use, lease, or occupancy for public, governmental, and municipal purposes, and the complex is exempt from taxation by the state or any political subdivision of the state during such use, to the extent it would be exempt if the complex was equipped, maintained, managed, and operated by the city.

(c) Gross receipts of tickets and admissions to events at the RiverCentre complex sponsored by the nonprofit organization created in this section do not qualify for the sales tax exemption under Minnesota Statutes, section 297A.70, subdivision 10.

Subd. 6. [APPLICABLE GENERAL LAWS.] The following statutes apply to the nonprofit organization with which the city contracts under this section the same as they apply to the city, to the extent practicable:

(1) Minnesota Statutes, chapter 13D, the Minnesota Open Meeting Law; and

(2) Minnesota Statutes, chapter 13, the Government Data Practices Act.

Subd. 7. [SUCCESSION.] The nonprofit organization with which the city contracts under this section is the successor to all powers, rights, assets, privileges, and interests held and enjoyed by the RiverCentre authority on the effective date of this section, and established by the provisions of Laws 1967, chapter 459, sections 1, 2, 4, and 8, subdivisions 2 and 3, clause (3), as amended; Laws 1982, chapter 523, article 25, sections 4 and 5; Laws 1998, chapter 404, sections 81 and 82; and Minnesota Statutes, section 297A.98. On the effective date of the contract between the city and the nonprofit organization authorized by this section, the RiverCentre authority ceases to exist for only so long as the contract is in effect, and all other laws or provisions specifically relating to the RiverCentre authority and the RiverCentre complex that are not otherwise referenced in this section, do not apply to the nonprofit organization.

Subd. 8. [LIABILITY.] The nonprofit organization with which the city contracts under this section is a "municipality," and the officers, directors, employees, and agents of the nonprofit organization are "employees, officers, or agents," under Minnesota Statutes, chapter 466, relating to tort liability. The city must defend, save harmless, and indemnify the nonprofit organization, including the nonprofit's officers, directors, employees, and agents, against any claim or demand arising out of the nonprofit organization's performance under the contract.

[EFFECTIVE DATE.] This section is effective the day after the city council and the chief clerical officer of the city of St. Paul have timely completed their compliance with Minnesota Statutes, section 645.023, subdivisions 2 and 3.

Sec. 40. [CITY OF WINONA; BOND AUTHORIZATION.]

(a) The city of Winona may issue its general obligation bonds under Minnesota Statutes, chapter 475, and its charter for up to \$3,500,000, plus any cost of issuance, to finance costs related to the Pelzer Street reconstruction project. Bonds issued under this authority are not subject to an election under Minnesota Statutes, section 475.58, and are exempt from the net debt limits under Minnesota Statutes, section 475.53.

(b) In addition to any other available revenues, the city may also pledge to the payment of the bonds a tax abatement by Winona County, entered into under Minnesota Statutes, sections 469.1812 to 469.1815, in an amount that equals the increment of the Riverfront Tax Increment Financing District Number 2 that is attributable to the county's levy in the last year of the district. Notwithstanding any law to the contrary, the county is authorized to enter into an abatement of its tax on the parcels of the former Tax Increment Financing District Number 2 to make these payments.

(c) The authority under this section does not restrict or limit any other powers of the city or the county to provide for the financing for the Pelzer Street reconstruction under any other law."

Page 32, line 27, delete "45" and insert "43"

Page 32, line 33, delete "Sections 1 and 39 to 42 are" and insert "Section 1 is"

Page 75, line 24, after "297A.75" insert "in fiscal year 2008"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2160, A bill for an act relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1321, 1801, 2448 and 2498 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 2160 was read for the second time.

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 Senate Files, herewith transmitted:

S. F. Nos. 1555, 630 and 1579.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1555, A bill for an act relating to gambling; amending various provisions relating to lawful gambling; amending and providing definitions; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2004, sections 349.12, subdivisions 5, 25, 33, by adding subdivisions; 349.15, subdivision 1; 349.151, subdivisions 4, 4b; 349.152, subdivision 2; 349.153; 349.155, subdivision 3; 349.16, subdivisions 2, 8; 349.161, subdivision 5; 349.162, subdivisions 1, 4, 5; 349.163, subdivision 3; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.168, subdivision 8; 349.17, subdivisions 5, 7; 349.1711, subdivision 1; 349.173; 349.18, subdivision 1; 349.19, subdivisions 4, 5, 10; 349.211, subdivision 2c; 349.2125, subdivision 1; 349.213; 609.75, subdivision 1; repealing Minnesota Statutes 2004, sections 349.162, subdivision 3; 349.164; 349.17, subdivision 1.

The bill was read for the first time.

Hackbarth moved that S. F. No. 1555 and H. F. No. 1801, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 630, A bill for an act relating to civil law; increasing fees related to marriage and child support; reforming law relating to child support; establishing criteria for support obligations; defining parents' rights and responsibilities; appropriating money; amending Minnesota Statutes 2004, sections 357.021, subdivisions 1a, 2; 518.005, by adding a subdivision; 518.54; 518.55, subdivision 4; 518.551, subdivisions 5, 5b; 518.62; 518.64,

subdivision 2, by adding subdivisions; 518.68, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2004, sections 518.171; 518.54, subdivisions 2, 4, 4a; 518.551, subdivisions 1, 5a, 5c, 5f.

The bill was read for the first time.

Smith moved that S. F. No. 630 and H. F. No. 1321, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1579, A bill for an act relating to health; modifying the Health Care Administrative Simplification Act of 1994; modifying requirements of federal Drug Enforcement Administration registration numbers; modifying provisions for wells, borings, and underground uses; modifying requirements for filing and issuing death records; modifying provisions for disposition of dead bodies; eliminating authority to designate certain morticians; amending Minnesota Statutes 2004, sections 62J.51, subdivisions 17, 18; 62J.52, subdivisions 1, 2, 5; 62J.54, subdivisions 1, 2; 62J.581, subdivision 5; 103I.005, subdivisions 4a, 6, 7, 10, 12, by adding subdivisions; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivisions 1, 3; 103I.115; 103I.205, subdivisions 4, 9; 103I.208, subdivisions 1, 2; 103I.231; 103I.325, subdivision 2; 103I.345, subdivision 2; 103I.401; 103I.501; 103I.505; 103I.525, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.531, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.535, subdivisions 1, 2, 4, 5, 7, 8, 9, by adding a subdivision; 103I.541; 103I.545, subdivision 2; 103I.601, subdivisions 4, 9; 144.221, subdivision 1; 144.225, subdivision 7; 149A.93, subdivisions 1, 2, 3, 4, 5; 149A.94, subdivision 3; 149A.96, subdivisions 1, 4, 7; Laws 1998, chapter 316, section 4; repealing Minnesota Statutes 2004, sections 103I.005, subdivision 13; 103I.222; 144.214, subdivision 4.

The bill was read for the first time.

Dean moved that S. F. No. 1579 and H. F. No. 1619, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR FOR THE DAY

S. F. No. 1378, A bill for an act relating to health; modifying medical education funding provisions; amending Minnesota Statutes 2004, section 62J.692, subdivisions 3, 4, 7.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

The Speaker called Seifert to the Chair.

H. F. No. 1816 was reported to the House.

Emmer, Abeler, Ellison and Powell moved to amend H. F. No. 1816, the second engrossment, as follows:

Page 21, delete line 15 and insert:

"(3) an advanced practice registered nurse certified in mental health, except that only a physician or psychologist meeting these requirements may be appointed by the court as described by sections 253B.07, subdivision 3; 253B.092, subdivision 8, paragraph (b); 253B.17, subdivision 3; 253B.18, subdivision 2; and 253B.19, subdivisions 1 and 2, and only a physician or psychologist may conduct an assessment as described by Minnesota Rules of Criminal Procedure, Rule 20"

Page 21, line 16, delete everything before the period

The motion prevailed and the amendment was adopted.

H. F. No. 1816, A bill for an act relating to human services; extending coverage of certain mental health services; changing certain civil commitment provisions; establishing a task force to study disposition of persons committed as sexually dangerous or sexual psychopathic personality; requiring a report; amending Minnesota Statutes 2004, sections 148C.11, subdivision 1; 253B.02, subdivisions 7, 9; 253B.05, subdivision 2; 256.9693; 256B.0624, by adding a subdivision; 260C.141, subdivision 2; 260C.193, subdivision 2; 260C.201, subdivisions 1, 2; 260C.205; 260C.212, subdivision 1; 609.2231, subdivision 3; repealing Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2002, chapter 335, section 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 718, A bill for an act relating to health; authorizing an additional hospital accrediting organization for presumptive licensure purposes; amending Minnesota Statutes 2004, sections 144.122; 144.55, subdivisions 2, 4, 5.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Dorn	Gunther	Howes	Krinkie
Abrams	Cornish	Eastlund	Hackbarth	Huntley	Lanning
Anderson, B.	Cox	Eken	Hamilton	Jaros	Larson
Anderson, I.	Cybart	Ellison	Hansen	Johnson, J.	Latz
Atkins	Davids	Emmer	Hausman	Johnson, R.	Lenczewski
Beard	Davnie	Entenza	Heidgerken	Johnson, S.	Lesch
Bernardy	Dean	Erhardt	Hilstrom	Juhnke	Liebling
Blaine	DeLaForest	Erickson	Hilty	Kahn	Lieder
Bradley	Demmer	Fritz	Holberg	Kelliher	Lillie
Brod	Dempsey	Garofalo	Hoppe	Klinzing	Loeffler
Buesgens	Dill	Gazelka	Hornstein	Knoblach	Magnus
Carlson	Dittrich	Goodwin	Hortman	Koenen	Mahoney
Charron	Dorman	Greiling	Hosch	Kohls	Mariani

Marquart	Olson	Peterson, N.	Seifert	Sykora	Westerberg
McNamara	Opatz	Peterson, S.	Sertich	Thao	Westrom
Meslow	Otremba	Poppe	Severson	Thissen	Wilkin
Moe	Ozment	Powell	Sieben	Tingelstad	Zellers
Mullery	Paulsen	Rukavina	Simon	Urdahl	Spk. Sviggum
Murphy	Paymar	Ruth	Simpson	Vandever	
Nelson, M.	Pelowski	Ruud	Slawik	Wagenius	
Nelson, P.	Penas	Sailer	Smith	Walker	
Newman	Peppin	Samuelson	Soderstrom	Wardlow	
Nornes	Peterson, A.	Scalze	Solberg	Welti	

The bill was passed and its title agreed to.

H. F. No. 675 was reported to the House.

Samuelson moved to amend H. F. No. 675, the first engrossment, as follows:

Page 4, line 21, strike "The commissioner"

Page 4, lines 22 to 25, delete the new language and strike the old language

Page 4, line 26, strike "licensure" and insert "The commissioner shall, as a condition of licensure, require a hospice provider to complete the sections entitled Identification and Contact Information, Program Demographics, Patient Volume, Patient Demographics, and Inpatient and Residential Facilities in the National Hospice and Palliative Care Organization National Data Set survey and to submit the survey to the National Hospice and Palliative Care Organization once in the 12 calendar months before the hospice provider's license renewal date. If the Center for Medicare and Medicaid Services requires hospice providers to complete a different data set as a condition of certification, the commissioner shall accept the completion and submittal of such data set as compliance with this requirement. The commissioner shall not use any data or information about any hospice provider submitted to the National Hospice and Palliative Care Organization in connection with this data set in any regulatory function with respect to the hospice provider"

Page 6, line 6, after "DATE" insert "; APPLICATION"

Page 6, delete line 7 and insert:

"Section 3 is effective August 1, 2005, and applies to:

- (1) licenses renewed beginning January 1, 2006, for hospices serving more than 400 patients a year;
- (2) licenses renewed beginning January 1, 2007, for hospices serving at least 300 patients a year; and
- (3) licenses renewed beginning January 1, 2008, for hospices serving fewer than 300 patients a year."

The motion prevailed and the amendment was adopted.

H. F. No. 675, A bill for an act relating to health; modifying the hospice care bill of rights; requiring hospice providers to complete a specified survey; modifying death report requirements for recipients of hospice care; amending Minnesota Statutes 2004, sections 144A.751, subdivisions 1, 3; 144A.755; 383B.225, subdivision 5.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Ellison was excused between the hours of 1:40 p.m. and 2:45 p.m.

H. F. No. 460 was reported to the House.

Hackbarth moved to amend H. F. No. 460, the first engrossment, as follows:

Page 1, after line 25, insert:

"Section 1. Minnesota Statutes 2004, section 84.027, subdivision 12, is amended to read:

Subd. 12. [PROPERTY DISPOSAL; GIFT ACKNOWLEDGMENT; ADVERTISING SALES.] (a) The commissioner may give away to members of the public items with a value of less than ~~\$40~~ \$50 that are intended to promote conservation of natural resources or create awareness of the state and its resources or natural resource management programs. The total value of items given to the public under this paragraph may not exceed \$25,000 per year.

(b) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size.

(c) The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from any elected official or candidate for elective office.

Sec. 2. Minnesota Statutes 2004, section 84.027, subdivision 15, is amended to read:

Subd. 15. [ELECTRONIC TRANSACTIONS.] (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety training certification, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign a license identification number to an applicant who purchases a hunting or fishing license by electronic means, to serve as temporary authorization to engage in the licensed activity until the license is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone or Internet, including ~~the issuing fee under section 97A.485, subdivision 6,~~ fees and an additional transaction fee not to exceed \$3.50;

(4) ~~collect issuing or filing fees as provided under sections 84.788, subdivision 3, paragraph (e); 84.798, subdivision 3, paragraph (b); 84.82, subdivision 2, paragraph (d); 84.8205, subdivisions 5 and 6; 84.922, subdivision 2, paragraph (e); 85.41, subdivision 5; 86B.415, subdivision 8; and 97A.485, subdivision 6, and collect~~ establish, by written order, an electronic licensing system commission on to be paid by revenues generated from all sales of licenses as provided under sections 85.43, paragraph (b), and 97A.485, subdivision 7 made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

(5) adopt rules to administer the provisions of this subdivision.

(b) ~~Establishment of The transaction fee fees established under paragraph (a), clause (3), and the commission established under paragraph (a), clause (4), is~~ are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

Sec. 3. Minnesota Statutes 2004, section 84.027, is amended by adding a subdivision to read:

Subd. 17. [BACKGROUND CHECKS FOR VOLUNTEER INSTRUCTORS.] (a) The commissioner may conduct background checks for volunteer instructor applicants for department safety training and education programs, including the programs established under sections 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter and trapper education and training).

(b) The commissioner shall perform the background check by retrieving criminal history data maintained in the Criminal Justice Information System (CJIS) and other data sources.

(c) The commissioner shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the applicant that the commissioner will conduct a background check under this section;

(2) a notification to the applicant of the applicant's rights under paragraph (d); and

(3) a signed consent by the applicant to conduct the background check expiring one year from date of signature.

(d) The volunteer instructor applicant who is the subject of a background check has the right to:

(1) be informed that the commissioner will request a background check on the applicant;

(2) be informed by the commissioner of the results of the background check and obtain a copy of the background check;

(3) obtain any record that forms the basis for the background check and report;

(4) challenge the accuracy and completeness of the information contained in the report or a record; and

(5) be informed by the commissioner if the applicant is rejected because of the result of the background check.

Sec. 5. Minnesota Statutes 2004, section 84.0274, is amended by adding a subdivision to read:

Subd. 10. [RIGHT OF FIRST REFUSAL AGREEMENT.] The commissioner may enter into a right of first refusal agreement with a landowner prior to determining the value of the land. No right of first refusal agreement shall be made for a period of greater than two years and payment to the landowner for entry into the agreement shall not exceed \$5,000."

Page 1, after line 32, insert:

"Sec. 7. Minnesota Statutes 2004, section 84.791, subdivision 2, is amended to read:

Subd. 2. [FEES.] For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$5 from each person who receives the training. The commissioner shall collect a fee for issuing a duplicate off-highway motorcycle safety certificate. The commissioner shall establish the fee for a duplicate off-highway motorcycle safety certificate, to include a \$1 issuing fee for licensing agents, that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fees ~~must~~, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the state treasury and credited to the off-highway motorcycle account in the natural resources fund."

Pages 1 to 3, delete sections 2 and 3

Page 3, after line 23, insert:

"Sec. 9. Minnesota Statutes 2004, section 84.8205, subdivision 3, is amended to read:

Subd. 3. [LICENSE AGENTS.] ~~County auditors are appointed agents of the commissioner for the sale of snowmobile state trail stickers. The commissioner may appoint other state agencies as agents for the sale of the to issue and sell state trail stickers. A county auditor may appoint subagents within the county or within adjacent counties to sell stickers. Upon appointment of a subagent, the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and The commissioner may revoke the appointment of a state agency an agent at any time. The commissioner may require an auditor to revoke a subagent's appointment. The auditor shall furnish stickers on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the stickers to be consigned to that subagent. A surety bond is not required for a state agency appointed by the commissioner. The county auditor shall be responsible for all stickers issued to and user fees received by agents except in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed by this section upon the county auditor are imposed upon the county. The commissioner may promulgate adopt additional rules governing the accounting and procedures for handling state trail stickers as provided in section 97A.485, subdivision 11.~~

~~Any resident desiring to sell snowmobile state trail stickers may either purchase for cash or obtain on consignment stickers from a county auditor in groups of not less than ten individual stickers. In selling stickers, the resident shall be deemed a subagent of the county auditor and the commissioner, and An agent shall observe all rules promulgated adopted by the commissioner for accounting and handling of licenses and stickers pursuant to section 97A.485, subdivision 11.~~

~~The county auditor An agent shall promptly deposit and remit all money received from the sale of the stickers with the county treasurer and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price paid by each stickerholder, exclusive of the issuing fee, for each sticker sold or consigned by the auditor and subsequently sold to a stickerholder during the accounting period. The county auditor shall retain as a commission four percent of all sticker fees, excluding the issuing fee for stickers consigned to subagents and the issuing fee on stickers sold by the auditor to stickerholders to the commissioner.~~

~~Unsold stickers in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any stickers not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.~~

Sec. 10. Minnesota Statutes 2004, section 84.8205, subdivision 4, is amended to read:

Subd. 4. [~~DISTRIBUTION~~ ISSUANCE OF STICKERS.] The commissioner and agents shall ~~provide~~ issue and sell snowmobile state trail stickers to all agents authorized to issue stickers by the commissioner.

Sec. 11. Minnesota Statutes 2004, section 84.8205, subdivision 6, is amended to read:

Subd. 6. [DUPLICATE STATE TRAIL STICKERS.] The commissioner and agents shall issue a duplicate sticker to persons whose sticker is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules promulgated thereunder. The fee for a duplicate state trail sticker is \$2, with an issuing fee of 50 cents.

Sec. 12. Minnesota Statutes 2004, section 84.86, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED RULES.] With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees ~~must~~, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.
- (7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 13. Minnesota Statutes 2004, section 84.91, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance in conformity with it, shall be prohibited from operating the snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by section 169A.53.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under this section and ~~chapter~~ chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

Sec. 14. Minnesota Statutes 2004, section 84.925, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of \$15 from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish the fee for a duplicate all-terrain vehicle safety certificate that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. By June 30, 2003, the commissioner shall incorporate a riding component in the safety education and training program.

Sec. 15. Minnesota Statutes 2004, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

- (1) make a direct crossing of a public road right-of-way;
- (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- (3) operate an all-terrain vehicle on public lands or waters.

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity unless:

(1) the person successfully completed the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) ~~the riding component of the training was conducted using an all-terrain vehicle with over 90cc engine capacity; and~~

(3) ~~the person is able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle."~~

Page 3, after line 23, insert:

"Sec. 17. Minnesota Statutes 2004, section 84D.03, subdivision 4, is amended to read:

Subd. 4. [COMMERCIAL FISHING AND TURTLE, FROG, AND CRAYFISH HARVESTING RESTRICTIONS IN INFESTED AND NONINFESTED WATERS.] (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested waters, water that is designated because ~~the waters contain~~ it contains invasive fish or invertebrates, may not be used in ~~noninfested any other~~ waters. If a commercial licensee operates in both ~~noninfested waters and an~~ infested waters water designated because ~~the waters contain~~ it contains invasive fish or invertebrates and other waters, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in ~~noninfested~~ waters not designated as infested with invasive fish or invertebrates must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit, and may not be used in infested waters designated because the waters contain invasive fish or invertebrates.

(b) ~~In infested waters designated solely because the waters contain Eurasian water milfoil,~~ All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in ~~noninfested any other~~ waters, except as provided in this paragraph. Commercial ~~operators~~ licensees must notify the department's regional or area fisheries office or a conservation officer ~~when~~ before removing nets or equipment from an infested waters water designated solely because it contains Eurasian water milfoil and before resetting those nets or equipment in ~~noninfested any other~~ waters. ~~All aquatic macrophytes~~ Upon such notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil.

(c) A commercial licensee must be removed remove all aquatic macrophytes from nets and other equipment when the nets and equipment are removed from infested waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of designated infested waters at the time that a license or permit is issued.

Sec. 18. Minnesota Statutes 2004, section 85.052, subdivision 4, is amended to read:

Subd. 4. [DEPOSIT OF FEES.] (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account. Money in the account is annually appropriated to the commissioner to operate and maintain the state park system.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the general fund.

Sec. 19. Minnesota Statutes 2004, section 85.053, subdivision 1, is amended to read:

Subdivision 1. [FORM, ISSUANCE, VALIDITY.] (a) The commissioner shall prepare and provide state park permits for each calendar year that state a motor vehicle may enter and use state parks, state recreation areas, and state waysides over 50 acres in area. State park permits must be available and placed on sale by January 1 of the calendar year ~~that the permit is valid in which the permits are to be issued.~~ A separate motorcycle permit may be prepared and provided by the commissioner.

(b) An annual state park permit ~~must be affixed when purchased and~~ may be used from the time it is ~~affixed~~ purchased for a 12-month period. State park permits in each category must be numbered consecutively for each year of issue.

(c) State park permits shall be issued by employees of the Division of Parks and Recreation as designated by the commissioner. State park permits also may be consigned to and issued by agents designated by the commissioner who are not employees of the Division of Parks and Recreation. All proceeds from the sale of permits and all unsold permits consigned to agents shall be returned to the commissioner at such times as the commissioner may direct, but no later than the end of the calendar year for which the permits are ~~effective~~ issued. No part of the permit fee may be retained by an agent. An additional charge or fee in an amount to be determined by the commissioner, but not to exceed four percent of the price of the permit, may be collected and retained by an agent for handling or selling the permits.

Sec. 20. Minnesota Statutes 2004, section 85.053, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. Except for vehicles permitted under subdivision 7, paragraph (a), clause (2), the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield, or the commissioner may, by written order, provide an alternative means to display and validate annual permits.

Sec. 21. Minnesota Statutes 2004, section 85.054, is amended by adding a subdivision to read:

Subd. 11. [BIG BOG STATE RECREATION AREA.] A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the parking area located north of Tamarac River in the southern unit of Big Bog State Recreation Area, Beltrami County.

Sec. 22. Minnesota Statutes 2004, section 85.055, is amended by adding a subdivision to read:

Subd. 1b. [DISCOUNTS.] Except as otherwise specified in law, and notwithstanding section 16A.1285, subdivision 2, the commissioner may, by written order, authorize waiver or reduction of state park entrance fees.

Sec. 23. Minnesota Statutes 2004, section 85.055, subdivision 2, is amended to read:

Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees collected under this section shall be deposited in the natural resources fund and credited to a the state parks account. Money in the account, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is annually appropriated to the commissioner to operate and maintain the state park system.

Sec. 24. Minnesota Statutes 2004, section 85.43, is amended to read:

85.43 [DISPOSITION OF RECEIPTS; PURPOSE.]

~~(a)~~ Fees from cross-country ski passes shall be deposited in the state treasury and credited to a cross-country ski account in the natural resources fund and, except ~~as provided in paragraph (b)~~ for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, are appropriated to the commissioner of natural resources for:

(1) grants-in-aid for cross-country ski trails sponsored by local units of government and special park districts as provided in section 85.44; and

(2) maintenance, winter grooming, and associated administrative costs for cross-country ski trails under the jurisdiction of the commissioner.

~~(b) The commissioner shall retain for the operation of the electronic licensing system a commission of 4.7 percent of all cross-country ski pass fees collected.~~

Sec. 25. [86B.706] [WATER RECREATION ACCOUNT; RECEIPTS AND PURPOSE.]

Subdivision 1. [CREATION.] The water recreation account is created in the state treasury in the natural resources fund.

Subd. 2. [MONEY DEPOSITED IN ACCOUNT.] The following shall be deposited in the state treasury and credited to the water recreation account:

(1) fees and surcharges from titling and licensing of watercraft under this chapter;

(2) fines, installment payments, and forfeited bail according to section 86B.705, subdivision 2;

(3) civil penalties according to section 84D.13;

(4) mooring fees and receipts from the sale of marine gas at state-operated or state-assisted small craft harbors and mooring facilities according to section 86A.21;

(5) the unrefunded gasoline tax attributable to watercraft use under section 296A.18; and

(6) fees for permits issued to control or harvest aquatic plants other than wild rice under section 103G.615, subdivision 2.

Subd. 3. [PURPOSES.] The money in the account may be expended only as appropriated by law for the following purposes:

(1) as directed under section 296A.18, subdivision 2, for acquisition, development, maintenance, and rehabilitation of public water access and boating facilities on public waters; lake and river improvements; and boat and water safety;

(2) from the fees collected at state-operated or state-assisted small craft harbors and mooring facilities from daily and seasonal moorings and the sale of marine gas, for maintenance, operation, replacement, and expansion of these facilities and for the debt service on state bonds sold to finance these facilities;

(3) for administration and enforcement of this chapter as it pertains to titling and licensing of watercraft and use and safe operation of watercraft, grants for county-sponsored and administered boat and water safety programs, and state boat and water safety efforts;

(4) for management of aquatic invasive species and the implementation of chapter 84D as it pertains to aquatic invasive species, including control, public awareness, law enforcement, assessment and monitoring, management planning, and research; and

(5) for management of aquatic plants and the implementation of section 103G.615 as it pertains to aquatic plants, including plant removal permitting, control, public awareness, law enforcement, assessment and monitoring, management planning, and research.

Sec. 26. Minnesota Statutes 2004, section 88.6435, subdivision 4, is amended to read:

Subd. 4. [FOREST BOUGH ACCOUNT; DISPOSITION OF PERMIT FEES AND PENALTIES.] (a) The forest bough account is established in the state treasury within the natural resources fund.

(b) Fees for permits issued under this section shall be deposited in the state treasury and credited to the ~~special revenue fund~~ forest bough account and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, are annually appropriated to the commissioner of natural resources for costs associated with balsam bough educational programs for harvesters and buyers.

Sec. 45. Minnesota Statutes 2004, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. [CITIZEN OVERSIGHT SUBCOMMITTEES.] (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, ~~2005~~ 2010.

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

Page 4, after line 2, insert:

"Sec. 47. Minnesota Statutes 2004, section 97A.135, subdivision 2a, is amended to read:

Subd. 2a. [DISPOSAL OF LAND IN WILDLIFE MANAGEMENT AREAS.] (a) The commissioner may sell or exchange land in a wildlife management area authorized by designation under section 86A.07, subdivision 3, 97A.133, or 97A.145 if the commissioner vacates the designation before the sale or exchange in accordance with this subdivision. The designation may be vacated only if the commissioner finds, after a public hearing, that the disposal of the land is in the public interest.

(b) A sale under this subdivision is subject to sections 94.09 to 94.16. An exchange under this subdivision is subject to sections 94.341 to ~~94.348~~ 94.347.

(c) Revenue received from a sale authorized under paragraph (a) is appropriated to the commissioner for acquisition of replacement wildlife management lands.

(d) Land acquired by the commissioner under this subdivision must meet the criteria in section 86A.05, subdivision 8, and as soon as possible after the acquisition must be designated as a wildlife management area under section 86A.07, subdivision 3, 97A.133, or 97A.145.

(e) In acquiring land under this subdivision, the commissioner must give priority to land within the same geographic region of the state as the land conveyed."

Page 4, after line 24, insert:

"Sec. 49. Minnesota Statutes 2004, section 97A.4742, subdivision 4, is amended to read:

Subd. 4. [ANNUAL REPORT.] By December 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund ~~and shall describe projects funded, locations of the projects, and results and benefits from the projects.~~ The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

Sec. 50. Minnesota Statutes 2004, section 97A.485, subdivision 7, is amended to read:

Subd. 7. [ELECTRONIC LICENSING SYSTEM COMMISSION.] The commissioner shall retain for the operation of the electronic licensing system ~~a commission of 4.7 percent of the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on~~ all license fees collected, excluding:

(1) the small game surcharge; and

(2) ~~all issuing fees;~~ and

~~(3)~~ \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12, and 13.

Sec. 51. Minnesota Statutes 2004, section 97B.015, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner shall ~~make rules establishing~~ establish a statewide course in the safe use of firearms and identification of wild mammals and birds. ~~At least one course must be held within the boundary of each school district.~~ The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms and identification of various species of wild mammals and birds by sight and other unique characteristics.

Sec. 52. Minnesota Statutes 2004, section 97B.015, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION, SUPERVISION, AND ENFORCEMENT.] (a) The commissioner shall appoint a qualified person from the Enforcement Division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the Enforcement Division with the necessary personnel for this section.

(b) ~~The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the Enforcement Division.~~ The Enforcement Division may appoint instructors necessary for this section. ~~County directors and~~ Instructors shall serve on a voluntary basis without compensation. The Enforcement Division must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

Sec. 53. Minnesota Statutes 2004, section 97B.015, subdivision 5, is amended to read:

Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the person is at least reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a deer, bear, turkey, or prairie chicken license that will become valid when the person reaches age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 54. Minnesota Statutes 2004, section 97B.015, subdivision 7, is amended to read:

Subd. 7. [FEE FOR DUPLICATE CERTIFICATE.] The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate firearms safety certificate. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fee notwithstanding section 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the firearm safety course program.

Sec. 55. Minnesota Statutes 2004, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

(1) a firearms safety certificate or equivalent certificate;

(2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;

(3) a previous hunting license; with a valid firearms safety qualification indicator; or

(4) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

~~(b)~~ (c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b).

Sec. 56. Minnesota Statutes 2004, section 97B.025, is amended to read:

97B.025 [HUNTER AND TRAPPER EDUCATION.]

(a) The commissioner may establish education courses for hunters and trappers. The commissioner shall collect a fee from each person attending a course. A fee, to include a \$1 issuing fee for licensing agents, shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 57. Minnesota Statutes 2004, section 103F.535, subdivision 1, is amended to read:

Subdivision 1. [RESERVATION OF MARGINAL LAND AND WETLANDS.] (a) Marginal land and wetlands are withdrawn from sale or exchange unless:

(1) notice of the existence of the nonforested marginal land or wetlands, in a form prescribed by the Board of Water and Soil Resources, is provided to prospective purchasers; and

(2) the deed contains a restrictive covenant, in a form prescribed by the Board of Water and Soil Resources, that precludes enrollment of the land in a state-funded program providing compensation for conservation of marginal land or wetlands.

(b) This section does not apply to transfers of land by the Board of Water and Soil Resources to correct errors in legal descriptions under section 103F.515, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a restrictive covenant would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and ~~Class C~~ riparian nonagricultural land with local units of government under sections 94.342, 94.343, and 94.344, ~~and 94.349~~;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation or by the Minnesota Housing Finance Agency, or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration or by the Minnesota Housing Finance Agency for:

(1) land that is currently in nonagricultural commercial use if a restrictive covenant would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10."

Page 5, after line 13, insert:

"Sec. 59. Minnesota Statutes 2004, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply. The fees may not exceed \$750 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) The fee for a permit for the control of rooted aquatic vegetation is \$35 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the ~~game and fish fund~~ water recreation account."

Page 7, after line 26, insert:

"Sec. 62. Minnesota Statutes 2004, section 115A.554, is amended to read:

115A.554 [AUTHORITY OF SANITARY DISTRICTS.]

A sanitary district has the authorities and duties of counties within the district's boundary for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.545; 115A.551; 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; 115A.961; 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161."

Page 8, after line 16, insert:

"Sec. 64. Minnesota Statutes 2004, section 115B.49, is amended by adding a subdivision to read:

Subd. 4b. [FEE ADJUSTMENT.] Notwithstanding section 16A.1285, each fiscal year the commissioner shall adjust the fees in subdivision 4 as necessary to maintain an annual income to the account of \$650,000.

Sec. 65. Minnesota Statutes 2004, section 169A.63, subdivision 6, is amended to read:

Subd. 6. [VEHICLE SUBJECT TO FORFEITURE.] (a) A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

(b) Motorboats subject to seizure and forfeiture under this section also include their trailers.

Sec. 66. Minnesota Statutes 2004, section 282.08, is amended to read:

282.08 [APPORTIONMENT OF PROCEEDS TO TAXING DISTRICTS.]

The net proceeds from the sale or rental of any parcel of forfeited land, or from the sale of products from the forfeited land, must be apportioned by the county auditor to the taxing districts interested in the land, as follows:

(1) the amounts necessary to pay the state general tax levy against the parcel for taxes payable in the year for which the tax judgment was entered, and for each subsequent payable year up to and including the year of forfeiture, must be apportioned to the state;

(2) the portion required to pay any amounts included in the appraised value under section 282.01, subdivision 3, as representing increased value due to any public improvement made after forfeiture of the parcel to the state, but not exceeding the amount certified by the clerk of the municipality must be apportioned to the municipal subdivision entitled to it;

(3) the portion required to pay any amount included in the appraised value under section 282.019, subdivision 5, representing increased value due to response actions taken after forfeiture of the parcel to the state, but not exceeding the amount of expenses certified by the Pollution Control Agency or the commissioner of agriculture, must be apportioned to the agency or the commissioner of agriculture and deposited in the fund from which the expenses were paid;

(4) the portion of the remainder required to discharge any special assessment chargeable against the parcel for drainage or other purpose whether due or deferred at the time of forfeiture, must be apportioned to the municipal subdivision entitled to it; and

(5) any balance must be apportioned as follows:

(i) The county board may annually by resolution set aside no more than 30 percent of the receipts remaining to be used for ~~timber forest~~ development on tax-forfeited land and dedicated memorial forests, to be expended under the supervision of the county board. It must be expended only on projects ~~approved by the commissioner of natural resources~~ improving the health and management of the forest resource.

(ii) The county board may annually by resolution set aside no more than 20 percent of the receipts remaining to be used for the acquisition and maintenance of county parks or recreational areas as defined in sections 398.31 to 398.36, to be expended under the supervision of the county board.

(iii) Any balance remaining must be apportioned as follows: county, 40 percent; town or city, 20 percent; and school district, 40 percent, provided, however, that in unorganized territory that portion which would have accrued to the township must be administered by the county board of commissioners.

Sec. 67. Minnesota Statutes 2004, section 282.38, subdivision 1, is amended to read:

Subdivision 1. [DEVELOPMENT.] In any county where the county board by proper resolution sets aside funds for ~~timber forest~~ development pursuant to section 282.08, clause ~~(3)(a)~~ (5), item (i), or section 459.06, subdivision 2, the ~~Commissioner~~ commissioner of Iron Range resources and rehabilitation may upon request of the county board assist said county in carrying out any project for the long range development of its ~~timber forest~~ resources through matching of funds or otherwise, ~~provided that any such project shall first be approved by the commissioner of natural resources.~~

Sec. 68. Minnesota Statutes 2004, section 296A.18, subdivision 2, is amended to read:

Subd. 2. [MOTORBOAT.] Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motorboats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of such revenues is the amount of tax on fuel used in motorboats operated on the waters of this state. The amount of unrefunded tax paid on gasoline used for motor boat purposes as computed in this chapter shall be paid into the state treasury and credited to a water recreation account in the special revenue fund for acquisition, development, maintenance, and rehabilitation of sites for public access and boating facilities on public waters; lake and river improvement; ~~state park development~~; and boat and water safety.

Sec. 69. Minnesota Statutes 2004, section 349.12, subdivision 25, is amended to read:

Subd. 25. [LAWFUL PURPOSE.] (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) or festival organization, as defined in subdivision 15a, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154, which standards must apply to both types of organizations in the same manner and to the same extent;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a program recognized by the Minnesota Department of Human Services for the education, prevention, or treatment of compulsive gambling;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, subject to rules of the board, provided that the rules must not include mileage reimbursements in the computation of the per diem reimbursement limit and must impose no aggregate annual limit on the amount of reasonable and necessary expenditures made to support:

(i) members of a military marching or color guard unit for activities conducted within the state;

(ii) members of an organization solely for services performed by the members at funeral services; or

(iii) members of military marching, color guard, or honor guard units may be reimbursed for participating in color guard, honor guard, or marching unit events within the state or states contiguous to Minnesota at a per participant rate of up to \$35 per diem;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender and the organization complies with section 349.154;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, the taxes imposed by section 297E.02, subdivisions 1, 4, 5, and 6, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on permitted gambling premises wholly owned by the licensed organization paying the taxes, or wholly leased by a licensed veterans organization under a national charter recognized under section 501(c)(19) of the Internal Revenue Code, not to exceed:

(i) for premises used for bingo, the amount that an organization may expend under board rules on rent for bingo; and

(ii) \$35,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization which is a church or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances;

(12) payment of the reasonable costs of an audit required in section 297E.06, subdivision 4, provided the annual audit is filed in a timely manner with the Department of Revenue;

~~(13) a contribution to or expenditure on a wildlife management project that benefits the public at large, provided that the state agency with authority over that wildlife management project approves the project before the contribution or expenditure is made;~~

~~(14) expenditures, approved by the commissioner of natural resources, by an organization for grooming and maintaining snowmobile trails and all terrain vehicle trails that are (1) grant-in-aid trails established under section 85.019, or (2) other trails open to public use, including purchase or lease of equipment for this purpose; projects or activities approved by the commissioner of natural resources for:~~

~~(i) wildlife management projects that benefit the public at large;~~

~~(ii) grant-in-aid trail maintenance and grooming established under sections 84.83 and 84.927 and other trails open to public use, including purchase or lease of equipment for this purpose; or~~

~~(iii) supplies and materials for safety training and educational programs coordinated by the Department of Natural Resources, including the Enforcement Division;~~

~~(14)~~ (14) conducting nutritional programs, food shelves, and congregate dining programs primarily for persons who are age 62 or older or disabled;

~~(15)~~ (15) a contribution to a community arts organization, or an expenditure to sponsor arts programs in the community, including but not limited to visual, literary, performing, or musical arts;

~~(16)~~ (16) an expenditure by a licensed veterans organization for payment of water, fuel for heating, electricity, and sewer costs for a building wholly owned or wholly leased by and used as the primary headquarters of the licensed veterans organization;

~~(17)~~ (17) expenditure by a licensed veterans organization of up to \$5,000 in a calendar year in net costs to the organization for meals and other membership events, limited to members and spouses, held in recognition of military service. No more than \$5,000 can be expended in total per calendar year under this clause by all licensed veterans organizations sharing the same veterans post home; or

~~(18)~~ (18) payment of fees authorized under this chapter imposed by the state of Minnesota to conduct lawful gambling in Minnesota.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced; or (v) with respect to an expenditure to bring an existing building into compliance with the Americans with Disabilities Act under item (ii), an organization has the option to apply the amount of the board-approved expenditure to the erection or acquisition of a replacement building that is in compliance with the Americans with Disabilities Act;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a); or

(6) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 70. Minnesota Statutes 2004, section 462.357, subdivision 1e, is amended to read:

Subd. 1e. [NONCONFORMITIES.] (a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

Sec. 71. [473.1565] [METROPOLITAN AREA WATER SUPPLY PLANNING ACTIVITIES; ADVISORY COMMITTEE.]

Subdivision 1. [PLANNING ACTIVITIES.] (a) The Metropolitan Council must carry out planning activities addressing the water supply needs of the metropolitan area as defined in section 473.121, subdivision 2. The planning activities must include, at a minimum:

(1) development and maintenance of a base of technical information needed for sound water supply decisions including surface and groundwater availability analyses, water demand projections, water withdrawal and use impact analyses, modeling, and similar studies;

(2) development and periodic update of a metropolitan area master water supply plan that:

(i) provides guidance for local water supply systems and future regional investments;

(ii) emphasizes conservation, interjurisdictional cooperation, and long-term sustainability; and

(iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area water supply system and its local and subregional components;

(3) recommendations for clarifying the appropriate roles and responsibilities of local, regional, and state government in metropolitan area water supply;

(4) recommendations for streamlining and consolidating metropolitan area water supply decision-making and approval processes; and

(5) recommendations for the ongoing and long-term funding of metropolitan area water supply planning activities and capital investments.

(b) The council must carry out the planning activities in this subdivision in consultation with the Metropolitan Area Water Supply Advisory Committee established in subdivision 2.

Subd. 2. [ADVISORY COMMITTEE.] (a) A Metropolitan Area Water Supply Advisory Committee is established to assist the council in its planning activities in subdivision 1. The advisory committee has the following membership:

(1) the commissioner of agriculture or the commissioner's designee;

(2) the commissioner of health or the commissioner's designee;

(3) the commissioner of natural resources or the commissioner's designee;

(4) the commissioner of the Pollution Control Agency or the commissioner's designee;

(5) two officials of counties that are located in the metropolitan area, appointed by the governor;

(6) five officials of noncounty local governmental units that are located in the metropolitan area, appointed by the governor; and

(7) the chair of the Metropolitan Council or the chair's designee, who is chair of the advisory committee.

A local government unit in each of the seven counties in the metropolitan area must be represented in the seven appointments made under clauses (5) and (6).

(b) Members of the advisory committee appointed by the governor serve at the pleasure of the governor. Members of the advisory committee serve without compensation but may be reimbursed for their reasonable expenses as determined by the Metropolitan Council. The advisory committee expires December 31, 2007.

(c) The council must consider the work and recommendations of the advisory committee when the council is preparing its regional development framework.

Subd. 3. [REPORTS TO LEGISLATURE.] The council must submit reports to the legislature regarding its findings, recommendations, and continuing planning activities under subdivision 1. The first report must be submitted to the legislature by the date the legislature convenes in 2007 and subsequent reports must be submitted by such date every five years thereafter.

Sec. 72. Minnesota Statutes 2004, section 473.197, subdivision 4, is amended to read:

Subd. 4. [DEBT RESERVE; LEVY.] To provide money to pay debt service on bonds issued under the credit enhancement program ~~if pledged revenues are insufficient to pay debt service in repealed subdivision 1 of Minnesota Statutes 2004, section 473.197, the council must maintain a debt reserve fund in the manner and with the effect provided by section 118A.04 for public funds until such a reserve is no longer pledged or otherwise needed to pay debt service on such bonds. To provide funds for the debt reserve fund, the council may use up to \$3,000,000 of the proceeds of solid waste bonds issued by the council under section 473.831 before its repeal. To provide additional funds for the debt reserve fund, the council may levy a tax on all taxable property in the metropolitan area and must levy the tax~~ If sums in the debt reserve fund are insufficient to cure any deficiency in the debt service fund established for the bonds, the council must levy a tax on all taxable property in the metropolitan area in the amount needed to cure the deficiency. The tax authorized by this section does not affect the amount or rate of taxes that may be levied by the council for other purposes and is not subject to limit as to rate or amount.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 73. [CONTINUATION OF AGREEMENTS.]

An agreement entered into between the Metropolitan Council and a participant in the credit enhancement program under Minnesota Statutes 2004, section 473.197, subdivision 5, with respect to bonds issued prior to the effective date of this section, shall continue in effect in accordance with its terms; provided that no provision in such agreement shall be construed to require or allow the council to pledge its full faith and credit and taxing powers to the payment of additional bonds issued after the effective date of this section.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 74. [USE OF CREDIT ENHANCEMENT PROGRAM FUNDS.]

The Metropolitan Council must transfer any funds originating from the proceeds of solid waste bonds and available for the credit enhancement program under Minnesota Statutes 2004, section 473.197, subdivision 4, to the council's general fund to the extent such funds are no longer pledged or otherwise needed by the council to maintain a debt reserve fund as provided for in ongoing Minnesota Statutes, section 473.197, subdivision 4. The council must first use the transferred funds for carrying out the metropolitan area water supply planning activities required by Minnesota Statutes, section 473.1565, for staff support of the advisory committee established under that section, and for related purposes. If the council determines that the transferred funds are no longer needed for such purposes, the council may use any such funds for any general purposes of the council.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Pages 8 to 12, delete sections 10 to 14

Page 12, line 13, before "Minnesota" insert "(a)"

Page 12, after line 14, insert:

"(b) Minnesota Statutes 2004, section 85.054, subdivision 1, is repealed.

(c) Minnesota Statutes 2004, sections 94.343, subdivision 6; 94.344, subdivision 6; 94.348; and 94.349, are repealed.

(d) Minnesota Statutes 2004, sections 473.156 and 473.197, subdivisions 1, 2, 3, and 5, are repealed effective the day following final enactment. This paragraph applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

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 Hackbarth amendment and the roll was called. There were 92 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hornstein	Magnus	Penas	Smith
Atkins	Eastlund	Hortman	Mahoney	Peppin	Soderstrom
Beard	Entenza	Hosch	Mariani	Peterson, A.	Sykora
Bernardy	Erickson	Howes	Marquart	Peterson, N.	Thao
Blaine	Fritz	Huntley	McNamara	Peterson, S.	Thissen
Bradley	Garofalo	Jaros	Meslow	Poppe	Tingelstad
Brod	Gazelka	Johnson, S.	Moe	Powell	Urdahl
Carlson	Greiling	Kahn	Mullery	Ruth	Wagenius
Cornish	Gunther	Kelliher	Murphy	Ruud	Walker
Cox	Hackbarth	Lanning	Nelson, M.	Sailer	Walti
Cybart	Hamilton	Larson	Nelson, P.	Samuelson	Westrom
Davids	Hansen	Latz	Newman	Scalze	Spk. Sviggum
Davnie	Hausman	Lenczewski	Nornes	Seifert	
Demmer	Hilstrom	Lesch	Opatz	Sieben	
Dempsey	Hilty	Lieder	Ozment	Simon	
Dittrich	Hoppe	Loeffler	Pelowski	Simpson	

Those who voted in the negative were:

Abrams	DeLaForest	Heidgerken	Koenen	Paulsen	Vandevveer
Anderson, B.	Dill	Holberg	Kohls	Paymar	Wardlow
Anderson, I.	Dorn	Johnson, J.	Krinkie	Rukavina	Westerberg
Buesgens	Eken	Johnson, R.	Liebling	Sertich	Wilkin
Charron	Emmer	Juhnke	Lillie	Severson	Zellers
Clark	Erhardt	Klinzing	Olson	Slawik	
Dean	Goodwin	Knoblach	Otremba	Solberg	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 460, A bill for an act relating to natural resources; modifying acquisition, designation, and use provisions for scientific and natural areas; modifying off-highway vehicle provisions; regulating fees and permit requirements; establishing certain accounts; authorizing certain lawful purpose expenditures for projects or activities approved by the commissioner of natural resources; authorizing the commissioner to give preference in certain hunting and fishing license and permit lotteries to military service members and veterans; modifying fishing, hunting, and firearms safety provisions; modifying water use permit provisions; modifying environmental advisory boards; modifying reporting requirements for certain waste management revenue; authorizing the use of silencers for certain wildlife control; modifying requirements for forest classification status review; regulating metropolitan area water supply planning activities; regulating the credit enhancement program; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivisions 12, 15, by adding a subdivision; 84.0274, by adding a subdivision; 84.033, by adding a subdivision; 84.791, subdivision 2; 84.8205, subdivisions 3, 4, 6; 84.86, subdivision 1; 84.91, subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivision 4; 85.052, subdivision 4; 85.053, subdivisions 1, 2; 85.054, by adding a subdivision; 85.055, subdivision 2, by adding a subdivision; 85.43; 88.6435, subdivision 4; 97A.055, subdivision 4b; 97A.093; 97A.135, subdivision 2a; 97A.465, by adding a subdivision; 97A.4742, subdivision 4; 97A.485, subdivision 7; 97B.015, subdivisions 1, 2, 5, 7; 97B.020; 97B.025; 103F.535, subdivision 1; 103G.271, subdivision 5; 103G.615, subdivision 2; 115A.072, subdivision 1; 115A.12; 115A.554; 115A.929; 115B.49, by adding a subdivision; 169A.63, subdivision 6; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; 349.12, subdivision 25; 462.357, subdivision 1e; 473.197, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 86B; 473; repealing Minnesota Statutes 2004, sections 84.033, subdivision 2; 85.054, subdivision 1; 94.343, subdivision 6; 94.344, subdivision 6; 94.348; 94.349; 473.156; 473.197, subdivisions 1, 2, 3, 5.

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 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Entenza	Hansen	Jaros	Lenczewski
Atkins	Cybart	Erhardt	Hausman	Johnson, J.	Liebling
Beard	Davids	Erickson	Hilstrom	Johnson, R.	Lillie
Bernardy	Davnie	Fritz	Hilty	Johnson, S.	Magnus
Blaine	Demmer	Garofalo	Hoppe	Kahn	Marquart
Bradley	Dittrich	Gazelka	Hornstein	Kelliher	McNamara
Brod	Dorman	Greiling	Hortman	Knoblach	Meslow
Carlson	Eastlund	Gunther	Hosch	Lanning	Mullery
Clark	Eken	Hackbarth	Howes	Larson	Murphy
Cornish	Emmer	Hamilton	Huntley	Latz	Nelson, M.

Nelson, P.	Penas	Ruth	Simpson	Tingelstad	Westerberg
Newman	Peppin	Ruud	Slawik	Urdahl	Spk. Sviggum
Nornes	Peterson, N.	Samuelson	Smith	Wagenius	
Opatz	Peterson, S.	Severson	Soderstrom	Walker	
Ozment	Poppe	Sieben	Sykora	Wardlow	
Paulsen	Powell	Simon	Thissen	Welti	

Those who voted in the negative were:

Abrams	Dempsey	Juhnke	Mahoney	Peterson, A.	Thao
Anderson, B.	Dill	Klinzing	Mariani	Rukavina	Vandever
Anderson, I.	Dorn	Koenen	Moe	Sailer	Westrom
Buesgens	Ellison	Kohls	Olson	Scalze	Wilkin
Charron	Goodwin	Krinkie	Otremba	Seifert	Zellers
Dean	Heidgerken	Lesch	Paymar	Sertich	
DeLaForest	Holberg	Loeffler	Pelowski	Solberg	

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

S. F. No. 1405, A bill for an act relating to occupational safety and health; modifying standard industrial classification list rulemaking provisions; amending Minnesota Statutes 2004, section 182.653, subdivision 9.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

S. F. No. 1738 was reported to the House.

Hansen moved to amend S. F. No. 1738 as follows:

Page 1, delete lines 23 to 25 and insert:

"(c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of the commissioners of health and the Pollution Control Agency, may issue once-through system water use permits on an annual basis for aquifer storage and recovery systems that return all once-through system water to the source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply to all water withdrawals under this paragraph, including any reuse of water returned to the source aquifer."

Page 2, delete lines 1 to 3

The motion prevailed and the amendment was adopted.

S. F. No. 1738, A bill for an act relating to waters; modifying water use permit provisions; amending Minnesota Statutes 2004, section 103G.271, subdivision 5.

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 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carlson	Greiling	Kelliher	Paymar	Thao
Clark	Hilstrom	Lesch	Peterson, S.	Thissen
Ellison	Hornstein	Liebling	Sailer	Vandever
Entenza	Johnson, S.	Lillie	Sieben	Wagenius
Goodwin	Kahn	Mariani	Slawik	Walker

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

H. F. No. 1272, A bill for an act relating to professional firms; including marriage and family therapy in the definition of professional services; allowing marriage and family therapists to practice professional services in combination; amending Minnesota Statutes 2004, sections 319B.02, subdivision 19; 319B.40.

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 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Olson	Vandever
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The bill was passed and its title agreed to.

S. F. No. 1485, A bill for an act relating to labor; requiring the certification and regulation of crane operators; authorizing civil penalties; amending Minnesota Statutes 2004, section 182.659, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 182.

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 109 yeas and 23 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	DeLaForest	Holberg	Krinkie	Paulsen	Westerberg
Beard	Eastlund	Hoppe	Magnus	Peppin	Zellers
Buesgens	Erickson	Howes	Newman	Seifert	Spk. Sviggum
Charron	Heidgerken	Kohls	Olson	Vandevveer	

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.

The Speaker called Abrams to the Chair.

There being no objection, the order of business reverted to Messages from the Senate.

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. 1164, A bill for an act relating to traffic regulations; modifying provision governing the passing of a parked emergency vehicle; providing eligibility criteria for business panels on logo sign panels; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 169.18, subdivision 11.

The Senate has appointed as such committee:

Senators Kiscaden, McGinn and Betzold.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 917, A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Senators Sams, Stumpf, Rest, Lourey and Neuville.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Holberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 917. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1908.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1908, A bill for an act relating to natural resources; establishing the Shooting Range Protection Act; requiring expedited rulemaking; proposing coding for new law as Minnesota Statutes, chapter 87A.

The bill was read for the first time.

Hackbarth moved that S. F. No. 1908 and H. F. No. 2006, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Emmer moved that the name of Demmer be added as an author on H. F. No. 1443. The motion prevailed.

Latz moved that the name of Westrom be added as an author on H. F. No. 2365. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 9:30 a.m., Thursday, May 19, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 9:30 a.m., Thursday, May 19, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives