

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 3, 2008

The House of Representatives convened at 10:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Brian Schulenburg, Wooddale Church, Eden Prairie, 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	Dettmer	Hausman	Lenczewski	Norton	Simpson
Anderson, B.	Dill	Haws	Lesch	Olin	Slawik
Anderson, S.	Dittrich	Heidgerken	Liebling	Otremba	Slocum
Anzelc	Dominguez	Hilstrom	Lieder	Ozment	Smith
Atkins	Doty	Hilty	Lillie	Paulsen	Solberg
Beard	Drazkowski	Holberg	Loeffler	Paymar	Swails
Benson	Eastlund	Hoppe	Madore	Pelowski	Thao
Berns	Eken	Hornstein	Magnus	Peppin	Thissen
Bigham	Emmer	Hortman	Mahoney	Peterson, A.	Tillberry
Bly	Erhardt	Hosch	Mariani	Peterson, N.	Tingelstad
Brod	Erickson	Howes	Marquart	Peterson, S.	Tschumper
Brown	Faust	Huntley	Masin	Poppe	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Rukavina	Wagenius
Buesgens	Fritz	Johnson	McNamara	Ruth	Walker
Bunn	Gardner	Juhnke	Moe	Ruud	Ward
Carlson	Garofalo	Kahn	Morgan	Sailer	Wardlow
Clark	Gottwalt	Kalin	Morrow	Scalze	Welti
Cornish	Greiling	Knuth	Mullery	Seifert	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Sertich	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Severson	Wollschlager
DeLaForest	Hamilton	Laine	Nelson	Shimanski	Zellers
Demmer	Hansen	Lanning	Nornes	Simon	Spk. Kelliher

A quorum was present.

Kranz was excused.

Olson was excused until 12:25 p.m.

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

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 2471, A bill for an act relating to charitable organizations; modifying financial statement requirements for certain charitable organizations; amending Minnesota Statutes 2006, section 309.53, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 17, after "included" insert "if the food is donated for subsequent distribution at no charge, and not for resale"

Page 2, line 18, after "enactment" insert "and applies to any financial statement that is required to be filed under this section after May 14, 2008"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 2471 was re-referred to the Committee on Rules and Legislative Administration.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3789, A bill for an act relating to agriculture; requiring certain retailers to provide retail signage on the legal limitations on the use of lawn fertilizers containing phosphorus; amending Minnesota Statutes 2006, section 18C.60, by adding a subdivision; repealing Minnesota Statutes 2006, section 18C.60, subdivision 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 3789 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Olin introduced:

H. F. No. 4165, A bill for an act relating to agriculture; creating a price support program for beef cattle producers located within a downgraded bovine tuberculosis split state zone; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Olin introduced:

H. F. No. 4166, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2006, section 260C.007, subdivision 18.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 380, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; canceling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2006, sections 16B.32, by adding a subdivision; 16B.325; 16B.335, subdivision 2; 103D.335, subdivision 17; 116.155, subdivisions 2, 3; 116J.423, by adding a subdivision; 119A.45; 462A.21, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 16A.695, subdivision 3; 103G.222, subdivision 1; Laws 1997, chapter 21, section 1; Laws 2003, First Special Session chapter 20, article 1, section 12, subdivision 3; Laws 2005, chapter 20, article 1, sections 7, subdivision 21; 17; 23, subdivisions 8, 11, as amended, 16; Laws 2006, chapter 258, sections 7, subdivisions 7, 11, 22; 16, subdivision 5; 21, subdivisions 6, 14, 15; 23, subdivision 3; Laws 2006, chapter 282, article 11, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116; 137; 462A.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1812.

H. F. No. 1812 was reported to the House.

Carlson moved to amend H. F. No. 1812, the third engrossment, as follows:

Page 15, line 23, delete "2009-2010" and insert "2008-2009"

Page 44, line 15, delete "(c)" and insert "(d)"

Page 45, line 11, delete "(d)" and insert "(e)"

Page 271, line 11, delete "833,000" and insert "932,000" and delete "947,000" and insert "1,046,000"

Page 271, line 12, delete "(817,000)" and insert "(718,000)" and delete "(703,000)" and insert "(604,000)"

Page 271, line 29, delete "(1,017,000)" and insert "(918,000)"

Page 271, line 34, delete "633,000" and insert "732,000"

Page 272, line 1, delete "633,000" and insert "732,000"

Page 272, line 4, delete "633,000" and insert "732,000" and delete "722,000" and insert "821,000"

Page 311, line 7, after "2008," insert "after determining the blending in section 256B.441, subdivision 55, paragraph (a)."

Page 320, delete section 8

Page 349, line 3, after the period, insert "The return of the withhold under this paragraph is not subject to the requirements of paragraph (c)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hosch, Abeler, Gunther, Gottwalt, Fritz, Thissen and Dean moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 313, after line 19, insert:

"Sec. 11. Minnesota Statutes 2007 Supplement, section 256B.441, subdivision 1, is amended to read:

Subdivision 1. **Rebasing of nursing facility operating ~~cost~~ payment rates.** (a) The commissioner shall rebase nursing facility operating ~~cost~~ payment rates to align payments to facilities with the cost of providing care. The rebased operating ~~cost~~ payment rates shall be calculated using the statistical and cost report filed by each nursing facility for the report period ending one year prior to the rate year.

(b) The new operating ~~cost~~ payment rates based on this section shall take effect beginning with the rate year beginning October 1, 2008, and shall be phased in over eight rate years through October 1, 2015. For each year of the phase-in, the operating payment rates shall be calculated using the statistical and cost report filed by each nursing facility for the report period ending one year prior to the rate year.

(c) Operating ~~cost~~ payment rates shall be rebased on October 1, 2016, and every two years after that date.

(d) Each cost reporting year shall begin on October 1 and end on the following September 30. Beginning in 2006, a statistical and cost report shall be filed by each nursing facility by January 15. Notice of rates shall be distributed by August 15 and the rates shall go into effect on October 1 for one year.

(e) Effective October 1, 2014, property rates shall be rebased in accordance with section 256B.431 and Minnesota Rules, chapter 9549. The commissioner shall determine what the property payment rate for a nursing facility would be had the facility not had its property rate determined under section 256B.434. The commissioner shall allow nursing facilities to provide information affecting this rate determination that would have been filed annually under Minnesota Rules, chapter 9549, and nursing facilities shall report information necessary to determine allowable debt. The commissioner shall use this information to determine the property payment rate.

Sec. 12. Minnesota Statutes 2007 Supplement, section 256B.441, subdivision 55, is amended to read:

Subd. 55. **Phase-in of rebased operating ~~cost~~ payment rates.** (a) For the rate years beginning October 1, 2008, to October 1, ~~2012~~ 2015, the operating ~~cost~~ payment rate calculated under this section shall be phased in by blending the operating ~~cost~~ rate with the operating ~~cost~~ payment rate determined under section 256B.434. For purposes of this subdivision, the rate to be used that is determined under section 256B.434 shall not include the portion of the operating payment rate related to performance-based incentive payments under section 256B.434, subdivision 4, paragraph (d). For the rate year beginning October 1, 2008, the operating ~~cost~~ payment rate for each facility shall be 13 percent of the operating ~~cost~~ payment rate from this section, and 87 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2009, the operating ~~cost~~ payment rate for each facility shall be 14 percent of the operating ~~cost~~ payment rate from this section, and 86 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2010, the operating ~~cost~~ payment rate for each facility shall be 14 percent of the operating ~~cost~~ payment rate from this section, and 86 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2011, the operating ~~cost~~ payment rate for each facility shall be 31 percent of the operating ~~cost~~ payment rate from this section, and 69 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2012, the operating ~~cost~~ payment rate for each facility shall be 48 percent of the operating ~~cost~~ payment rate from this section, and 52 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2013, the operating ~~cost~~ payment rate for each facility shall be 65 percent of the operating ~~cost~~ payment rate from this section, and 35 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2014, the operating ~~cost~~ payment rate for each facility shall be 82 percent of the operating ~~cost~~ payment rate from this section, and 18 percent of the operating ~~cost~~ payment rate from section 256B.434. For the rate year beginning October 1, 2015, the operating ~~cost~~ payment rate for each facility shall be the operating ~~cost~~ payment rate determined under this section. The blending of operating ~~cost~~ payment rates under this section shall be performed separately for each RUG's class.

(b) For the rate year beginning October 1, 2008, the commissioner shall apply limits to the operating payment rate increases under paragraph (a) by creating a minimum percentage increase and a maximum percentage increase.

(1) Each nursing facility that receives a blended October 1, 2008, operating payment rate increase under paragraph (a) of less than one percent, when compared to its operating payment rate on September 30, 2008, computed using rates with RUG's weight of 1.00, shall receive a rate adjustment of one percent.

(2) The commissioner shall determine a maximum percentage increase that will result in savings equal to the cost of allowing the minimum increase in clause (1). Nursing facilities with a blended October 1, 2008, operating payment rate increase under paragraph (a) greater than the maximum percentage increase determined by the commissioner, when compared to its operating payment rate on September 30, 2008, computed using rates with a RUG's weight of 1.00, shall receive the maximum percentage increase.

(3) Nursing facilities with a blended October 1, 2008, operating payment rate increase under paragraph (a) greater than one percent and less than the maximum percentage increase determined by the commissioner, when compared to its operating payment rate on September 30, 2008, computed using rates with a RUG's weight of 1.00, shall receive the blended October 1, 2008, operating payment rate increase determined under paragraph (a).

(4) The October 1, 2009, through October 1, 2015, operating payment rate for facilities receiving the maximum percentage increase determined in clause (2) shall be the amount determined under paragraph (a) less the difference between the amount determined under paragraph (a) for October 1, 2008, and the amount allowed under clause (2). This rate restriction does not apply to rate increases provided in any other section.

~~(b)~~ (c) A portion of the funds received under this subdivision that are in excess of operating ~~cost~~ payment rates that a facility would have received under section 256B.434, as determined in accordance with clauses (1) to (3), shall be subject to the requirements in section 256B.434, subdivision 19, paragraphs (b) to (h).

(1) Determine the amount of additional funding available to a facility, which shall be equal to total medical assistance resident days from the most recent reporting year times the difference between the blended rate determined in paragraph (a) for the rate year being computed and the blended rate for the prior year.

(2) Determine the portion of all operating costs, for the most recent reporting year, that are compensation related. If this value exceeds 75 percent, use 75 percent.

(3) Subtract the amount determined in clause (2) from 75 percent.

(4) The portion of the fund received under this subdivision that shall be subject to the requirements in section 256B.434, subdivision 19, paragraphs (b) to (h), shall equal the amount determined in clause (1) times the amount determined in clause (3).

Sec. 13. Minnesota Statutes 2007 Supplement, section 256B.441, subdivision 56, is amended to read:

Subd. 56. **Hold harmless.** For the rate years beginning October 1, 2008, to October 1, 2016, no nursing facility shall receive an operating cost payment rate less than its operating cost payment rate under section 256B.434. For rate years beginning between October 1, 2009, and October 1, 2015, no nursing facility shall receive an operating payment rate less than its operating payment rate in effect on September 30, 2009. The comparison of operating ~~cost~~ payment rates under this section shall be made for a RUG's rate with a weight of 1.00."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Paulsen was excused between the hours of 1:20 p.m. and 3:30 p.m.

Atkins; Davnie; Morrow; Dominguez; Nelson; Knuth; Mahoney; Zellers; Peterson, A.; Johnson; Tillberry; Anzelc; Lillie and Simpson moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 254, delete section 38

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 249, line 6, delete "SIGNIFICANT OTHER" and insert "OTHERS"

Page 249, delete lines 7 to 22 and insert:

"An employee must be granted leave to the extent the employee's attendance is necessary to care for a member of the employee's immediate household, up to five days within a 12-month period. The leave must be unpaid, unless otherwise provided in a collective bargaining agreement or compensation plan."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hosch	Madore	Pelowski	Thao
Anzelc	Doty	Huntley	Mahoney	Peterson, A.	Thissen
Atkins	Eken	Jaros	Mariani	Peterson, N.	Tillberry
Benson	Erhardt	Johnson	Marquart	Peterson, S.	Tschumper
Berns	Faust	Juhnke	Masin	Poppe	Wagenius
Bigham	Fritz	Kahn	McFarlane	Rukavina	Walker
Bly	Gardner	Kalin	Moe	Ruud	Welti
Brown	Greiling	Knuth	Morgan	Sailer	Winkler
Brynaert	Hansen	Laine	Mullery	Scalze	Wollschlager
Bunn	Hausman	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Carlson	Haws	Lesch	Murphy, M.	Simon	
Clark	Hilstrom	Liebling	Nelson	Slawik	
Davnie	Hilty	Lieder	Norton	Slocum	
Dill	Hornstein	Lillie	Olin	Solberg	
Dittrich	Hortman	Loeffler	Paymar	Swails	

Those who voted in the negative were:

Anderson, B.	Demmer	Gottwalt	Koenen	Otremba	Smith
Anderson, S.	Dettmer	Gunther	Kohls	Ozment	Tingelstad
Beard	Drazkowski	Hackbarth	Lanning	Peppin	Urdahl
Brod	Eastlund	Hamilton	Magnus	Ruth	Ward
Buesgens	Emmer	Heidgerken	McNamara	Seifert	Wardlow
Cornish	Erickson	Holberg	Morrow	Severson	Westrom
Dean	Finstad	Hoppe	Nornes	Shimanski	Zellers
DeLaForest	Garofalo	Howes	Olson	Simpson	

The motion prevailed and the amendment was adopted.

Huntley moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 316, after line 23, insert:

"Sec. 15. **MORATORIUM EXCEPTION PROPOSAL; WAIVER.**

The commissioner of health may waive the six-mile limit in Minnesota Statutes, section 144A.073, subdivision 5, paragraph (e), when considering a moratorium exception proposal submitted under Minnesota Statutes, section 144A.073, to allow a nursing facility providing specialty care in Minneapolis to close and relocate beds to a new facility in Robbinsdale under common ownership."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 288, after line 35, insert:

"Sec. 5. **[256.0122] HEALTH AND HUMAN SERVICES FINANCE BOARD.**

Subdivision 1. **Establishment.** The governor, by August 1, 2008, shall appoint a 25-member health and human services finance board. The board shall consist of: ten members representing state agencies administering health and human services programs, including five members from administrative and managerial positions and five members representing staff from nonadministrative or nonmanagerial positions; five members representing nonprofit organizations and agencies; and ten members representing counties, including five members from administrative and managerial positions and five members representing staff from nonadministrative or nonmanagerial positions. The commissioners of human services and health shall provide staffing, administrative support, and office space for the board out of existing funds of the operations budget. The board is governed by section 15.0575.

Subd. 2. **Duties.** The board shall manage the functions and services for health and human services programs receiving general fund appropriations, and shall ensure that aggregate spending for those programs remains within the targets specified in this section, by:

(1) increasing the efficiency of service delivery;

(2) increasing cooperation and coordination between state agencies, counties, and nonprofit organizations;

(3) innovating methods of delivering services;

(4) if necessary, reducing spending and eligibility for health and human services programs; and

(5) consolidating or eliminating specific programs.

Subd. 3. **Administering spending targets.** During each fiscal year, beginning with fiscal year 2010, the board shall manage spending on health and human services programs receiving general fund appropriations to ensure that the annual aggregate spending growth for these programs for the next fiscal year does not exceed spending for the previous fiscal year plus a three percent annual growth rate or another rate established by law. The annual spending growth for specific programs may differ from this aggregate spending target.

Subd. 4. **Authority; rulemaking.** Actions taken by the board that are supported by at least 75 percent of board members have the force of law and shall be implemented by the appropriate state agencies. The board shall regularly report actions taken to implement this section to the chairs and ranking minority members of the legislative committee with jurisdiction over health and human services policy and finance. The board may adopt rules necessary under chapter 14 to implement this subdivision, and may adopt exempt rules under section 14.386, except that the rules adopted shall not expire."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The Speaker called Hausman to the Chair.

DeLaForest and Pelowski moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 259, delete article 14

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 DeLaForest and Pelowski amendment and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brod	Dean	Dittrich	Emmer	Garofalo
Anderson, S.	Buesgens	DeLaForest	Doty	Erickson	Gottwalt
Beard	Bunn	Demmer	Drazkowski	Finstad	Gunther
Berns	Cornish	Dettmer	Eastlund	Gardner	Hackbarth

Hamilton	Lanning	Nornes	Peppin	Shimanski	Westrom
Haws	Lieder	Norton	Peterson, N.	Simpson	Wollschlager
Heidgerken	Magnus	Olin	Poppe	Smith	Zellers
Holberg	Marquart	Olson	Ruth	Tingelstad	
Hoppe	Masin	Otremba	Scalze	Urdahl	
Hosch	McFarlane	Ozment	Seifert	Wardlow	
Kohls	McNamara	Pelowski	Severson	Welti	

Those who voted in the negative were:

Abeler	Dominguez	Huntley	Lillie	Peterson, A.	Thissen
Anzelc	Eken	Jaros	Loeffler	Peterson, S.	Tillberry
Atkins	Erhardt	Johnson	Madore	Rukavina	Tschumper
Benson	Faust	Juhnke	Mahoney	Ruud	Wagenius
Bigham	Fritz	Kahn	Mariani	Sailer	Walker
Bly	Greiling	Kalin	Moe	Sertich	Ward
Brown	Hansen	Knuth	Morgan	Simon	Winkler
Brynaert	Hausman	Koenen	Morrow	Slawik	Spk. Kelliher
Carlson	Hilstrom	Laine	Mullery	Slocum	
Clark	Hilty	Lenczewski	Murphy, M.	Solberg	
Davnie	Hornstein	Lesch	Nelson	Swails	
Dill	Hortman	Liebling	Paymar	Thao	

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

The Speaker resumed the Chair.

Drazkowski, Buesgens, Zellers and Heidgerken moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 254, line 12, delete everything after the first comma and insert "section"

Page 254, line 13, delete "and" and delete "are" and insert "is"

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 Drazkowski et al amendment and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	DeLaForest	Eastlund	Garofalo	Hamilton
Anderson, B.	Buesgens	Demmer	Emmer	Gottwalt	Heidgerken
Anderson, S.	Cornish	Dettmer	Erickson	Gunther	Holberg
Beard	Dean	Drazkowski	Finstad	Hackbarth	Howes

Kohls	McNamara	Ozment	Ruth	Simpson	Wardlow
Lanning	Morgan	Pelowski	Seifert	Smith	Westrom
Magnus	Nornes	Peppin	Severson	Tingelstad	Zellers
McFarlane	Olson	Poppe	Shimanski	Urdahl	

Those who voted in the negative were:

Anzalc	Doty	Hosch	Loeffler	Paymar	Thissen
Atkins	Eken	Huntley	Madore	Peterson, A.	Tillberry
Benson	Erhardt	Jaros	Mahoney	Peterson, N.	Tschumper
Berns	Faust	Johnson	Mariani	Peterson, S.	Wagenius
Bigham	Fritz	Juhnke	Marquart	Rukavina	Walker
Bly	Gardner	Kahn	Masin	Ruud	Ward
Brown	Greiling	Kalin	Moe	Sailer	Welti
Brynaert	Hansen	Knuth	Morrow	Scalze	Winkler
Bunn	Hausman	Koenen	Mullery	Sertich	Wollschlager
Carlson	Haws	Laine	Murphy, E.	Simon	Spk. Kelliher
Clark	Hilstrom	Lenczewski	Murphy, M.	Slawik	
Davnie	Hilty	Lesch	Nelson	Slocum	
Dill	Hoppe	Liebling	Norton	Solberg	
Dittrich	Hornstein	Lieder	Olin	Swails	
Dominguez	Hortman	Lillie	Otremba	Thao	

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

Olson moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 3, delete section 1

Page 4, delete section 2

Page 5, delete section 4

Page 6, delete section 5

Page 10, delete section 6

Page 12, delete section 7

Page 15, delete section 8

Page 16, delete section 9

Page 18, delete section 11

Page 19, delete section 13

Page 24, delete section 22

Page 43, delete section 51

Page 44, delete section 52

Page 45, delete sections 53 and 54

Page 46, delete sections 55 and 57

Page 47, delete section 58

Page 62, delete section 5

Page 64, delete sections 6 and 7

Page 65, delete section 8

Page 67, delete section 11

Pages 71 to 75, delete sections 14 to 24

Pages 76 to 80, delete sections 26 to 31

Page 89, delete section 39

Page 93, delete section 7

Page 96, delete section 11

Page 97, delete sections 12 and 13

Page 99, delete section 14

Page 100, delete sections 15 and 16

Page 101, delete section 17

Page 102, delete sections 18 and 19

Page 103, delete sections 20 and 21

Page 104, delete section 22

Page 105, delete sections 23 and 24

Page 106, delete section 25

Page 107, delete sections 26 to 28

Page 108, delete section 29

Page 109, delete section 30

Page 110, delete section 31

Page 111, delete sections 32 to 34

Page 112, delete section 35

Page 113, delete sections 36 and 37

Page 114, delete sections 38 and 39

Page 116, delete section 40

Page 117, delete section 41

Page 118, delete sections 42 and 43

Page 119, delete sections 44 to 47

Page 120, delete section 48

Page 121, delete section 49

Page 125, delete section 50

Page 131, delete sections 51 and 52

Page 149, delete section 56

Page 150, delete section 57

Page 151, delete section 58

Page 153, delete section 61

Page 154, delete lines 21 and 22

Page 172, delete section 3

Page 173, delete section 4

Page 174, delete section 5

Page 175, delete sections 6 and 7

Page 176, delete section 8

Page 177, delete section 9

Page 178, delete sections 10 to 13

Page 179, delete sections 14 to 17

Page 182, delete section 19

Page 183, delete section 20

Page 186, delete section 24

Page 187, delete sections 25 and 27

Page 189, delete sections 30 and 31 and insert:

"Sec. 10. **REPEALER.**

Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended by Laws 2002, chapter 323, section 19, is repealed."

Page 194, delete section 5

Page 195, delete section 6

Page 196, delete section 7

Page 197, delete sections 8 to 10

Page 198, delete section 11

Page 200, delete section 14

Page 211, delete section 1

Page 224, delete sections 10 to 12

Page 226, delete sections 13 and 14

Page 227, delete section 15

Page 229, delete section 17

Page 235, delete sections 13 and 14

Page 236, delete section 16

Page 240, delete sections 18 to 20

Page 241, delete section 21

Page 243, delete sections 22 to 24

Page 244, delete section 26

Page 247, delete sections 27 and 28

Page 249, delete sections 29 and 30

Page 254, delete sections 38 and 39

Page 259, delete article 14

Page 274, delete section 6

Page 275, delete sections 7, 8 and 9

Page 276, delete sections 10 and 11

Page 277, delete section 12

Page 281, delete sections 13 and 14

Page 282, delete sections 15 to 17

Page 283, delete section 19

Page 283, delete article 18

Page 316, delete section 14

Page 316, delete article 21

Page 340, delete sections 3 and 4

Page 342, delete section 5

Page 343, delete section 6

Page 345, delete section 8

Page 349, delete section 12

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 Olson amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Buesgens	Dettmer	Erickson	Hackbarth	Hoppe
Anderson, S.	Cornish	Drazkowski	Finstad	Hamilton	Hosch
Beard	Dean	Eastlund	Gottwalt	Haws	Howes
Berns	DeLaForest	Emmer	Greiling	Heidgerken	Kohls
Brod	Demmer	Erhardt	Gunther	Holberg	Lanning

Liebling	Nornes	Peppin	Scalze	Simpson	Wardlow
Magnus	Norton	Peterson, N.	Seifert	Smith	Westrom
McFarlane	Olson	Poppe	Severson	Tingelstad	Wollschlager
McNamara	Pelowski	Ruth	Shimanski	Urdahl	Zellers

Those who voted in the negative were:

Anzelc	Dominguez	Huntley	Loeffler	Olin	Solberg
Atkins	Doty	Jaros	Madore	Otremba	Swails
Benson	Eken	Johnson	Mahoney	Ozment	Thao
Bigham	Faust	Juhnke	Mariani	Paymar	Thissen
Bly	Fritz	Kahn	Marquart	Peterson, A.	Tillberry
Brown	Gardner	Kalin	Masin	Peterson, S.	Tschumper
Brynaert	Garofalo	Knuth	Moe	Rukavina	Wagenius
Bunn	Hansen	Koenen	Morgan	Ruud	Walker
Carlson	Hausman	Laine	Morrow	Sailer	Ward
Clark	Hilstrom	Lenczewski	Mullery	Sertich	Walti
Davnie	Hilty	Lesch	Murphy, E.	Simon	Winkler
Dill	Hornstein	Lieder	Murphy, M.	Slawik	Spk. Kelliher
Dittrich	Hortman	Lillie	Nelson	Slocum	

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

Bunn and Sailer offered an amendment to H. F. No. 1812, the third engrossment, as amended.

Hoppe requested a division of the Bunn and Sailer amendment to H. F. No. 1812, the third engrossment, as amended.

The first portion of the Bunn and Sailer amendment to H. F. No. 1812, the third engrossment, as amended, reads as follows:

Page 188, line 1, after "application" insert ", except as provided in paragraph (e)."

Page 188, line 2, delete "major"

Page 188, line 12, delete "enriched"

Page 188, line 23, delete everything after the period

Page 188, delete lines 24 and 25

Page 188, delete lines 30 to 32 and insert:

"(e) This section does not apply to an application for:

(1) reissuance of a permit for a land disposal facility operating as of March 1, 2008;

(2) a permit to expand a land disposal facility operating as of March 1, 2008, beyond its permitted boundaries, including expansion on land that is not contiguous to, but is located within 600 yards of, the land disposal facility's permitted boundaries;

(3) a permit to modify the type of waste accepted at a land disposal facility operating as of March 1, 2008; or

(4) a permit to locate a Class I, II, or III land disposal facility that will accept construction debris and demolition debris, as described in the Minnesota Pollution Control Agency's "Demolition Landfill Guidance," published in August 2005, that is operating as of July 1, 2010."

Page 188, line 33, delete everything after "a" and insert "permit application for an industrial solid waste land disposal facility, unless the commissioner determines that the proposed facility is unlikely to pose a risk of groundwater contamination."

Page 188, delete line 34

Page 188, after line 34, insert:

"(g) By September 15, 2008, the commissioner shall submit a report to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over environmental policy containing recommendations, including suggested legislation or rules, for changes in the provisions governing the location of industrial solid waste land disposal facilities and Class I, II, or III land disposal facilities that accept construction debris and demolition debris, as described in the Minnesota Pollution Control Agency's "Demolition Landfill Guidance," published in August 2005, in order to prevent the contamination of ground water by those facilities."

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 first portion of the Bunn and Sailer amendment and the roll was called. There were 85 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Huntley	Madore	Paymar	Thao
Anzelc	Doty	Jaros	Mahoney	Pelowski	Thissen
Atkins	Eken	Johnson	Mariani	Peterson, A.	Tillberry
Benson	Faust	Juhnke	Marquart	Peterson, S.	Tschumper
Bigham	Fritz	Kahn	Masin	Poppe	Wagenius
Bly	Gardner	Kalin	Moe	Rukavina	Walker
Brown	Greiling	Knuth	Morgan	Ruud	Ward
Brynaert	Hansen	Koenen	Morrow	Sailer	Welti
Bunn	Hausman	Laine	Mullery	Scalze	Winkler
Carlson	Haws	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Clark	Hilstrom	Lesch	Murphy, M.	Simon	
Davnie	Hilty	Liebling	Nelson	Slawik	
Dean	Hornstein	Lieder	Norton	Slocum	
Dill	Hortman	Lillie	Olin	Solberg	
Dittrich	Hosch	Loeffler	Otremba	Swails	

Those who voted in the negative were:

Anderson, B.	Demmer	Garofalo	Howes	Ozment	Simpson
Anderson, S.	Dettmer	Gottwalt	Kohls	Paulsen	Smith
Beard	Drazkowski	Gunther	Lanning	Peppin	Tingelstad
Berns	Eastlund	Hackbarth	Magnus	Peterson, N.	Urdahl
Brod	Emmer	Hamilton	McFarlane	Ruth	Wardlow
Buesgens	Erhardt	Heidgerken	McNamara	Seifert	Westrom
Cornish	Erickson	Holberg	Nornes	Severson	Wollschlager
DeLaForest	Finstad	Hoppe	Olson	Shimanski	Zellers

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

The second portion of the Bunn and Sailer amendment to H. F. No. 1812, the third engrossment, as amended, reads as follows:

Page 188, after line 35, insert:

"Sec. 28. **INDUSTRIAL AND CONSTRUCTION AND DEMOLITION LANDFILL WORKING GROUP.**

The commissioner of the Pollution Control Agency shall, by July 15, 2008, convene a working group to develop, evaluate, and recommend policies and legislation regarding the management of industrial solid waste and construction and demolition debris in land disposal facilities. The commissioner shall appoint members of the working group, including representatives from counties, state agencies, private landfill owners, waste haulers, environmental organizations, and other interested parties to serve on the working group. The Pollution Control Agency shall serve as staff to the working group. The working group shall submit a report of its findings and recommendations to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over environmental policy and environmental finance by January 15, 2009."

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 second portion of the Bunn and Sailer amendment and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	DeLaForest	Erhardt	Gunther	Holberg
Anderson, B.	Brown	Demmer	Erickson	Hackbarth	Hoppe
Anderson, S.	Brynaert	Dettmer	Faust	Hamilton	Hornstein
Anzelc	Bunn	Dill	Finstad	Hansen	Hortman
Atkins	Carlson	Dittrich	Fritz	Hausman	Hosch
Benson	Clark	Dominguez	Gardner	Haws	Howes
Berns	Cornish	Doty	Garofalo	Heidgerken	Huntley
Bigham	Davnie	Eastlund	Gottwalt	Hilstrom	Jaros
Bly	Dean	Eken	Greiling	Hilty	Johnson

Juhnke	Loeffler	Murphy, M.	Peterson, N.	Simpson	Walker
Kahn	Madore	Nelson	Peterson, S.	Slawik	Ward
Kalin	Mahoney	Nornes	Poppe	Slocum	Wardlow
Knuth	Mariani	Norton	Rukavina	Smith	Welti
Koenen	Marquart	Olin	Ruth	Solberg	Westrom
Kohls	Masin	Olson	Ruud	Swails	Winkler
Laine	McFarlane	Otremba	Sailer	Thao	Wollschlager
Lanning	McNamara	Ozment	Scalze	Thissen	Spk. Kelliher
Lenczewski	Moe	Paulsen	Seifert	Tillberry	
Lesch	Morgan	Paymar	Sertich	Tingelstad	
Liebling	Morrow	Pelowski	Severson	Tschumper	
Lieder	Mullery	Peppin	Shimanski	Urdahl	
Lillie	Murphy, E.	Peterson, A.	Simon	Wagenius	

Those who voted in the negative were:

Beard	Buesgens	Drazkowski	Emmer	Zellers
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The motion prevailed and the second portion of the Bunn and Sailer amendment was adopted.

Hoppe moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 187, delete section 27

A roll call was requested and properly seconded.

The question was taken on the Hoppe amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Lanning	Ozment	Smith
Anderson, S.	Dill	Hamilton	Lieder	Paulsen	Thao
Atkins	Drazkowski	Haws	Madore	Pelowski	Tingelstad
Beard	Eastlund	Heidgerken	Magnus	Peppin	Urdahl
Benson	Emmer	Holberg	Mahoney	Peterson, N.	Wardlow
Berns	Erhardt	Hoppe	Marquart	Poppe	Welti
Brod	Erickson	Hosch	McFarlane	Ruth	Westrom
Buesgens	Finstad	Howes	Nornes	Seifert	Wollschlager
Cornish	Garofalo	Huntley	Olin	Severson	Zellers
DeLaForest	Gottwalt	Juhnke	Olson	Shimanski	
Demmer	Gunther	Kohls	Otremba	Simpson	

Those who voted in the negative were:

Abeler	Bly	Bunn	Davnie	Dominguez	Faust
Anzelc	Brown	Carlson	Dean	Doty	Fritz
Bigham	Brynaert	Clark	Dittrich	Eken	Gardner

Greiling	Kahn	Loeffler	Murphy, M.	Scalze	Tschumper
Hansen	Kalin	Mariani	Nelson	Sertich	Wagenius
Hausman	Knuth	Masin	Norton	Simon	Walker
Hilstrom	Koenen	McNamara	Paymar	Slawik	Ward
Hilty	Laine	Moe	Peterson, A.	Slocum	Winkler
Hornstein	Lenczewski	Morgan	Peterson, S.	Solberg	Spk. Kelliher
Hortman	Lesch	Morrow	Rukavina	Swails	
Jaros	Liebling	Mullery	Ruud	Thissen	
Johnson	Lillie	Murphy, E.	Sailer	Tillberry	

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

Olson moved that H. F. No. 1812, as amended, be re-referred to the Committee on Finance.

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Kohls	Peterson, N.	Tingelstad
Anderson, B.	Dettmer	Gunther	Lanning	Poppe	Urdahl
Anderson, S.	Dittrich	Hackbarth	Magnus	Ruth	Wardlow
Beard	Drazkowski	Hamilton	McFarlane	Ruud	Westrom
Berns	Eastlund	Heidgerken	McNamara	Seifert	Wollschlager
Brod	Emmer	Holberg	Nornes	Severson	Zellers
Buesgens	Erhardt	Hoppe	Olson	Shimanski	
Cornish	Erickson	Hosch	Ozment	Simpson	
Dean	Finstad	Howes	Paulsen	Smith	
DeLaForest	Garofalo	Kalin	Peppin	Swails	

Those who voted in the negative were:

Anzelc	Doty	Huntley	Loeffler	Norton	Slocum
Atkins	Eken	Jaros	Madore	Olin	Solberg
Benson	Faust	Johnson	Mahoney	Otremba	Thao
Bigham	Fritz	Juhnke	Mariani	Paymar	Thissen
Bly	Gardner	Kahn	Marquart	Pelowski	Tillberry
Brown	Greiling	Knuth	Masin	Peterson, A.	Tschumper
Brynaert	Hansen	Koenen	Moe	Peterson, S.	Wagenius
Bunn	Hausman	Laine	Morgan	Rukavina	Walker
Carlson	Haws	Lenczewski	Morrow	Sailer	Ward
Clark	Hilstrom	Lesch	Mullery	Scalze	Welti
Davnie	Hilty	Liebling	Murphy, E.	Sertich	Winkler
Dill	Hornstein	Lieder	Murphy, M.	Simon	Spk. Kelliher
Dominguez	Hortman	Lillie	Nelson	Slawik	

The motion did not prevail.

The Speaker called Pelowski to the Chair.

Seifert moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 254, after line 10, insert:

"Sec. 39. **LEGISLATIVE CARRYFORWARD BALANCES.**

On July 1, 2008, the legislature shall cancel \$4,000,000 to the general fund from balances previously carried forward under Minnesota Statutes, section 16A.281."

Renumber the sections in sequence and correct the internal references

Adjust totals accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Lanning	Paulsen	Smith
Anderson, B.	Dettmer	Gunther	Lenczewski	Peppin	Urdahl
Anderson, S.	Dittrich	Hackbarth	Magnus	Peterson, N.	Wardlow
Beard	Drazkowski	Hamilton	Masin	Ruth	Westrom
Berns	Eastlund	Heidgerken	McFarlane	Ruud	Wollschlager
Brod	Emmer	Holberg	McNamara	Scalze	Zellers
Buesgens	Erhardt	Hoppe	Morgan	Seifert	
Cornish	Erickson	Howes	Mullery	Severson	
Dean	Finstad	Kalin	Nornes	Shimanski	
DeLaForest	Garofalo	Kohls	Olson	Simpson	

Those who voted in the negative were:

Anzenc	Doty	Hosch	Loeffler	Ozment	Swails
Atkins	Eken	Huntley	Madore	Paymar	Thao
Benson	Faust	Jaros	Mahoney	Pelowski	Thissen
Bigham	Fritz	Johnson	Mariani	Peterson, A.	Tillberry
Bly	Gardner	Juhnke	Marquart	Peterson, S.	Tingelstad
Brown	Greiling	Kahn	Moe	Poppe	Tschumper
Brynaert	Hansen	Knuth	Morrow	Rukavina	Wagenius
Bunn	Hausman	Koenen	Murphy, E.	Sailer	Walker
Carlson	Haws	Laine	Murphy, M.	Sertich	Ward
Clark	Hilstrom	Lesch	Nelson	Simon	Welti
Davnie	Hilty	Liebling	Norton	Slawik	Winkler
Dill	Hornstein	Lieder	Olin	Slocum	Spk. Kelliher
Dominguez	Hortman	Lillie	Otremba	Solberg	

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

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

Severson, Dettmer, Wardlow, DeLaForest, Koenen, Tingelstad and Juhnke moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 254, after line 10, insert:

"Sec. 39. **STUDY OF VETERANS EMPLOYMENT IN STATE GOVERNMENT.**

(a) By October 1, 2008, each hiring authority of the executive, legislative, and judicial branches of state government must report to the commissioner of finance on the incidence of employment, recruitment, retention, and retirement of veterans in their nonelected workforce for fiscal year 2008. The report must be made in a manner approved by the commissioner, and must include analysis by age category. Each hiring authority must also report specific veteran employment data requested by the commissioner as of June 30, 2008; June 30, 2001, and an earlier date if judged feasible by the commissioner.

(b) By January 15, 2009, the commissioner must submit a report on the employment of veterans in state government to the chairs of the house and senate policy and finance committees having jurisdiction over veterans affairs. The report must present and analyze the data obtained in paragraph (a).

(c) For purposes of this section, "veteran" has the meaning given in section 197.447.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Garofalo and Hosch moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 234, delete section 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The Speaker resumed the Chair.

Peterson, S.; Slawik; Wardlow; Brynaert; Laine; Murphy, E.; Davnie; Ruth; Eastlund and Greiling moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 59, after line 32, insert:

"ARTICLE 3

EARLY CHILDHOOD EDUCATION

Section 1. [124D.141] STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.

Subdivision 1. **Membership.** Two members of the house of representatives, one appointed by the speaker and one appointed by the minority leader; and two members of the senate, one appointed by the majority leader and one by the minority leader; and two parents with a child under age six, shall be added to the membership of the State Advisory Council on Early Education and Care required under the federal Improving Head Start for School Readiness Act of 2007.

Subd. 2. **Additional duties.** The following duties are added to those assigned to the Council under federal law:

(1) make recommendations on the most efficient and effective way to leverage state and federal funding streams for early childhood and child care programs;

(2) make recommendations on how to coordinate or colocate early childhood and child care programs in one state Office of Early Learning; and

(3) make recommendations to the governor and legislature, including proposed legislation on how to most effectively create a high quality early childhood system in Minnesota in order to improve the educational outcomes of children so that all children are school-ready by 2020.

Subd. 3. **Administration.** An amount up to \$12,500 of federal child care and development fund administrative funds and up to \$12,500 of prekindergarten exploratory project funds appropriated under Laws 2007, chapter 147, article 19, section 3, may be used to reimburse the parents on the Council and for the administration of the State Advisory Council on Early Childhood Education and Care. This funding stream is for fiscal year 2009. The Council may pursue additional operational funds from state, federal, and private sources."

Renumber the articles in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Buesgens moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 254, line 12, after "5;" insert "and"

Page 254, line 13, delete "and 645.44, subdivision 19."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Finstad	Kalin	Paulsen	Tingelstad
Anderson, B.	Dettmer	Garofalo	Koenen	Peppin	Urdahl
Anderson, S.	Dittrich	Gottwalt	Magnus	Peterson, N.	Wardlow
Beard	Drazkowski	Gunther	Masin	Ruth	Welti
Berns	Eastlund	Hackbarth	McNamara	Seifert	Westrom
Brod	Eken	Hamilton	Morgan	Severson	Wollschlager
Brown	Emmer	Heidgerken	Nornes	Shimanski	Zellers
Buesgens	Erhardt	Holberg	Olson	Simpson	
Cornish	Erickson	Hoppe	Otremba	Smith	
Dean	Faust	Howes	Ozment	Swails	

Those who voted in the negative were:

Anzelc	Doty	Jaros	Madore	Paymar	Solberg
Atkins	Fritz	Johnson	Mahoney	Pelowski	Thao
Benson	Gardner	Juhnke	Mariani	Peterson, A.	Thissen
Bigham	Greiling	Kahn	Marquart	Peterson, S.	Tillberry
Bly	Hansen	Knuth	McFarlane	Poppe	Tschumper
Brynaert	Hausman	Laine	Moe	Rukavina	Wagenius
Bunn	Haws	Lanning	Morrow	Ruud	Walker
Carlson	Hilstrom	Lenczewski	Mullery	Sailer	Ward
Clark	Hilty	Lesch	Murphy, E.	Scalze	Winkler
Davnie	Hornstein	Liebling	Murphy, M.	Sertich	Spk. Kelliher
Demmer	Hortman	Lieder	Nelson	Simon	
Dill	Hosch	Lillie	Norton	Slawik	
Dominguez	Huntley	Loeffler	Olin	Slocum	

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

Kalin moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 46, line 26, before the period, insert "if: (1) the commissioners of education and finance jointly certify that by not implementing the provisions of the No Child Left Behind Act, the state's schools will realize a net financial benefit; and (2) the commissioner of education implements the state assessment and accountability provisions in article 1, sections 5 to 9 and 51 to 54 of this act"

The motion prevailed and the amendment was adopted.

Buesgens and Zellers moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 240, delete section 18

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 Buesgens and Zellers amendment and the roll was called. There were 37 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Hoppe	Paulsen	Wardlow
Anderson, S.	Demmer	Garofalo	Lanning	Peppin	Westrom
Beard	Dettmer	Gottwalt	Magnus	Ruth	
Berns	Drazkowski	Gunther	McFarlane	Seifert	
Brod	Eastlund	Hackbarth	McNamara	Severson	
Buesgens	Emmer	Hamilton	Nornes	Shimanski	
Dean	Erickson	Holberg	Olson	Simpson	

Those who voted in the negative were:

Abeler	Doty	Howes	Madore	Paymar	Swails
Anzelc	Eken	Huntley	Mahoney	Pelowski	Thao
Atkins	Erhardt	Jaros	Mariani	Peterson, A.	Thissen
Benson	Faust	Johnson	Marquart	Peterson, N.	Tillberry
Bigham	Fritz	Juhnke	Masin	Peterson, S.	Tingelstad
Bly	Gardner	Kahn	Moe	Poppe	Tschumper
Brown	Greiling	Kalin	Morgan	Rukavina	Urdahl
Brynaert	Hansen	Knuth	Morrow	Ruud	Wagenius
Bunn	Hausman	Koenen	Mullery	Sailer	Walker
Carlson	Haws	Laine	Murphy, E.	Scalze	Ward
Clark	Heidgerken	Lenczewski	Murphy, M.	Sertich	Welti
Cornish	Hilstrom	Lesch	Nelson	Simon	Winkler
Davnie	Hilty	Liebling	Norton	Slawik	Wollschlager
Dill	Hornstein	Lieder	Olin	Slocum	Zellers
Dittrich	Hortman	Lillie	Otremba	Smith	Spk. Kelliher
Dominguez	Hosch	Loeffler	Ozment	Solberg	

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

Olson moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 241, after line 17, insert:

"Sec. 21. **[16A.1524] BUDGET BALANCING.**

Notwithstanding any law to the contrary, if a forecast under section 16A.103 shows a decrease in revenues in the current biennium that would result in a shortfall in the state budget, the governor must direct the commissioner to make across the board reductions in general fund appropriations, excluding appropriations for essential state services. If the forecast shows that revenues in future bienniums are also insufficient for a balanced budget, each state agency must develop a plan to reduce spending by five percent in future fiscal years. Each political subdivision that receives state appropriations must also report under section 6.79 with a plan to reduce mandates to achieve a five percent reduction in general fund supported expenditures in future fiscal years."

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 Olson amendment and the roll was called. There were 19 yeas and 113 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Hoppe	Seifert
Buesgens	Drazkowski	Gunther	Nornes	Westrom
Cornish	Emmer	Hackbarth	Olson	Zellers
DeLaForest	Erickson	Holberg	Peppin	

Those who voted in the negative were:

Abeler	Dittrich	Hornstein	Loeffler	Ozment	Slocum
Anderson, S.	Dominguez	Hortman	Madore	Paulsen	Smith
Anzelc	Doty	Hosch	Magnus	Paymar	Solberg
Atkins	Eastlund	Howes	Mahoney	Pelowski	Swails
Beard	Eken	Huntley	Mariani	Peterson, A.	Thao
Benson	Erhardt	Jaros	Marquart	Peterson, N.	Thissen
Berns	Faust	Johnson	Masin	Peterson, S.	Tillberry
Bigham	Fritz	Juhnke	McFarlane	Poppe	Tingelstad
Bly	Gardner	Kahn	McNamara	Rukavina	Tschumper
Brod	Garofalo	Kalin	Moe	Ruth	Urdahl
Brown	Gottwalt	Knuth	Morgan	Ruud	Wagenius
Brynaert	Greiling	Koenen	Morrow	Sailer	Walker
Bunn	Hamilton	Laine	Mullery	Scalze	Ward
Carlson	Hansen	Lanning	Murphy, E.	Sertich	Wardlow
Clark	Hausman	Lenczewski	Murphy, M.	Severson	Welti
Davnie	Haws	Lesch	Nelson	Shimanski	Winkler
Dean	Heidgerken	Liebling	Norton	Simon	Wollschlager
Dettmer	Hilstrom	Lieder	Olin	Simpson	Spk. Kelliher
Dill	Hilty	Lillie	Otremba	Slawik	

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

Hilstrom was excused between the hours of 6:15 p.m. and 7:25 p.m.

Olson moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 241, after line 17, insert:

"Sec. 21. **[16A.1524] BUDGET BALANCING.**

Notwithstanding any law to the contrary, if the forecast under section 16A.103 shows that revenues in future bienniums are insufficient for a balanced budget, each state agency must develop a plan to reduce spending by five percent in future fiscal years. Each political subdivision that receives state appropriations must also report under section 6.79 with a plan to reduce mandates to achieve a five percent reduction in general fund supported expenditures in future fiscal years."

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 Olson amendment and the roll was called. There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Garofalo	Hortman	Peppin	Simpson
Anderson, B.	Dittrich	Gottwalt	Hosch	Peterson, N.	Smith
Beard	Drazkowski	Gunther	Lenczewski	Poppe	Tingelstad
Berns	Eastlund	Hackbarth	Marquart	Ruud	Urdahl
Brod	Emmer	Hamilton	McNamara	Scalze	Wardlow
Buesgens	Erhardt	Haws	Olson	Seifert	Westrom
Cornish	Erickson	Heidgerken	Ozment	Severson	Wollschlager
Dean	Finstad	Holberg	Paulsen	Shimanski	Zellers

Those who voted in the negative were:

Anderson, S.	Dill	Huntley	Loeffler	Nornes	Slocum
Anzelc	Dominguez	Jaros	Madore	Norton	Solberg
Atkins	Doty	Johnson	Magnus	Olin	Swails
Benson	Eken	Juhnke	Mahoney	Otremba	Thao
Bigham	Faust	Kahn	Mariani	Paymar	Thissen
Bly	Fritz	Kalin	Masin	Pelowski	Tillberry
Brown	Gardner	Knuth	McFarlane	Peterson, A.	Tschumper
Brynaert	Greiling	Koenen	Moe	Peterson, S.	Wagenius
Bunn	Hansen	Laine	Morgan	Rukavina	Walker
Carlson	Hausman	Lanning	Morrow	Ruth	Ward
Clark	Hilty	Lesch	Mullery	Sailer	Welti
Davnie	Hoppe	Liebling	Murphy, E.	Sertich	Winkler
DeLaForest	Hornstein	Lieder	Murphy, M.	Simon	Spk. Kelliher
Demmer	Howes	Lillie	Nelson	Slawik	

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

McNamara moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 155, line 28, after the period, insert "These rules shall not take effect until the California low emissions regulations have been adopted by all of the states bordering Minnesota and shall become effective beginning with motor vehicles with a model year equal to the latest model year to which the California low emissions regulations apply in a state bordering Minnesota."

A roll call was requested and properly seconded.

The question was taken on the McNamara amendment and the roll was called. There were 48 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brod	Dean	Dettmer	Eastlund	Finstad
Anderson, S.	Buesgens	DeLaForest	Dill	Emmer	Garofalo
Beard	Cornish	Demmer	Drazkowski	Erickson	Gottwalt

Gunther	Hoppe	McFarlane	Peppin	Severson	Urdahl
Hackbarth	Howes	McNamara	Peterson, N.	Shimanski	Wardlow
Hamilton	Juhnke	Nornes	Rukavina	Simpson	Westrom
Heidgerken	Lanning	Olin	Ruth	Smith	Wollschlager
Holberg	Magnus	Olson	Seifert	Solberg	Zellers

Those who voted in the negative were:

Anzelc	Doty	Huntley	Madore	Ozment	Thissen
Atkins	Eken	Jaros	Mahoney	Paymar	Tillberry
Benson	Erhardt	Johnson	Mariani	Pelowski	Tingelstad
Berns	Faust	Kahn	Marquart	Peterson, A.	Tschumper
Bigham	Fritz	Kalin	Masin	Peterson, S.	Wagenius
Bly	Gardner	Knuth	Moe	Poppe	Walker
Brown	Greiling	Koenen	Morgan	Ruud	Ward
Brynaert	Hansen	Laine	Morrow	Sailer	Welti
Bunn	Hausman	Lenczewski	Mullery	Scalze	Winkler
Carlson	Haws	Lesch	Murphy, E.	Simon	Spk. Kelliher
Clark	Hilty	Liebling	Murphy, M.	Slawik	
Davnie	Hornstein	Lieder	Nelson	Slocum	
Dittrich	Hortman	Lillie	Norton	Swails	
Dominguez	Hosch	Loeffler	Otremba	Thao	

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

Rukavina, Dill and Hackbarth moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 160, after line 24 insert:

"\$100,000 is appropriated in fiscal year 2009 from the all-terrain vehicle account in the natural resource fund to the commissioner of natural resources for a grant to the city of Biwabik to convert the Moose Trail snowmobile trail to a dual usage trail, so that it may also be used as an Off-Highway Vehicle trail connecting the city of Biwabik to the Iron Range Off-Highway Vehicle Recreation Area."

Adjust amounts accordingly

The motion prevailed and the amendment was adopted.

Hackbarth offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Seifert appealed the decision of the Speaker.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Abeler	Dettmer	Hausman	Liebling	Olson	Slawik
Anderson, B.	Dill	Haws	Lieder	Otremba	Slocum
Anderson, S.	Dittrich	Heidgerken	Lillie	Ozment	Smith
Anzelc	Dominguez	Hilty	Loeffler	Paulsen	Solberg
Atkins	Doty	Holberg	Madore	Paymar	Swails
Beard	Drazkowski	Hoppe	Magnus	Pelowski	Thao
Benson	Eastlund	Hornstein	Mahoney	Peppin	Thissen
Berns	Eken	Hortman	Mariani	Peterson, A.	Tillberry
Bigham	Emmer	Hosch	Marquart	Peterson, N.	Tingelstad
Bly	Erhardt	Howes	Masin	Peterson, S.	Tschumper
Brod	Erickson	Huntley	McFarlane	Poppe	Urdahl
Brown	Faust	Jaros	McNamara	Rukavina	Wagenius
Brynaert	Finstad	Johnson	Moe	Ruth	Walker
Buesgens	Fritz	Juhnke	Morgan	Ruud	Ward
Bunn	Gardner	Kahn	Morrow	Sailer	Wardlow
Carlson	Garofalo	Kalin	Mullery	Scalze	Welti
Clark	Gottwalt	Knuth	Murphy, E.	Seifert	Westrom
Cornish	Greiling	Koenen	Murphy, M.	Sertich	Winkler
Davnie	Gunther	Laine	Nelson	Severson	Wollschlager
Dean	Hackbarth	Lanning	Nornes	Shimanski	Zellers
DeLaForest	Hamilton	Lenczewski	Norton	Simon	Spk. Kelliher
Demmer	Hansen	Lesch	Olin	Simpson	

All members answered to the call and it was so ordered.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Atkins	Gardner	Kahn	Marquart	Peterson, S.	Thissen
Benson	Greiling	Knuth	Masin	Poppe	Tillberry
Bigham	Hansen	Laine	Morgan	Ruud	Wagenius
Bly	Hausman	Lenczewski	Morrow	Sailer	Walker
Brynaert	Haws	Lesch	Mullery	Scalze	Welti
Bunn	Hilstrom	Liebling	Murphy, E.	Sertich	Winkler
Carlson	Hilty	Lieder	Murphy, M.	Simon	Wollschlager
Clark	Hornstein	Lillie	Nelson	Slawik	Spk. Kelliher
Davnie	Hortman	Loeffler	Norton	Slocum	
Dittrich	Huntley	Madore	Paymar	Solberg	
Dominguez	Jaros	Mahoney	Pelowski	Swails	
Fritz	Johnson	Mariani	Peterson, A.	Thao	

Those who voted in the negative were:

Abeler	DeLaForest	Faust	Howes	Olson	Simpson
Anderson, B.	Demmer	Finstad	Juhnke	Otremba	Smith
Anderson, S.	Dettmer	Garofalo	Kalin	Ozment	Tingelstad
Anzelc	Dill	Gottwalt	Koenen	Paulsen	Tschumper
Beard	Doty	Gunther	Lanning	Peppin	Urdahl
Berns	Drazkowski	Hackbarth	Magnus	Peterson, N.	Ward
Brod	Eastlund	Hamilton	McFarlane	Rukavina	Wardlow
Brown	Eken	Heidgerken	McNamara	Ruth	Westrom
Buesgens	Emmer	Holberg	Moe	Seifert	Zellers
Cornish	Erhardt	Hoppe	Nornes	Severson	
Dean	Erickson	Hosch	Olin	Shimanski	

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

CALL OF THE HOUSE LIFTED

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

The Speaker called Thissen to the Chair.

Beard moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 201, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Hackbarth moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 194, delete section 5

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 Hackbarth amendment and the roll was called. There were 36 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Emmer	Hackbarth	McFarlane	Seifert
Beard	Demmer	Erickson	Holberg	Morgan	Severson
Brod	Dettmer	Finstad	Hoppe	Nornes	Shimanski
Buesgens	Dill	Garofalo	Howes	Olson	Simpson
Cornish	Drazkowski	Gottwalt	Lanning	Peppin	Wardlow
Dean	Eastlund	Gunther	Magnus	Ruth	Zellers

Those who voted in the negative were:

Abeler	Doty	Hosch	Madore	Paulsen	Solberg
Anderson, S.	Eken	Huntley	Mahoney	Paymar	Swails
Anzelc	Erhardt	Jaros	Mariani	Pelowski	Thao
Atkins	Faust	Johnson	Marquart	Peterson, A.	Thissen
Benson	Fritz	Juhnke	Masin	Peterson, N.	Tillberry
Berns	Gardner	Kahn	McNamara	Peterson, S.	Tingelstad
Bigham	Greiling	Kalin	Moe	Poppe	Tschumper
Bly	Hamilton	Knuth	Morrow	Rukavina	Urdahl
Brown	Hansen	Koenen	Mullery	Ruud	Wagenius
Brynaert	Hausman	Laine	Murphy, E.	Sailer	Walker
Bunn	Haws	Lenczewski	Murphy, M.	Scalze	Ward
Carlson	Heidgerken	Lesch	Nelson	Sertich	Welti
Clark	Hilstrom	Liebling	Norton	Simon	Westrom
Davnie	Hilty	Lieder	Olin	Slawik	Winkler
Dittrich	Hornstein	Lillie	Otremba	Slocum	Wollschlager
Dominguez	Hortman	Loeffler	Ozment	Smith	Spk. Kelliher

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

Zellers, Heidgerken, Buesgens, Urdahl, Magnus, Finstad, Hamilton, Drazkowski, Simpson, Brod and Dean moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 155, delete lines 21 to 28 and insert:

"\$134,000 in fiscal year 2009 is from the environmental fund for purposes of Minnesota Statutes, chapter 114D."

A roll call was requested and properly seconded.

The question was taken on the Zellers et al amendment and the roll was called. There were 50 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berns	Cornish	Demmer	Drazkowski	Erhardt
Anderson, S.	Brod	Dean	Dettmer	Eastlund	Erickson
Beard	Buesgens	DeLaForest	Dill	Emmer	Finstad

Garofalo	Holberg	McFarlane	Peppin	Simpson	Wollschlager
Gottwalt	Hoppe	Nornes	Peterson, N.	Smith	Zellers
Gunther	Howes	Olin	Ruth	Solberg	
Hackbarth	Juhnke	Olson	Seifert	Urdahl	
Hamilton	Lanning	Ozment	Severson	Wardlow	
Heidgerken	Magnus	Paulsen	Shimanski	Westrom	

Those who voted in the negative were:

Abeler	Doty	Huntley	Madore	Otremba	Thao
Anzelc	Eken	Jaros	Mahoney	Paymar	Thissen
Atkins	Faust	Johnson	Mariani	Pelowski	Tillberry
Benson	Fritz	Kahn	Marquart	Peterson, A.	Tingelstad
Bigham	Gardner	Kalin	Masin	Peterson, S.	Tschumper
Bly	Greiling	Knuth	McNamara	Poppe	Wagenius
Brown	Hansen	Koenen	Moe	Rukavina	Walker
Brynaert	Hausman	Laine	Morgan	Ruud	Ward
Bunn	Haws	Lenczewski	Morrow	Sailer	Welti
Carlson	Hilstrom	Lesch	Mullery	Scalze	Winkler
Clark	Hilty	Liebling	Murphy, E.	Simon	Spk. Kelliher
Davnie	Hornstein	Lieder	Murphy, M.	Slawik	
Dittrich	Hortman	Lillie	Nelson	Slocum	
Dominguez	Hosch	Loeffler	Norton	Swails	

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

Westrom moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 192, line 13, delete "cap-and-trade" and insert "the renewable hydrogen initiative under section 216B.813."

Page 192, delete lines 14 to 19

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Howes	Paulsen	Tingelstad
Anderson, S.	Demmer	Gottwalt	Koenen	Peppin	Urdahl
Anzelc	Dettmer	Gunther	Lanning	Rukavina	Wardlow
Beard	Drazkowski	Hackbarth	Magnus	Ruth	Westrom
Brod	Eastlund	Hamilton	Mahoney	Seifert	Wollschlager
Buesgens	Emmer	Heidgerken	McFarlane	Severson	Zellers
Cornish	Erickson	Holberg	Nornes	Shimanski	
Dean	Finstad	Hoppe	Olson	Simpson	

Those who voted in the negative were:

Abeler	Doty	Huntley	Mariani	Paymar	Swails
Atkins	Eken	Jaros	Marquart	Pelowski	Thao
Benson	Erhardt	Johnson	Masin	Peterson, A.	Thissen
Berns	Faust	Juhnke	McNamara	Peterson, N.	Tillberry
Bigham	Fritz	Kahn	Moe	Peterson, S.	Tschumper
Bly	Gardner	Kalin	Morgan	Poppe	Wagenius
Brown	Greiling	Knuth	Morrow	Ruud	Walker
Brynaert	Hansen	Laine	Mullery	Sailer	Ward
Bunn	Hausman	Lenczewski	Murphy, E.	Scalze	Welti
Carlson	Haws	Lesch	Murphy, M.	Sertich	Winkler
Clark	Hilstrom	Liebling	Nelson	Simon	Spk. Kelliher
Davnie	Hilty	Lieder	Norton	Slawik	
Dill	Hornstein	Lillie	Olin	Slocum	
Dittrich	Hortman	Loeffler	Otremba	Smith	
Dominguez	Hosch	Madore	Ozment	Solberg	

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

The Speaker resumed the Chair.

Simpson, Paulsen, Demmer, Brod, Lanning and Zellers moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 362, after line 15, insert:

"Sec. 2. Minnesota Statutes 2006, section 289A.20, subdivision 4, as amended by Laws 2008, chapter 154, article 6, section 1, is amended to read:

Subd. 4. **Sales and use tax.** (a) The taxes imposed by chapter 297A are due and payable to the commissioner monthly on or before the 20th day of the month following the month in which the taxable event occurred, or following another reporting period as the commissioner prescribes or as allowed under section 289A.18, subdivision 4, paragraph (f) or (g), except that use taxes due on an annual use tax return as provided under section 289A.11, subdivision 1, are payable by April 15 following the close of the calendar year.

(b) A vendor having a liability of \$120,000 or more during a fiscal year ending June 30 must remit the June liability for the next year in the following manner:

(1) Two business days before June 30 of the year, the vendor must remit ~~80~~ 86 percent of the estimated June liability to the commissioner.

(2) On or before August 20 of the year, the vendor must pay any additional amount of tax not remitted in June.

(c) A vendor having a liability of:

(1) \$20,000 or more in the fiscal year ending June 30, 2005; or

(2) \$10,000 or more in the fiscal year ending June 30, 2006, and fiscal years thereafter,

must remit all liabilities on returns due for periods beginning in the subsequent calendar year by electronic means on or before the 20th day of the month following the month in which the taxable event occurred, or on or before the 20th day of the month following the month in which the sale is reported under section 289A.18, subdivision 4, except for ~~80~~ 86 percent of the estimated June liability, which is due two business days before June 30. The remaining amount of the June liability is due on August 20.

EFFECTIVE DATE. This section is effective beginning with the June 2009 tax liabilities.

Sec. 3. Minnesota Statutes 2006, section 289A.60, subdivision 15, as amended by Laws 2008, chapter 154, article 6, section 2, is amended to read:

Subd. 15. **Accelerated payment of June sales tax liability; penalty for underpayment.** For payments made after December 31, 2006, if a vendor is required by law to submit an estimation of June sales tax liabilities and ~~80~~ 86 percent payment by a certain date, the vendor shall pay a penalty equal to ten percent of the amount of actual June liability required to be paid in June less the amount remitted in June. The penalty must not be imposed, however, if the amount remitted in June equals the lesser of ~~80~~ 86 percent of the preceding May's liability or ~~80~~ 86 percent of the average monthly liability for the previous calendar year.

EFFECTIVE DATE. This section is effective beginning with June 2009 tax liabilities.

Sec. 4. Minnesota Statutes 2006, section 290.01, subdivision 6b, is amended to read:

Subd. 6b. **Foreign operating corporation.** The term "foreign operating corporation," when applied to a corporation, means a domestic corporation with the following characteristics:

- (1) it is part of a unitary business at least one member of which is taxable in this state;
- (2) it is not a foreign sales corporation under section 922 of the Internal Revenue Code, as amended through December 31, 1999, for the taxable year;
- (3) ~~either (i) the average of the percentages of its property and payrolls, including the pro-rata share of its unitary partnerships' property and payrolls, assigned to locations outside the United States, where the United States includes the District of Columbia and excludes the commonwealth of Puerto Rico and possessions of the United States, as determined under section 290.191 or 290.20, is 80 percent or more; or (ii) it has in effect a valid election under section 936 of the Internal Revenue Code; or (ii) at least 80 percent of the gross income from all sources of the corporation in the tax year is active foreign business income; and~~
- (4) ~~it has \$1,000,000 of payroll and \$2,000,000 of property, as determined under section 290.191 or 290.20, that are located outside the United States. If the domestic corporation does not have payroll as determined under section 290.191 or 290.20, but it or its partnerships have paid \$1,000,000 for work, performed directly for the domestic corporation or the partnerships, outside the United States, then paragraph (3)(i) shall not require payrolls to be included in the average calculation for purposes of this subdivision, active foreign business income means gross income that is (i) derived from sources without the United States, as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code; and (ii) attributable to the active conduct of a trade or business in a foreign country.~~

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2007."

Page 366, delete section 5, and insert:

"Sec. 8. Minnesota Statutes 2006, section 290.01, subdivision 19d, is amended to read:

Subd. 19d. **Corporations; modifications decreasing federal taxable income.** For corporations, there shall be subtracted from federal taxable income after the increases provided in subdivision 19c:

(1) the amount of foreign dividend gross-up added to gross income for federal income tax purposes under section 78 of the Internal Revenue Code;

(2) the amount of salary expense not allowed for federal income tax purposes due to claiming the federal jobs credit under section 51 of the Internal Revenue Code;

(3) any dividend (not including any distribution in liquidation) paid within the taxable year by a national or state bank to the United States, or to any instrumentality of the United States exempt from federal income taxes, on the preferred stock of the bank owned by the United States or the instrumentality;

(4) amounts disallowed for intangible drilling costs due to differences between this chapter and the Internal Revenue Code in taxable years beginning before January 1, 1987, as follows:

(i) to the extent the disallowed costs are represented by physical property, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7, subject to the modifications contained in subdivision 19e; and

(ii) to the extent the disallowed costs are not represented by physical property, an amount equal to the allowance for cost depletion under Minnesota Statutes 1986, section 290.09, subdivision 8;

(5) the deduction for capital losses pursuant to sections 1211 and 1212 of the Internal Revenue Code, except that:

(i) for capital losses incurred in taxable years beginning after December 31, 1986, capital loss carrybacks shall not be allowed;

(ii) for capital losses incurred in taxable years beginning after December 31, 1986, a capital loss carryover to each of the 15 taxable years succeeding the loss year shall be allowed;

(iii) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryback to each of the three taxable years preceding the loss year, subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed; and

(iv) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryover to each of the five taxable years succeeding the loss year to the extent such loss was not used in a prior taxable year and subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed;

(6) an amount for interest and expenses relating to income not taxable for federal income tax purposes, if (i) the income is taxable under this chapter and (ii) the interest and expenses were disallowed as deductions under the provisions of section 171(a)(2), 265 or 291 of the Internal Revenue Code in computing federal taxable income;

(7) in the case of mines, oil and gas wells, other natural deposits, and timber for which percentage depletion was disallowed pursuant to subdivision 19c, clause (11), a reasonable allowance for depletion based on actual cost. In the case of leases the deduction must be apportioned between the lessor and lessee in accordance with rules prescribed by the commissioner. In the case of property held in trust, the allowable deduction must be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the trust, or if there is no provision in the instrument, on the basis of the trust's income allocable to each;

(8) for certified pollution control facilities placed in service in a taxable year beginning before December 31, 1986, and for which amortization deductions were elected under section 169 of the Internal Revenue Code of 1954, as amended through December 31, 1985, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7;

(9) amounts included in federal taxable income that are due to refunds of income, excise, or franchise taxes based on net income or related minimum taxes paid by the corporation to Minnesota, another state, a political subdivision of another state, the District of Columbia, or a foreign country or possession of the United States to the extent that the taxes were added to federal taxable income under section 290.01, subdivision 19c, clause (1), in a prior taxable year;

(10) ~~80~~ 90 percent of royalties, fees, or other like income accrued or received from a foreign operating corporation or a foreign corporation which is part of the same unitary business as the receiving corporation, unless the income resulting from such payments or accruals is income from sources within the United States as defined in subtitle A, chapter 1, subchapter N, part 1, of the Internal Revenue Code;

(11) income or gains from the business of mining as defined in section 290.05, subdivision 1, clause (a), that are not subject to Minnesota franchise tax;

(12) the amount of disability access expenditures in the taxable year which are not allowed to be deducted or capitalized under section 44(d)(7) of the Internal Revenue Code;

(13) the amount of qualified research expenses not allowed for federal income tax purposes under section 280C(c) of the Internal Revenue Code, but only to the extent that the amount exceeds the amount of the credit allowed under section 290.068;

(14) the amount of salary expenses not allowed for federal income tax purposes due to claiming the Indian employment credit under section 45A(a) of the Internal Revenue Code;

(15) the amount of any refund of environmental taxes paid under section 59A of the Internal Revenue Code;

(16) for taxable years beginning before January 1, 2008, the amount of the federal small ethanol producer credit allowed under section 40(a)(3) of the Internal Revenue Code which is included in gross income under section 87 of the Internal Revenue Code;

(17) for a corporation whose foreign sales corporation, as defined in section 922 of the Internal Revenue Code, constituted a foreign operating corporation during any taxable year ending before January 1, 1995, and a return was filed by August 15, 1996, claiming the deduction under section 290.21, subdivision 4, for income received from the foreign operating corporation, an amount equal to 1.23 multiplied by the amount of income excluded under section 114 of the Internal Revenue Code, provided the income is not income of a foreign operating company;

(18) any decrease in subpart F income, as defined in section 952(a) of the Internal Revenue Code, for the taxable year when subpart F income is calculated without regard to the provisions of section 614 of Public Law 107-147;

(19) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19c, clause ~~(15)~~ (14), an amount equal to one-fifth of the delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount of the addition made by the taxpayer under subdivision 19c, clause ~~(15)~~ (14). The resulting delayed depreciation cannot be less than zero; and

(20) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19c, clause ~~(16)~~ (15), an amount equal to one-fifth of the amount of the addition.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2007."

Page 371, line 7, reinstate the stricken "or royalties, fees, or other like income described in section"

Page 371, line 8, reinstate the stricken language

Page 371, after line 26, insert:

"Sec. 10. Minnesota Statutes 2006, section 297F.09, subdivision 10, as amended by Laws 2008, chapter 154, article 6, section 3, is amended to read:

Subd. 10. **Accelerated tax payment; cigarette or tobacco products distributor.** A cigarette or tobacco products distributor having a liability of \$120,000 or more during a fiscal year ending June 30, shall remit the June liability for the next year in the following manner:

(a) Two business days before June 30 of the year, the distributor shall remit the actual May liability and ~~80~~ 86 percent of the estimated June liability to the commissioner and file the return in the form and manner prescribed by the commissioner.

(b) On or before August 18 of the year, the distributor shall submit a return showing the actual June liability and pay any additional amount of tax not remitted in June. A penalty is imposed equal to ten percent of the amount of June liability required to be paid in June, less the amount remitted in June. However, the penalty is not imposed if the amount remitted in June equals the lesser of:

- (1) ~~80~~ 86 percent of the actual June liability; or
- (2) ~~80~~ 86 percent of the preceding May's liability.

EFFECTIVE DATE. This section is effective beginning with June 2009 tax liabilities.

Sec. 11. Minnesota Statutes 2006, section 297G.09, subdivision 9, as amended by Laws 2008, chapter 154, article 6, section 4, is amended to read:

Subd. 9. **Accelerated tax payment; penalty.** A person liable for tax under this chapter having a liability of \$120,000 or more during a fiscal year ending June 30, shall remit the June liability for the next year in the following manner:

(a) Two business days before June 30 of the year, the taxpayer shall remit the actual May liability and ~~80~~ 86 percent of the estimated June liability to the commissioner and file the return in the form and manner prescribed by the commissioner.

(b) On or before August 18 of the year, the taxpayer shall submit a return showing the actual June liability and pay any additional amount of tax not remitted in June. A penalty is imposed equal to ten percent of the amount of June liability required to be paid in June less the amount remitted in June. However, the penalty is not imposed if the amount remitted in June equals the lesser of:

- (1) ~~80~~ 86 percent of the actual June liability; or
- (2) ~~80~~ 86 percent of the preceding May liability.

EFFECTIVE DATE. This section is effective beginning with June 2009 tax liabilities."

Page 371, delete section 7

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 Simpson et al amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Erickson	Howes	Peppin	Swails
Anderson, B.	DeLaForest	Finstad	Lanning	Peterson, N.	Tillberry
Anderson, S.	Demmer	Garofalo	Magnus	Ruth	Tingelstad
Beard	Dettmer	Gottwalt	McFarlane	Seifert	Urdahl
Berns	Dittrich	Gunther	McNamara	Severson	Wardlow
Brod	Drazkowski	Hackbarth	Nornes	Shimanski	Welti
Buesgens	Eastlund	Hamilton	Norton	Simpson	Westrom
Bunn	Emmer	Holberg	Ozment	Slawik	Wollschlager
Cornish	Erhardt	Hoppe	Paulsen	Smith	Zellers

Those who voted in the negative were:

Anzelc	Eken	Hosch	Lieder	Murphy, M.	Sertich
Atkins	Faust	Huntley	Lillie	Nelson	Simon
Benson	Fritz	Jaros	Loeffler	Olin	Slocum
Bigham	Gardner	Johnson	Madore	Otremba	Solberg
Bly	Greiling	Juhnke	Mahoney	Paymar	Thao
Brown	Hansen	Kahn	Mariani	Pelowski	Thissen
Brynaert	Hausman	Kalin	Marquart	Peterson, A.	Tschumper
Carlson	Haws	Knuth	Masin	Peterson, S.	Wagenius
Clark	Heidgerken	Koenen	Moe	Poppe	Walker
Davnie	Hilstrom	Laine	Morgan	Rukavina	Ward
Dill	Hilty	Lenczewski	Morrow	Ruud	Winkler
Dominguez	Hornstein	Lesch	Mullery	Sailer	Spk. Kelliher
Doty	Hortman	Liebling	Murphy, E.	Scalze	

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

Paulsen moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 371, after line 26, insert:

"Sec. 30. Minnesota Statutes 2006, section 290.191, subdivision 2, is amended to read:

Subd. 2. **Apportionment formula of general application.** (a) Except for those trades or businesses required to use a different formula under subdivision 3 or section 290.36, and for those trades or businesses that receive permission to use some other method under section 290.20 or under subdivision 4, a trade or business required to apportion its net income must apportion its income to this state on the basis of the percentage obtained by taking the sum of:

(1) the percent for the sales factor under paragraph (b) of the percentage which the sales made within this state in connection with the trade or business during the tax period are of the total sales wherever made in connection with the trade or business during the tax period;

(2) the percent for the property factor under paragraph (b) of the percentage which the total tangible property used by the taxpayer in this state in connection with the trade or business during the tax period is of the total tangible property, wherever located, used by the taxpayer in connection with the trade or business during the tax period; and

(3) the percent for the payroll factor under paragraph (b) of the percentage which the taxpayer's total payrolls paid or incurred in this state or paid in respect to labor performed in this state in connection with the trade or business during the tax period are of the taxpayer's total payrolls paid or incurred in connection with the trade or business during the tax period.

(b) For purposes of paragraph (a) and subdivision 3, the following percentages apply for the taxable years specified:

Taxable years beginning during calendar year	Sales factor percent	Property factor percent	Payroll factor percent
2007	78	11	11
2008	81	9.5	9.5
2009	84	8	8
2010	87	6.5	6.5
2011	90	5	5
2012	93	3.5	3.5
2013	96	2	2
2014 and later calendar years	100	0	0

EFFECTIVE DATE. This section is effective for tax years beginning after December 31, 2009."

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 Paulsen amendment and the roll was called. There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Eastlund	Hackbarth	Magnus	Paulsen
Anderson, B.	Cornish	Emmer	Hamilton	McFarlane	Pelowski
Anderson, S.	Dean	Erhardt	Hansen	McNamara	Peppin
Beard	DeLaForest	Erickson	Heidgerken	Morgan	Peterson, N.
Berns	Demmer	Finstad	Holberg	Nornes	Poppe
Brod	Dettmer	Garofalo	Hoppe	Norton	Ruth
Brown	Dittrich	Gottwalt	Howes	Olson	Ruud
Buesgens	Drazkowski	Gunther	Lanning	Ozment	Seifert

Severson	Slawik	Tingelstad	Welti	Zellers
Shimanski	Smith	Urdahl	Westrom	
Simpson	Swails	Wardlow	Wollschlager	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Lieder	Murphy, M.	Slocum
Atkins	Faust	Jaros	Lillie	Nelson	Solberg
Benson	Fritz	Johnson	Loeffler	Olin	Thao
Bigham	Gardner	Juhnke	Madore	Otremba	Thissen
Bly	Greiling	Kahn	Mahoney	Paymar	Tillberry
Brynaert	Hausman	Kalin	Mariani	Peterson, A.	Tschumper
Carlson	Haws	Knuth	Marquart	Peterson, S.	Wagenius
Clark	Hilstrom	Koenen	Masin	Rukavina	Walker
Davnie	Hilty	Laine	Moe	Sailer	Ward
Dill	Hornstein	Lenczewski	Morrow	Scalze	Winkler
Dominguez	Hortman	Lesch	Mullery	Sertich	Spk. Kelliher
Doty	Hosch	Liebling	Murphy, E.	Simon	

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

Heidgerken and Ward moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 4, line 21, delete "2009-2010" and insert "2010-2011"

Page 5, line 14, delete "2009-2010" and insert "2010-2011"

The motion prevailed and the amendment was adopted.

Brod moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 369, after line 9, insert:

"Sec. 6. Minnesota Statutes 2006, section 290.06, subdivision 2c, as amended by Laws 2008, chapter 154, article 4, section 6, is amended to read:

Subd. 2c. **Schedules of rates for individuals, estates, and trusts.** (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code must be computed by applying to their taxable net income the following schedule of rates:

- (1) On the first \$25,680, ~~5.35~~ 5.1 percent;
- (2) On all over \$25,680, but not over \$102,030, 7.05 percent;
- (3) On all over \$102,030, 7.85 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$17,570, ~~5.35~~ 5.1 percent;
- (2) On all over \$17,570, but not over \$57,710, 7.05 percent;
- (3) On all over \$57,710, 7.85 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$21,630, ~~5.35~~ 5.1 percent;
- (2) On all over \$21,630, but not over \$86,910, 7.05 percent;
- (3) On all over \$86,910, 7.85 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code and increased by the additions required under section 290.01, subdivision 19a, clauses (1), (5), (6), (7), (8), (9), (11), and (12) and reduced by the Minnesota assignable portion of the subtraction for United States government interest under section 290.01, subdivision 19b, clause (1), and the subtractions under section 290.01, subdivision 19b, clauses (9), (10), (14), (15), and (16), after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, increased by the amounts specified in section 290.01, subdivision 19a, clauses (1), (5), (6), (7), (8), (9), (11), and (12) and reduced by the amounts specified in section 290.01, subdivision 19b, clauses (1), (9), (10), (14), (15), and (16).

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009."

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 Brod amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Garofalo	Kalin	Peppin	Tingelstad
Anderson, B.	Dettmer	Gottwalt	Lanning	Peterson, N.	Urdahl
Anderson, S.	Dittrich	Gunther	Magnus	Ruth	Ward
Beard	Doty	Hackbarth	McFarlane	Ruud	Wardlow
Berns	Drazkowski	Hamilton	McNamara	Sailer	Westrom
Brod	Eastlund	Hansen	Nornes	Seifert	Zellers
Buesgens	Emmer	Heidgerken	Olin	Severson	
Cornish	Erhardt	Holberg	Olson	Shimanski	
Dean	Erickson	Hoppe	Ozment	Simpson	
DeLaForest	Finstad	Howes	Paulsen	Smith	

Those who voted in the negative were:

Anzelc	Eken	Jaros	Madore	Otremba	Swails
Atkins	Faust	Johnson	Mahoney	Paymar	Thao
Benson	Fritz	Juhnke	Mariani	Pelowski	Thissen
Bigham	Gardner	Kahn	Marquart	Peterson, A.	Tillberry
Bly	Greiling	Knuth	Masin	Peterson, S.	Tschumper
Brown	Hausman	Koenen	Moe	Poppe	Wagenius
Brynaert	Haws	Laine	Morgan	Rukavina	Walker
Bunn	Hilstrom	Lenczewski	Morrow	Scalze	Welti
Carlson	Hilty	Lesch	Mullery	Sertich	Winkler
Clark	Hornstein	Liebling	Murphy, E.	Simon	Wollschlager
Davnie	Hortman	Lieder	Murphy, M.	Slawik	Spk. Kelliher
Dill	Hosch	Lillie	Nelson	Slocum	
Dominguez	Huntley	Loeffler	Norton	Solberg	

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

Buesgens moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 39, delete section 42

Page 40, line 17, delete "21,791,000" and insert "21,761,000"

Page 41, delete lines 3 to 8

Pages 43 to 45, delete sections 51 to 53

Page 47, delete section 58

Page 51, delete subdivision 6

Page 64, delete section 7

Page 155, delete lines 29 to 36

Page 156, delete lines 1 to 36

Page 157, delete lines 1 to 31

Page 159, delete lines 7 to 13

Page 161, delete lines 11 to 16

Page 191, delete lines 22 to 34

Page 192, line 12, delete ", and up to" and insert a period

Page 192, delete lines 13 to 36

Pages 199 to 200, delete sections 12 to 13

Page 201, delete section 15

Page 208, delete lines 11 to 26

Page 220, delete section 7

Page 220, after line 25, insert:

"Laws 2008, chapter 152, article 1, section 6, is repealed."

Page 253, delete section 37

Page 258, delete section 10

Page 270, delete section 8

Page 324, delete sections 13 to 15

Page 325, delete section 17

ReNUMBER the sections in sequence and correct the internal references

Adjust amounts accordingly

Amend the appropriations by the specified amounts and correct the totals and the appropriations by fund accordingly.

ReNUMBER the subdivisions in sequence

ReNUMBER or reletter in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 32 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Erickson	Holberg	Ruth	Westrom
Beard	Dettmer	Finstad	Lanning	Seifert	Zellers
Brod	Dittrich	Gottwalt	Magnus	Severson	
Buesgens	Drazkowski	Gunther	Nornes	Shimanski	
Dean	Eastlund	Hackbarth	Olson	Simpson	
DeLaForest	Emmer	Hamilton	Peppin	Tingelstad	

Those who voted in the negative were:

Abeler	Doty	Hosch	Madore	Ozment	Solberg
Anderson, S.	Eken	Howes	Mahoney	Paulsen	Swails
Anzelc	Erhardt	Huntley	Mariani	Paymar	Thao
Atkins	Faust	Jaros	Marquart	Pelowski	Thissen
Benson	Fritz	Johnson	Masin	Peterson, A.	Tillberry
Berns	Gardner	Juhnke	McFarlane	Peterson, N.	Tschumper
Bigham	Garofalo	Kahn	McNamara	Peterson, S.	Urdahl
Bly	Greiling	Kalin	Moe	Poppe	Wagenius
Brown	Hansen	Knuth	Morgan	Rukavina	Walker
Brynaert	Hausman	Koenen	Morrow	Ruud	Ward
Bunn	Haws	Laine	Mullery	Sailer	Wardlow
Carlson	Heidgerken	Lenczewski	Murphy, E.	Scalze	Welti
Clark	Hilstrom	Lesch	Murphy, M.	Sertich	Winkler
Cornish	Hilty	Liebling	Nelson	Simon	Wollschlager
Davnie	Hoppe	Lieder	Norton	Slawik	Spk. Kelliher
Dill	Hornstein	Lillie	Olin	Slocum	
Dominguez	Hortman	Loeffler	Otremba	Smith	

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

Finstad; Westrom; Buesgens; Hamilton; Eastlund; Anderson, B.; Urdahl; Dettmer; Severson; Demmer; Nornes; Shimanski; Gottwalt; Magnus; Brod; Dean; Beard; Seifert; Ozment; Ruth; Drazkowski; Lanning; Gunther and Olson offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Finstad appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 68 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anzelc	Dominguez	Johnson	Mariani	Poppe	Tillberry
Atkins	Erhardt	Kahn	Masin	Rukavina	Tschumper
Benson	Gardner	Kalin	Moe	Ruud	Wagenius
Bigham	Greiling	Knuth	Morgan	Sailer	Walker
Bly	Hansen	Laine	Morrow	Scalze	Welti
Brown	Hausman	Lesch	Mullery	Sertich	Winkler
Brynaert	Hilstrom	Liebling	Murphy, E.	Simon	Wollschlager
Bunn	Hilty	Lieder	Nelson	Slawik	Spk. Kelliher
Carlson	Hornstein	Lillie	Norton	Slocum	
Clark	Hortman	Loeffler	Paymar	Swails	
Davnie	Huntley	Madore	Peterson, A.	Thao	
Dittrich	Jaros	Mahoney	Peterson, S.	Thissen	

Those who voted in the negative were:

Abeler	Dettmer	Garofalo	Juhnke	Otremba	Smith
Anderson, B.	Dill	Gottwalt	Koenen	Ozment	Solberg
Anderson, S.	Doty	Gunther	Lanning	Paulsen	Tingelstad
Beard	Drazkowski	Hackbarth	Lenczewski	Pelowski	Urdahl
Berns	Eastlund	Hamilton	Magnus	Peppin	Ward
Brod	Eken	Haws	Marquart	Peterson, N.	Wardlow
Buesgens	Emmer	Heidgerken	McFarlane	Ruth	Westrom
Cornish	Erickson	Holberg	McNamara	Seifert	Zellers
Dean	Faust	Hoppe	Nornes	Severson	
DeLaForest	Finstad	Hosch	Olin	Shimanski	
Demmer	Fritz	Howes	Olson	Simpson	

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

Dean, Olson, Hamilton, Ruth, Nornes, Finstad, Gottwalt and Drazkowski offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Dean appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 67 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anzelc	Dominguez	Johnson	Masin	Ruud	Tschumper
Atkins	Erhardt	Kahn	Moe	Sailer	Wagenius
Benson	Gardner	Kalin	Morgan	Scalze	Walker
Bigham	Greiling	Knuth	Morrow	Sertich	Welti
Bly	Hansen	Laine	Mullery	Simon	Winkler
Brown	Hausman	Lesch	Murphy, E.	Slawik	Wollschlager
Brynaert	Hilstrom	Liebling	Nelson	Slocum	Spk. Kelliher
Bunn	Hilty	Lillie	Norton	Solberg	
Carlson	Hornstein	Loeffler	Paymar	Swails	
Clark	Hortman	Madore	Peterson, A.	Thao	
Davnie	Huntley	Mahoney	Peterson, S.	Thissen	
Dittrich	Jaros	Mariani	Poppe	Tillberry	

Those who voted in the negative were:

Abeler	Dettmer	Garofalo	Juhnke	Olson	Simpson
Anderson, B.	Dill	Gottwalt	Koenen	Otremba	Smith
Anderson, S.	Doty	Gunther	Lanning	Ozment	Tingelstad
Beard	Drazkowski	Hackbarth	Lenczewski	Pelowski	Urdahl
Berns	Eastlund	Hamilton	Lieder	Peppin	Ward
Brod	Eken	Haws	Magnus	Peterson, N.	Wardlow
Buesgens	Emmer	Heidgerken	Marquart	Rukavina	Westrom
Cornish	Erickson	Holberg	McFarlane	Ruth	Zellers
Dean	Faust	Hoppe	McNamara	Seifert	
DeLaForest	Finstad	Hosch	Nornes	Severson	
Demmer	Fritz	Howes	Olin	Shimanski	

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

Drazkowski moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 313, after line 19, insert:

"Sec. 11. Minnesota Statutes 2006, section 256B.434, is amended by adding a subdivision to read:

Subd. 21. Nursing facility payment. (a) For the rate year beginning October 1, 2008, the commissioner shall make available to each nursing facility reimbursed under this section a onetime payment equal to 1.50 percent of the operating payment rates in effect on September 30, 2008. This payment shall be provided after determining the blending in section 256B.441, subdivision 55, paragraph (a). This payment shall not become part of the facility's operating payment rate for the rate year beginning October 1, 2009.

(b) Seventy-five percent of the money resulting from the payment under paragraph (a) must be used to provide a onetime compensation-related bonus for employees directly employed by the nursing facility on or after October 1, 2008, except:

(1) the administrator;

(2) persons employed in the central office of a corporation that has an ownership interest in the nursing facility or exercises control over the nursing facility; and

(3) persons paid by the nursing facility under a management contract.

(c) The commissioner shall allow as compensation-related costs all costs for:

(1) wages and salaries;

(2) the employee's share of health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, and pensions; and

(3) other benefits provided, subject to the approval of the commissioner.

(d) The portion of the payment under paragraph (a) that is not subject to the requirements in paragraph (b) shall be provided to nursing facilities effective October 1, 2008."

Page 348, line 2, delete "two" and insert "three"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The Speaker called Thissen to the Chair.

Brod moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 349, after line 3, insert:

"Sec. 12. Minnesota Statutes 2006, section 295.52, is amended by adding a subdivision to read:

Subd. 8. **Contingent reduction in tax rate.** On September 1 of each odd-numbered year, beginning September 1, 2009, the commissioner of finance shall determine the projected balance of the health care access fund as of the end of the current biennium, based on the most recent February forecast adjusted for any legislative session changes. If the commissioner projects a surplus in the health care access fund as of the end of the current biennium, the commissioner of finance, in consultation with the commissioner of revenue, shall reduce the tax rates specified in subdivisions 1, 1a, 2, 3, and 4 in one-tenth of one percent increments, making the largest reduction in tax rates consistent with ensuring that the health care access fund retains a surplus as of the end of the current biennium. The reduced tax rates shall take effect on the January 1 that immediately follows the September 1 on which the commissioner determines the projected balance and shall remain in effect for two tax years. The tax rates specified in subdivisions 1, 1a, 2, 3, and 4 shall apply for subsequent tax years, unless the commissioner, based on a determination of the projected balance of the health care access fund made on September 1 of an odd-numbered year, reduces the tax rates. If the commissioner does not project a surplus in the health care access fund as of the end of the current biennium, the tax rates specified in subdivisions 1, 1a, 2, 3, and 4 shall continue to apply. The commissioner of finance shall publish in the State Register by October 1 of each odd-numbered year the amount of tax to be imposed for the next two calendar years."

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 Brod amendment and the roll was called. There were 50 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Liebling	Peppin	Urdahl
Anderson, B.	Demmer	Gottwalt	Magnus	Peterson, N.	Wardlow
Anderson, S.	Dettmer	Gunther	McFarlane	Ruth	Welti
Beard	Drazkowski	Hackbarth	McNamara	Seifert	Westrom
Berns	Eastlund	Hamilton	Nornes	Severson	Zellers
Brod	Emmer	Heidgerken	Norton	Shimanski	
Buesgens	Erhardt	Holberg	Olson	Simpson	
Cornish	Erickson	Howes	Ozment	Smith	
Dean	Finstad	Lanning	Paulsen	Tingelstad	

Those who voted in the negative were:

Anzelc	Doty	Hosch	Loeffler	Otremba	Solberg
Atkins	Eken	Huntley	Madore	Paymar	Swails
Benson	Faust	Jaros	Mahoney	Pelowski	Thao
Bigham	Fritz	Johnson	Mariani	Peterson, A.	Thissen
Bly	Gardner	Juhnke	Marquart	Peterson, S.	Tillberry
Brown	Greiling	Kahn	Masin	Poppe	Tschumper
Brynaert	Hansen	Kalin	Moe	Rukavina	Wagenius
Bunn	Hausman	Knuth	Morgan	Ruud	Walker
Carlson	Haws	Koenen	Morrow	Sailer	Ward
Clark	Hilstrom	Laine	Mullery	Scalze	Winkler
Davnie	Hilty	Lenczewski	Murphy, E.	Sertich	Wollschlager
Dill	Hoppe	Lesch	Murphy, M.	Simon	Spk. Kelliher
Dittrich	Hornstein	Lieder	Nelson	Slawik	
Dominguez	Hortman	Lillie	Olin	Slocum	

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

Peppin offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

Murphy, E., raised a point of order pursuant to rule 3.21 that the Peppin amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Peppin amendment out of order.

Peppin appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anzelc	Dominguez	Johnson	Mariani	Poppe	Thissen
Atkins	Erhardt	Kahn	Masin	Rukavina	Tillberry
Benson	Gardner	Kalin	Moe	Ruud	Tschumper
Bigham	Greiling	Knuth	Morgan	Sailer	Wagenius
Bly	Hansen	Laine	Morrow	Scalze	Walker
Brown	Hausman	Lesch	Mullery	Sertich	Welti
Brynaert	Hilstrom	Liebling	Murphy, E.	Simon	Winkler
Bunn	Hilty	Lieder	Nelson	Slawik	Wollschlager
Carlson	Hornstein	Lillie	Norton	Slocum	Spk. Kelliher
Clark	Hortman	Loeffler	Paymar	Solberg	
Davnie	Huntley	Madore	Peterson, A.	Swails	
Dittrich	Jaros	Mahoney	Peterson, S.	Thao	

Those who voted in the negative were:

Abeler	Dettmer	Garofalo	Juhnke	Olson	Smith
Anderson, B.	Dill	Gottwalt	Koenen	Otremba	Tingelstad
Anderson, S.	Doty	Gunther	Lanning	Ozment	Urdahl
Beard	Drazkowski	Hackbarth	Lenczewski	Pelowski	Ward
Berns	Eastlund	Hamilton	Magnus	Peppin	Wardlow
Brod	Eken	Haws	Marquart	Peterson, N.	Westrom
Buesgens	Emmer	Heidgerken	McFarlane	Ruth	Zellers
Cornish	Erickson	Holberg	McNamara	Seifert	
Dean	Faust	Hoppe	Murphy, M.	Severson	
DeLaForest	Finstad	Hosch	Nornes	Shimanski	
Demmer	Fritz	Howes	Olin	Simpson	

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

Gottwalt; Ruth; Wardlow; Abeler; Drazkowski; Dettmer; Otremba; Erickson; Eastlund; Lanning; Anderson, B.; Severson; Finstad; Tingelstad; Olson and Brod offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

Davnie raised a point of order pursuant to rule 3.21 that the Gottwalt et al amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Gottwalt et al amendment out of order.

Olson appealed the decision of Speaker pro tempore Thissen.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Thissen stand as the judgment of the House?" and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anzelc	Dominguez	Johnson	Mariani	Poppe	Tillberry
Atkins	Erhardt	Kahn	Masin	Rukavina	Tschumper
Benson	Gardner	Kalin	Moe	Ruud	Wagenius
Bigham	Greiling	Knuth	Morgan	Sailer	Walker
Bly	Hansen	Laine	Morrow	Scalze	Welti
Brown	Hausman	Lesch	Mullery	Sertich	Winkler
Brynaert	Hilstrom	Liebling	Murphy, E.	Simon	Wollschlager
Bunn	Hilty	Lieder	Nelson	Slawik	Spk. Kelliher
Carlson	Hornstein	Lillie	Norton	Slocum	
Clark	Hortman	Loeffler	Paymar	Swails	
Davnie	Huntley	Madore	Peterson, A.	Thao	
Dittrich	Jaros	Mahoney	Peterson, S.	Thissen	

Those who voted in the negative were:

Abeler	Dettmer	Garofalo	Juhnke	Olson	Simpson
Anderson, B.	Dill	Gottwalt	Koenen	Otremba	Smith
Anderson, S.	Doty	Gunther	Lanning	Ozment	Solberg
Beard	Drazkowski	Hackbarth	Lenczewski	Paulsen	Tingelstad
Berns	Eastlund	Hamilton	Magnus	Pelowski	Urdahl
Brod	Eken	Haws	Marquart	Peppin	Ward
Buesgens	Emmer	Heidgerken	McFarlane	Peterson, N.	Wardlow
Cornish	Erickson	Holberg	McNamara	Ruth	Westrom
Dean	Faust	Hoppe	Murphy, M.	Seifert	Zellers
DeLaForest	Finstad	Hosch	Nornes	Severson	
Demmer	Fritz	Howes	Olin	Shimanski	

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

Garofalo moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 27, after line 11, insert:

"Sec. 27. Minnesota Statutes 2006, section 126C.05, subdivision 3, is amended to read:

Subd. 3. **Compensation revenue pupil units.** ~~(a) Compensation revenue pupil units for fiscal year 1998 and thereafter must be computed according to this subdivision.~~

~~(a) The compensation revenue concentration percentage for each building in a district equals the product of 100 times the ratio of:~~

~~(1) the sum of the number of pupils enrolled in the building eligible to receive free lunch plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year;~~

~~(2) the number of pupils enrolled in the building on October 1 of the previous fiscal year.~~

~~(b) The compensation revenue pupil weighting factor for a building equals the lesser of one or the quotient obtained by dividing the building's compensation revenue concentration percentage by 80.0.~~

~~(c) The compensation revenue pupil units for a building equals the product of:~~

~~(1) the sum of the number of pupils enrolled in the building eligible to receive free lunch and one half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year; times~~

~~(2) the compensation revenue pupil weighting factor for the building; times~~

~~(3) .60.~~

~~(d) (b)~~ Notwithstanding ~~paragraphs paragraph~~ (a) ~~to (c)~~, for charter schools and contracted alternative programs in the first year of operation, compensation revenue pupil units shall be computed using data for the current fiscal year. If the charter school or contracted alternative program begins operation after October 1, compensatory revenue pupil units shall be computed based on pupils enrolled on an alternate date determined by the commissioner, and the compensation revenue pupil units shall be prorated based on the ratio of the number of days of student instruction to 170 days.

~~(e) The percentages in this subdivision must be based on the count of individual pupils and not on a building average or minimum.~~

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2009.

Sec. 28. Minnesota Statutes 2006, section 126C.10, subdivision 3, is amended to read:

Subd. 3. **Compensatory education revenue.** (a) The compensatory education revenue for each building in the district equals ~~the formula allowance minus \$415~~ \$1,495 times the compensation revenue pupil units computed according to section 126C.05, subdivision 3. Revenue shall be paid to the district and must be allocated according to section 126C.15, subdivision 2.

(b) When the district contracting with an alternative program under section 124D.69 changes prior to the start of a school year, the compensatory revenue generated by pupils attending the program shall be paid to the district contracting with the alternative program for the current school year, and shall not be paid to the district contracting with the alternative program for the prior school year.

(c) When the fiscal agent district for an area learning center changes prior to the start of a school year, the compensatory revenue shall be paid to the fiscal agent district for the current school year, and shall not be paid to the fiscal agent district for the prior school year.

(d) Notwithstanding paragraph (a), the compensatory revenue for a school district that has been adversely affected by a natural disaster and that has received by law a specific education aid payment to compensate the district for the disaster during fiscal year 2008, equals the greater of the revenue calculated under this subdivision, or the amount the district would have received under Minnesota Statutes 2006, sections 126C.05, subdivision 3, and 126C.10, subdivision 3.

EFFECTIVE DATE. This section is effective July 1, 2008, for revenue for fiscal year 2009 and later."

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 Garofalo amendment and the roll was called. There were 52 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Faust	Kalin	Pelowski	Tschumper
Anderson, S.	Demmer	Finstad	Liebling	Peppin	Urdahl
Beard	Dettmer	Fritz	Magnus	Peterson, N.	Ward
Berns	Dittrich	Garofalo	McNamara	Ruth	Wardlow
Brod	Drazkowski	Gunther	Nornes	Seifert	Welti
Brown	Eastlund	Hackbarth	Norton	Severson	Westrom
Buesgens	Emmer	Holberg	Olin	Shimanski	Zellers
Cornish	Erhardt	Hoppe	Ozment	Smith	
Dean	Erickson	Hosch	Paulsen	Tingelstad	

Those who voted in the negative were:

Abeler	Doty	Huntley	Loeffler	Nelson	Slawik
Anzelc	Eken	Jaros	Madore	Otremba	Slocum
Atkins	Gardner	Johnson	Mahoney	Paymar	Solberg
Benson	Gottwalt	Juhnke	Mariani	Peterson, A.	Swails
Bigham	Greiling	Kahn	Marquart	Peterson, S.	Thao
Bly	Hansen	Knuth	Masin	Poppe	Thissen
Brynaert	Hausman	Koenen	McFarlane	Rukavina	Tillberry
Bunn	Haws	Laine	Moe	Ruud	Wagenius
Carlson	Hilstrom	Lanning	Morgan	Sailer	Walker
Clark	Hilty	Lenczewski	Morrow	Scalze	Winkler
Davnie	Hornstein	Lesch	Mullery	Sertich	Wollschlager
Dill	Hortman	Lieder	Murphy, E.	Simon	Spk. Kelliher
Dominguez	Howes	Lillie	Murphy, M.	Simpson	

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

The Speaker resumed the Chair.

Holberg, Urdahl, Otremba, Magnus, Drazkowski, DeLaForest, Emmer, Zellers, Finstad, Olson and Seifert moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 283, after line 11, insert:

"ARTICLE 18

FUNDING FOR SEX-SELECTION ABORTIONS

Section 1. **[256B.0625] SEX-SELECTION ABORTION FUNDING BAN.**

Subdivision 1. Funding restriction. The following provisions apply to any section in this act relating to sex-selection abortion:

(1) none of the funds appropriated under this act, nor in any trust fund to which funds are appropriated under this act, shall be expended for any sex-selection abortion;

(2) none of the funds appropriated under this act, nor in any trust fund to which funds are appropriated under this act, shall be expended for health benefits coverage that includes coverage of sex-selection abortion; and

(3) the term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Subd. 2. Severability. If any one or more provisions, subdivisions, paragraphs, sentences, clauses, phrases, or words of this section or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this section, and each provision, subdivision, paragraph, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, subdivision, paragraph, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 3. Supreme Court jurisdiction. The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg et al amendment and the roll was called. There were 75 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Fritz	Kalin	Otremba	Smith
Anderson, B.	Demmer	Garofalo	Koenen	Ozment	Solberg
Anderson, S.	Dettmer	Gottwalt	Lanning	Paulsen	Swails
Anzelc	Dill	Gunther	Lenczewski	Pelowski	Tingelstad
Beard	Dittrich	Hackbarth	Lieder	Peppin	Urdahl
Benson	Doty	Hamilton	Magnus	Peterson, N.	Ward
Berns	Drazkowski	Haws	Marquart	Peterson, S.	Wardlow
Bly	Eastlund	Heidgerken	McFarlane	Ruth	Wolti
Brod	Eken	Holberg	McNamara	Scalze	Westrom
Buesgens	Emmer	Hoppe	Murphy, M.	Seifert	Zellers
Bunn	Erickson	Hosch	Nornes	Severson	
Cornish	Faust	Howes	Olin	Shimanski	
Dean	Finstad	Juhnke	Olson	Simpson	

Those who voted in the negative were:

Atkins	Greiling	Kahn	Masin	Poppe	Tillberry
Bigham	Hansen	Knuth	Moe	Rukavina	Tschumper
Brown	Hausman	Laine	Morgan	Ruud	Wagenius
Brynaert	Hilstrom	Lesch	Morrow	Sailer	Walker
Carlson	Hilty	Liebling	Mullery	Sertich	Winkler
Clark	Hornstein	Lillie	Murphy, E.	Simon	Wollschlager
Davnie	Hortman	Loeffler	Nelson	Slawik	Spk. Kelliher
Dominguez	Huntley	Madore	Norton	Slocum	
Erhardt	Jaros	Mahoney	Paymar	Thao	
Gardner	Johnson	Mariani	Peterson, A.	Thissen	

The motion prevailed and the amendment was adopted.

Dill; Brown; Anzelc; Solberg; Doty; Juhnke; Koenen; Rukavina; Peterson, A., and Morrow moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 157, delete lines 32 to 35

Page 158, delete lines 1 and 2

A roll call was requested and properly seconded.

The question was taken on the Dill et al amendment and the roll was called. There were 87 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dill	Hackbarth	Lieder	Pelowski	Thao
Anderson, S.	Dittrich	Hamilton	Lillie	Peppin	Tillberry
Anzelc	Doty	Haws	Magnus	Peterson, A.	Tingelstad
Atkins	Drazkowski	Heidgerken	Mahoney	Peterson, N.	Tschumper
Beard	Eastlund	Hilty	Marquart	Poppe	Urdahl
Berns	Eken	Holberg	McFarlane	Rukavina	Walker
Bly	Emmer	Hoppe	McNamara	Ruth	Ward
Brod	Erhardt	Hosch	Moe	Sailer	Wardlow
Brown	Erickson	Howes	Morrow	Seifert	Welti
Buesgens	Faust	Jaros	Nornes	Sertich	Westrom
Cornish	Finstad	Juhnke	Olin	Severson	Wollschlager
Dean	Fritz	Koenen	Olson	Shimanski	Zellers
DeLaForest	Garofalo	Laine	Otremba	Simpson	
Demmer	Gottwalt	Lanning	Ozment	Smith	
Dettmer	Gunther	Lesch	Paulsen	Solberg	

Those who voted in the negative were:

Abeler	Dominguez	Huntley	Madore	Norton	Swails
Benson	Gardner	Johnson	Mariani	Paymar	Thissen
Bigham	Greiling	Kahn	Masin	Peterson, S.	Wagenius
Brynaert	Hansen	Kalin	Morgan	Ruud	Winkler
Bunn	Hausman	Knuth	Mullery	Scalze	Spk. Kelliher
Carlson	Hilstrom	Lenczewski	Murphy, E.	Simon	
Clark	Hornstein	Liebling	Murphy, M.	Slawik	
Davnie	Hortman	Loeffler	Nelson	Slocum	

The motion prevailed and the amendment was adopted.

Brod and Lanning moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 231, after line 18, insert:

"On July 1, 2008, the legislature shall cancel \$100,000 to the general fund from balances previously carried forward under Minnesota Statutes, section 16A.281."

Page 236, after line 18, insert:

"Sec. 15. **[3.99] UNFUNDED MANDATES PROHIBITED; LOCAL MANDATE REVIEW BOARD.**

Subdivision 1. **Unfunded mandates prohibited.** No law or rule may impose on a local government an unfunded mandate.

Subd. 2. **Definitions.** For purposes of this section, the terms in this subdivision have the meanings given them.

(a) "Board" means the local mandate review board established in this section.

(b) "Local government" means a school district or a statutory or home rule charter city, town, or county.

(c) "Unfunded mandate" means a state law or rule enacted or adopted on or after the effective date of this section that does not authorize resources to offset the additional direct expenditures required for the implementation of the statute or rule by the local government. Unfunded mandate does not mean a law or rule (1) required to comply with the state constitution or federal laws or rules, or to meet eligibility standards for federal entitlements; (2) imposed on both government and nongovernment entities in the same or substantially similar circumstances; (3) that stems from a failure to comply with previously enacted laws or rules; or (4) enacted after a public hearing on the proposed legislation for which reasonable notice is given that unfunded mandates will be considered, for which a fiscal analysis is available at the time of the public hearing.

Subd. 3. **Established.** A local mandate review board is established to hear and decide complaints from local governments relating to unfunded mandates.

Subd. 4. **Membership; qualifications; appointment; terms; compensation.** The board consists of eight members and a chair appointed by the governor. Persons appointed to the board must not hold any other elected or appointed office. Section 15.0575 applies to the appointment, terms, compensation, removal, and filling of vacancies of members of the board.

Subd. 5. **Administration.** The Office of Administrative Hearings shall provide administrative support and space for meetings and hearings held by the board.

Subd. 6. **Powers; duties.** (a) The board shall review and issue rulings on complaints filed with the board by a local government asserting that a law enacted or a rule adopted by a state agency, on or after the effective date of this section, is an unfunded mandate. The board shall determine the form and required contents for complaints but at a minimum a complaint must be supported by a resolution adopted by the governing body of the local government.

(b) The board may hold hearings on any complaint filed with the board. All meetings and hearings of the board must be open to the public.

(c) The board may consolidate complaints related to the same provision of law or rule.

(d) Any group or individual may file a written request with the board to appear as amicus curiae.

(e) The board's decision must be supported by a written opinion agreed to by a majority of the board. The decision and majority opinion may be accompanied by any concurring or dissenting opinions. Decisions, including any concurring or dissenting opinions, must be published on a Web site established for the board on the Web site of the Office of Administrative Hearings and mailed to any party who filed a complaint.

(f) If the board decides that the law or rule complained of is an unfunded mandate, the board may enjoin enforcement of the law or rule as to any local government affected by the law or rule, as provided in the board's decision.

Subd. 7. **Report to legislature.** By January 15 each year, the board must report on the board's activities during the prior year to the chairs of the legislative committees with jurisdiction over taxes, finance, and local government. The report must include a summary of each complaint, the disposition of the matter, and any recommendations the board has relating to the laws or rules in the complaints."

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 Brod and Lanning amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Finstad	Hosch	Otremba	Shimanski
Anderson, B.	Dettmer	Fritz	Howes	Ozment	Simpson
Anderson, S.	Dittrich	Garofalo	Kalin	Paulsen	Smith
Beard	Doty	Gottwalt	Lanning	Peppin	Tingelstad
Berns	Drazkowski	Gunther	Lenczewski	Peterson, N.	Urdahl
Brod	Eastlund	Hackbarth	Magnus	Ruth	Ward
Buesgens	Emmer	Hamilton	McFarlane	Ruud	Wardlow
Cornish	Erhardt	Haws	McNamara	Scalze	Westrom
Dean	Erickson	Holberg	Nornes	Seifert	Wollschlager
DeLaForest	Faust	Hoppe	Olin	Severson	

Those who voted in the negative were:

Anzelc	Dominguez	Jaros	Madore	Norton	Slocum
Atkins	Eken	Johnson	Mahoney	Olson	Solberg
Benson	Gardner	Juhnke	Mariani	Paymar	Swails
Bigham	Greiling	Kahn	Marquart	Pelowski	Thao
Bly	Hansen	Knuth	Masin	Peterson, A.	Thissen
Brown	Hausman	Koenen	Moe	Peterson, S.	Tillberry
Brynaert	Heidgerken	Laine	Morgan	Poppe	Tschumper
Bunn	Hilstrom	Lesch	Morrow	Rukavina	Wagenius
Carlson	Hilty	Liebling	Mullery	Sailer	Walker
Clark	Hornstein	Lieder	Murphy, E.	Sertich	Welti
Davnie	Hortman	Lillie	Murphy, M.	Simon	Winkler
Dill	Huntley	Loeffler	Nelson	Slawik	Spk. Kelliher

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

Heidgerken, Moe, Buesgens, Howes, Anzelc, Ozment, Rukavina, Koenen, Faust, Eken, Hackbarth and Gunther moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 277, after line 5, insert:

"Sec. 12. Minnesota Statutes 2007 Supplement, section 144.4167, is amended by adding a subdivision to read:

Subd. 10. **Smoking shelters.** Sections 144.411 to 144.417 do not prohibit smoking in a structure located outside of an establishment that provides shelter for persons smoking outdoors. Employees of an establishment with a smoking shelter may not serve food or beverages to persons in the smoking shelter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

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

Pursuant to rule 1.50, Sertich moved that the House be allowed to continue in session after 12:00 midnight. The motion prevailed.

The question recurred on the Heidgerken et al amendment and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hamilton	Lanning	Olin	Slocum
Anderson, B.	Dill	Hansen	Lesch	Olson	Smith
Anderson, S.	Doty	Haws	Lieder	Otremba	Solberg
Anzelc	Drazkowski	Heidgerken	Magnus	Ozment	Urdahl
Beard	Eastlund	Holberg	Mahoney	Peppin	Wardlow
Berns	Eken	Hoppe	Marquart	Peterson, A.	Westrom
Bly	Emmer	Hosch	Masin	Rukavina	Wollschlager
Brod	Erickson	Howes	McFarlane	Ruth	Zellers
Buesgens	Faust	Jaros	McNamara	Sailer	
Cornish	Finstad	Juhnke	Moe	Seifert	
Dean	Garofalo	Kalin	Morrow	Sertich	
DeLaForest	Gunther	Koenen	Nelson	Shimanski	
Demmer	Hackbarth	Laine	Nornes	Simpson	

Those who voted in the negative were:

Atkins	Brown	Carlson	Dittrich	Fritz	Greiling
Benson	Brynaert	Clark	Dominguez	Gardner	Hausman
Bigham	Bunn	Davnie	Erhardt	Gottwalt	Hilstrom

Hilty	Lenczewski	Mullery	Peterson, N.	Slawik	Wagenius
Hornstein	Liebling	Murphy, E.	Peterson, S.	Swails	Walker
Hortman	Lillie	Murphy, M.	Poppe	Thao	Ward
Huntley	Loeffler	Norton	Ruud	Thissen	Welti
Johnson	Madore	Paulsen	Scalze	Tillberry	Winkler
Kahn	Mariani	Paymar	Severson	Tingelstad	Spk. Kelliher
Knuth	Morgan	Pelowski	Simon	Tschumper	

The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 218, line 31, strike "(94,000)" and insert "(\$30,025,000)"

Page 220, after line 14, insert:

"Sec. 7. Minnesota Statutes, section 297A.992, subdivision 5, as added by Laws 2008, chapter 152, article 4, section 2, is amended to read:

Subd. 5. **Grant application and awards; Grant Evaluation and Ranking System (GEARS) Committee.** (a) The joint powers board shall establish a grant application process and identify the amount of available funding for grant awards. Grant applications must be submitted in a form prescribed by the joint powers board. An applicant must provide, in addition to all other information required by the joint powers board, the estimated cost of the project, the amount of the grant sought, possible sources of funding in addition to the grant sought, and identification of any federal funds that will be utilized if the grant is awarded. A grant application seeking transit capital funding must identify the source of money necessary to operate the transit improvement.

(b) The joint powers board shall establish a timeline and procedures for the award of grants, and may award grants only to the state and political subdivisions. The board shall define objective criteria for the award of grants, which must include, but not be limited to, consistency with the most recent version of the transportation policy plan adopted by the Metropolitan Council under section 473.146. The joint powers board shall maximize the availability and use of federal funds in projects funded under this section.

(c) The joint powers board shall establish a GEARS Committee, which must consist of:

(1) one county commissioner from each county that is in the metropolitan transportation area, appointed by its county board;

(2) one elected city representative from each county that is in the metropolitan transportation area;

(3) one additional elected city representative from each county for every additional 400,000 in population, or fraction of 400,000, in the county that is above 400,000 in population; and

(4) the chair of the Metropolitan Council Transportation Committee.

(d) Each city representative must be elected at a meeting of cities in the metropolitan transportation area, which must be convened for that purpose by the Association of Metropolitan Municipalities.

(e) The committee shall evaluate grant applications following objective criteria established by the joint powers board, and must provide to the joint powers board a selection list of transportation projects that includes a priority ranking.

(f) A grant award for a transit project located within the metropolitan area, as defined in section 473.121, subdivision 2, may be funded only after the Metropolitan Council reviews the project for consistency with the transit portion of the Metropolitan Council policy plan and one of the following occurs:

(1) the Metropolitan Council finds the project to be consistent;

(2) the Metropolitan Council initially finds the project to be inconsistent, but after a good faith effort to resolve the inconsistency through negotiations with the joint powers board, agrees that the grant award may be funded; or

(3) the Metropolitan Council finds the project to be inconsistent, and submits the consistency issue for final determination to a panel, which determines the project to be consistent. The panel is composed of a member appointed by the chair of the Metropolitan Council, a member appointed by the joint powers board, and a member agreed upon by both the chair and the joint powers board.

(g) Grants must be funded by the proceeds of the taxes imposed under this section, bonds, notes, or other obligations issued by the joint powers board under subdivision 7.

(h) Notwithstanding the provisions of this subdivision, in fiscal year 2009, of the initial revenue collected under this section, the joint powers board shall allocate at least ~~\$30,783,000~~ \$60,714,000 to the Metropolitan Council for operating assistance for transit.

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

Page 220, after line 23, insert:

"Sec. 9. **TRANSFER.**

By June 30, 2009, \$29,931,000 is transferred from the general fund to the onetime expenditure account in the special revenue fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Garofalo moved to amend the Emmer amendment to H. F. No. 1812, the third engrossment, as amended, as follows:

Page 1, after line 1, insert:

"Page 43, line 17, delete "\$51" and insert "\$84"

Page 51, after line 11, insert:

"**Subd. 8. Onetime general education aid.** For additional general education aid:

<u>\$29,931,000</u>	<u>.....</u>	<u>2009</u>
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This appropriation is from the onetime expenditure account in the special revenue account."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Faust	Hosch	Olin	Severson
Anderson, S.	Demmer	Finstad	Howes	Otremba	Shimanski
Beard	Dettmer	Fritz	Kalin	Ozment	Urdahl
Berns	Doty	Garofalo	Liebling	Paulsen	Ward
Bly	Drazkowski	Gottwalt	Magnus	Peppin	Wardlow
Brod	Eastlund	Gunther	McNamara	Ruth	Welti
Buesgens	Emmer	Hackbarth	Nornes	Sailer	Westrom
Cornish	Erickson	Hamilton	Norton	Seifert	Zellers

Those who voted in the negative were:

Abeler	Dominguez	Hortman	Loeffler	Olson	Slocum
Anzelc	Eken	Huntley	Madore	Paymar	Smith
Atkins	Erhardt	Jaros	Mahoney	Pelowski	Solberg
Benson	Gardner	Johnson	Mariani	Peterson, A.	Swails
Bigham	Greiling	Juhnke	Marquart	Peterson, N.	Thao
Brown	Hansen	Kahn	Masin	Peterson, S.	Thissen
Brynaert	Hausman	Knuth	McFarlane	Poppe	Tillberry
Bunn	Haws	Koenen	Moe	Rukavina	Tingelstad
Carlson	Heidgerken	Laine	Morgan	Ruud	Tschumper
Clark	Hilstrom	Lanning	Morrow	Scalze	Wagenius
Davnie	Hilty	Lenczewski	Mullery	Sertich	Walker
DeLaForest	Holberg	Lesch	Murphy, E.	Simon	Winkler
Dill	Hoppe	Lieder	Murphy, M.	Simpson	Wollschlager
Dittrich	Hornstein	Lillie	Nelson	Slawik	Spk. Kelliher

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

Sertich moved to amend the Emmer amendment to H. F. No. 1812, the third engrossment, as amended, as follows:

Page 2, delete lines 30 to 33

Emmer withdrew his amendment to H. F. No. 1812, the third engrossment, as amended.

Garofalo moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 26, after line 15, insert:

"Sec. 25. Minnesota Statutes 2006, section 124D.86, subdivision 3, is amended to read:

Subd. 3. **Integration revenue.** Integration revenue equals ~~the following amounts:~~

~~(1) for Independent School District No. 709, Duluth, \$206 the lesser of \$175 times the adjusted pupil units for the school year;~~

~~(2) for Independent School District No. 625, St. Paul, \$445 times the adjusted pupil units for the school year;~~

~~(3) for Special School District No. 1, Minneapolis, the sum of \$445 times the adjusted pupil units for the school year and an additional \$35 times the adjusted pupil units for the school year that is provided entirely through a local levy;~~

~~(4) for a each qualifying district not listed in clause (1), (2), or (3), or the actual cost of implementing the plan during the fiscal year. A qualifying district is a district that must implement a plan under Minnesota Rules, parts 3535.0100 to 3535.0180, where the district's enrollment of protected students, as defined under Minnesota Rules, part 3535.0110, exceeds 15 percent, the lesser of (i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or (ii) \$129 times the adjusted pupil units for the school year; or that is a member district of a multidistrict integration collaborative that files a plan with the commissioner, but is not contiguous to a racially isolated district.~~

~~(5) for a district not listed in clause (1), (2), (3), or (4), that is required to implement a plan according to the requirements of Minnesota Rules, parts 3535.0100 to 3535.0180, the lesser of~~

~~(i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or~~

~~(ii) \$92 times the adjusted pupil units for the school year.~~

~~Any Money received by districts in clauses (1) to (3) which exceeds the amount received in fiscal year 2000 shall be under this subdivision is subject to the budget requirements in subdivision 1a; and~~

~~(6) for a member district of a multidistrict integration collaborative that files a plan with the commissioner, but is not contiguous to a racially isolated district, integration revenue equals the amount defined in clause (5).~~

EFFECTIVE DATE. This section is effective July 1, 2008, for revenue for fiscal year 2009 and later."

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 Garofalo amendment and the roll was called. There were 51 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berns	Cornish	Demmer	Drazkowski	Erickson
Anderson, S.	Brod	Dean	Dettmer	Eastlund	Faust
Beard	Buesgens	DeLaForest	Dittrich	Emmer	Finstad

Fritz	Heidgerken	McNamara	Pelowski	Shimanski	Westrom
Garofalo	Holberg	Nornes	Peppin	Simpson	Wollschlager
Gottwalt	Hoppe	Norton	Poppe	Smith	Zellers
Gunther	Juhnke	Olson	Ruth	Urdahl	
Hackbarth	Liebling	Ozment	Seifert	Wardlow	
Hamilton	Magnus	Paulsen	Severson	Welti	

Those who voted in the negative were:

Abeler	Doty	Huntley	Madore	Otremba	Swails
Anzelc	Eken	Jaros	Mahoney	Paymar	Thao
Atkins	Erhardt	Johnson	Mariani	Peterson, A.	Thissen
Benson	Gardner	Kahn	Marquart	Peterson, N.	Tillberry
Bigham	Greiling	Kalin	Masin	Peterson, S.	Tingelstad
Bly	Hansen	Knuth	McFarlane	Rukavina	Tschumper
Brown	Hausman	Koenen	Moe	Ruud	Wagenius
Brynaert	Haws	Laine	Morgan	Sailer	Walker
Bunn	Hilstrom	Lanning	Morrow	Scalze	Ward
Carlson	Hilty	Lenczewski	Mullery	Sertich	Winkler
Clark	Hornstein	Lesch	Murphy, E.	Simon	Spk. Kelliher
Davnie	Hortman	Lieder	Murphy, M.	Slawik	
Dill	Hosch	Lillie	Nelson	Slocum	
Dominguez	Howes	Loeffler	Olin	Solberg	

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

Gunther moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 99, line 21, delete the new language

Page 99, delete line 22

Page 99, line 23, delete the new language

Page 100, delete lines 9 to 12 and insert:

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

A roll call was requested and properly seconded.

The question was taken on the Gunther amendment and the roll was called. There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Buesgens	Demmer	Erhardt	Gunther	Hoppe
Anderson, S.	Bunn	Dettmer	Erickson	Hackbarth	Lanning
Beard	Cornish	Drazkowski	Finstad	Hamilton	Magnus
Berns	Dean	Eastlund	Garofalo	Heidgerken	McFarlane
Brod	DeLaForest	Emmer	Gottwalt	Holberg	McNamara

Nornes	Ozment	Peterson, N.	Severson	Smith	Wardlow
Norton	Paulsen	Ruth	Shimanski	Tingelstad	Westrom
Olson	Peppin	Seifert	Simpson	Urdahl	Zellers

Those who voted in the negative were:

Anzelc	Eken	Huntley	Loeffler	Otremba	Solberg
Atkins	Faust	Jaros	Madore	Paymar	Swails
Benson	Fritz	Johnson	Mahoney	Pelowski	Thao
Bigham	Gardner	Juhnke	Mariani	Peterson, A.	Thissen
Bly	Greiling	Kahn	Marquart	Peterson, S.	Tillberry
Brown	Hansen	Kalin	Masin	Poppe	Tschumper
Brynaert	Hausman	Knuth	Moe	Rukavina	Wagenius
Carlson	Haws	Koenen	Morgan	Ruud	Walker
Clark	Hilstrom	Laine	Morrow	Sailer	Ward
Davnie	Hilty	Lenczewski	Mullery	Scalze	Welti
Dill	Hornstein	Lesch	Murphy, E.	Sertich	Winkler
Dittrich	Hortman	Liebling	Murphy, M.	Simon	Wollschlager
Dominguez	Hosch	Lieder	Nelson	Slawik	Spk. Kelliher
Doty	Howes	Lillie	Olin	Slocum	

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

Drazkowski offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Lanning moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 66, line 24, delete "44.5" and insert "44"

Page 75, delete section 25

Page 81, delete lines 19 to 25

Page 86, delete section 36

Page 89, delete section 38

Adjust the totals accordingly

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 Lanning amendment and the roll was called. There were 54 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Faust	Hoppe	Nornes	Severson
Anderson, S.	Demmer	Finstad	Hosch	Olson	Shimanski
Beard	Dettmer	Garofalo	Howes	Ozment	Simpson
Berns	Dittrich	Gottwalt	Lanning	Paulsen	Smith
Bly	Drazkowski	Gunther	Magnus	Peppin	Tingelstad
Brod	Eastlund	Hackbarth	McFarlane	Peterson, N.	Urdahl
Buesgens	Emmer	Hamilton	McNamara	Ruth	Wardlow
Cornish	Erhardt	Heidgerken	Morgan	Ruud	Westrom
Dean	Erickson	Holberg	Morrow	Seifert	Zellers

Those who voted in the negative were:

Abeler	Doty	Jaros	Loeffler	Otremba	Solberg
Anzelc	Eken	Johnson	Madore	Paymar	Swails
Atkins	Fritz	Juhnke	Mahoney	Pelowski	Thao
Benson	Gardner	Kahn	Mariani	Peterson, A.	Thissen
Bigham	Greiling	Kalin	Marquart	Peterson, S.	Tillberry
Brown	Hansen	Knuth	Masin	Poppe	Tschumper
Brynaert	Hausman	Koenen	Moe	Rukavina	Wagenius
Bunn	Haws	Laine	Mullery	Sailer	Walker
Carlson	Hilstrom	Lenczewski	Murphy, E.	Scalze	Ward
Clark	Hilty	Lesch	Murphy, M.	Sertich	Welti
Davnie	Hornstein	Liebling	Nelson	Simon	Winkler
Dill	Hortman	Lieder	Norton	Slawik	Wollschlager
Dominguez	Huntley	Lillie	Olin	Slocum	Spk. Kelliher

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

Hackbarth offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Seifert appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 67 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Atkins	Fritz	Johnson	Mariani	Rukavina	Tillberry
Benson	Gardner	Kahn	Marquart	Ruud	Tschumper
Bigham	Greiling	Knuth	Masin	Sailer	Wagenius
Bly	Hansen	Laine	Morgan	Scalze	Walker
Brynaert	Hausman	Lenczewski	Mullery	Sertich	Winkler
Bunn	Haws	Lesch	Murphy, E.	Simon	Wollschlager
Carlson	Hilstrom	Liebling	Murphy, M.	Slawik	Spk. Kelliher
Clark	Hilty	Lieder	Nelson	Slocum	
Davnie	Hornstein	Lillie	Norton	Solberg	
Dominguez	Hortman	Loeffler	Paymar	Swails	
Erhardt	Huntley	Madore	Peterson, A.	Thao	
Faust	Jaros	Mahoney	Peterson, S.	Thissen	

Those who voted in the negative were:

Abeler	DeLaForest	Finstad	Juhnke	Olson	Shimanski
Anderson, B.	Demmer	Garofalo	Kalin	Otremba	Simpson
Anderson, S.	Dettmer	Gottwalt	Koenen	Ozment	Smith
Anzelc	Dill	Gunther	Lanning	Paulsen	Tingelstad
Beard	Dittrich	Hackbarth	Magnus	Pelowski	Urdahl
Berns	Doty	Hamilton	McFarlane	Peppin	Ward
Brod	Drazkowski	Heidgerken	McNamara	Peterson, N.	Wardlow
Brown	Eastlund	Holberg	Moe	Poppe	Welti
Buesgens	Eken	Hoppe	Morrow	Ruth	Westrom
Cornish	Emmer	Hosch	Nornes	Seifert	Zellers
Dean	Erickson	Howes	Olin	Severson	

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

Drazkowski moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 313, after line 19, insert:

"Sec. 11. Minnesota Statutes 2006, section 256B.434, is amended by adding a subdivision to read:

Subd. 21. **Nursing facility payment.** (a) For the rate year beginning October 1, 2008, the commissioner shall make available to each nursing facility reimbursed under this section a onetime payment equal to 1.4 percent of the operating payment rates in effect on September 30, 2008. This payment shall be provided after determining the blending in section 256B.441, subdivision 55, paragraph (a). This payment shall not become part of the facility's operating payment rate for the rate year beginning October 1, 2009.

(b) Seventy-five percent of the money resulting from the payment under paragraph (a) must be used to provide a onetime compensation-related bonus for employees directly employed by the nursing facility on or after October 1, 2008, except:

(1) the administrator;

(2) persons employed in the central office of a corporation that has an ownership interest in the nursing facility or exercises control over the nursing facility; and

(3) persons paid by the nursing facility under a management contract.

(c) The commissioner shall allow as compensation-related costs all costs for:

(1) wages and salaries;

(2) the employee's share of health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, and pensions; and

(3) other benefits provided, subject to the approval of the commissioner.

(d) The portion of the payment under paragraph (a) that is not subject to the requirements in paragraph (b) shall be provided to nursing facilities effective October 1, 2008."

Page 348, line 2, delete "two" and insert "three"

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 Drazkowski amendment and the roll was called. There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Fritz	Hoppe	Otremba	Tingelstad
Beard	Dettmer	Garofalo	Koenen	Ozment	Urdahl
Bly	Drazkowski	Gottwalt	Lanning	Ruth	Wardlow
Brod	Eastlund	Gunther	Magnus	Seifert	Westrom
Buesgens	Eken	Hackbarth	McFarlane	Severson	Zellers
Cornish	Emmer	Hamilton	McNamara	Shimanski	
Dean	Erickson	Heidgerken	Nornes	Simpson	
DeLaForest	Finstad	Holberg	Olson	Smith	

Those who voted in the negative were:

Anderson, S.	Clark	Hansen	Jaros	Lieder	Morrow
Anzelc	Davnie	Hausman	Johnson	Lillie	Mullery
Atkins	Dill	Haws	Juhnke	Loeffler	Murphy, E.
Benson	Dittrich	Hilstrom	Kahn	Madore	Murphy, M.
Berns	Dominguez	Hilty	Kalin	Mahoney	Nelson
Bigham	Doty	Hornstein	Knuth	Mariani	Norton
Brown	Erhardt	Hortman	Laine	Marquart	Olin
Brynaert	Faust	Hosch	Lenczewski	Masin	Paulsen
Bunn	Gardner	Howes	Lesch	Moe	Paymar
Carlson	Greiling	Huntley	Liebling	Morgan	Pelowski

Peppin	Rukavina	Simon	Thao	Walker	Spk. Kelliher
Peterson, A.	Ruud	Slawik	Thissen	Ward	
Peterson, N.	Sailer	Slocum	Tillberry	Welti	
Peterson, S.	Scalze	Solberg	Tschumper	Winkler	
Poppe	Sertich	Swails	Wagenius	Wollschlager	

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

Olson moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 46, delete section 56 and insert:

"Sec. 56. **NO CHILD LEFT BEHIND ACT; WAIVER FROM FINANCIAL CONSTRAINTS.**

(a) The commissioner of education must immediately petition the federal Department of Education to allow Minnesota to use the federal funds it receives under the No Child Left Behind Act of 2001 for state educational assessment and accountability, consistent with the Minnesota Statutes, chapter 120B. The commissioner must include in the petition information to demonstrate the efficacy of Minnesota's current statutory system of educational assessment and accountability and how added flexibility related to expending such federal funds enhances the state system.

(b) Notwithstanding other law to the contrary, if the federal Department of Education does not grant the commissioner flexibility under this section by August 1, 2008, the commissioner must not enforce the educational assessment and accountability provisions in Minnesota Statutes, chapter 120B, related to implementing the No Child Left Behind Act of 2001 after the 2008-2009 school year. A school board may file a written resolution with the state auditor under Minnesota Statutes, section 6.79, recommending how the commissioner might implement the educational assessment and accountability provisions in Minnesota Statutes, chapter 120B, absent the federal mandates."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Moe; Hosch; Tschumper; Heidgerken; Howes; Otremba; Eken; Hamilton; Doty; Peterson, A.; Ward; Anzelc; Urdahl and Simpson offered an amendment to H. F. No. 1812, the third engrossment, as amended.

POINT OF ORDER

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

Paulsen requested a division of the Moe et al amendment to H. F. No. 1812, the third engrossment, as amended.

The first portion of the Moe et al amendment to H. F. No. 1812, the third engrossment, as amended, reads as follows:

Page 27, after line 11, insert:

"Sec. 27. Minnesota Statutes 2007 Supplement, section 126C.10, subdivision 24, is amended to read:

Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

(1) the school district's adjusted marginal cost pupil unit amount of basic revenue, supplemental revenue, transition revenue, and referendum revenue is less than the value of the school district at or immediately above the 95th percentile of school districts in its equity region for those revenue categories; and

(2) the school district's administrative offices are not located in a city of the first class on July 1, 1999.

(b) Equity revenue for a qualifying district that receives referendum revenue under section 126C.17, subdivision 4, equals the product of (1) the district's adjusted marginal cost pupil units for that year; times (2) the sum of (i) \$13, plus (ii) \$75, times the school district's equity index computed under subdivision 27.

(c) Equity revenue for a qualifying district that does not receive referendum revenue under section 126C.17, subdivision 4, equals the product of the district's adjusted marginal cost pupil units for that year times \$13.

(d) A school district's equity revenue is increased by the greater of zero or an amount equal to the district's resident marginal cost pupil units times the difference between ten percent of the statewide average amount of referendum revenue per resident marginal cost pupil unit for that year and the district's referendum revenue per resident marginal cost pupil unit. A school district's revenue under this paragraph must not exceed \$100,000 for that year.

(e) A school district's equity revenue for a school district located in the metro equity region equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.25.

(f) For fiscal year 2007 and later, notwithstanding paragraph (a), clause (2), a school district that has per pupil referendum revenue below the 95th percentile qualifies for additional equity revenue equal to \$46 times its adjusted marginal cost pupil units.

(g) A district that does not qualify for revenue under paragraph (f) qualifies for equity revenue equal to \$46 times its adjusted marginal cost pupil units.

(h) Notwithstanding paragraphs (a) to (g), a school district's equity revenue for fiscal year 2010 and later equals its equity revenue for the previous year.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2010 and later."

Page 50, after line 8, insert:

"Sec. 60. **GOVERNOR'S K-12 BUDGET RECOMMENDATIONS.**

The governor's proposed K-12 education budget for the 2010-2011 biennium must include recommendations to replace the school district funding that was previously raised through locally approved operating referenda. A

preliminary draft of this portion of the budget must be publicly released prior to October 1, 2008. The draft must specify the revenue sources used to replace the operating referenda and provide details on the distribution of the replacement revenue among school districts.

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

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 first portion of the Moe et al amendment and the roll was called. There were 40 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	DeLaForest	Finstad	Koenen	Paulsen	Smith
Anzelc	Dettmer	Hackbarth	Magnus	Peterson, A.	Urdahl
Beard	Dill	Hamilton	McNamara	Rukavina	Ward
Berns	Dittrich	Heidgerken	Moe	Sailer	Westrom
Brod	Doty	Hoppe	Olin	Seifert	Zellers
Cornish	Drazkowski	Hosch	Otremba	Shimanski	
Dean	Eken	Howes	Ozment	Simpson	

Those who voted in the negative were:

Abeler	Emmer	Hornstein	Loeffler	Paymar	Thao
Anderson, B.	Erhardt	Hortman	Madore	Pelowski	Thissen
Atkins	Erickson	Huntley	Mahoney	Peppin	Tillberry
Benson	Faust	Jaros	Mariani	Peterson, N.	Tingelstad
Bigham	Fritz	Johnson	Marquart	Peterson, S.	Tschumper
Bly	Gardner	Juhnke	Masin	Poppe	Wagenius
Brown	Garofalo	Kahn	McFarlane	Ruth	Walker
Brynaert	Gottwalt	Kalin	Morgan	Ruud	Wardlow
Buesgens	Greiling	Knuth	Morrow	Scalze	Welti
Bunn	Gunther	Laine	Mullery	Sertich	Winkler
Carlson	Hansen	Lanning	Murphy, E.	Severson	Wollschlager
Clark	Hausman	Lenczewski	Murphy, M.	Simon	Spk. Kelliher
Davnie	Haws	Lesch	Nelson	Slawik	
Demmer	Hilstrom	Liebling	Nornes	Slocum	
Dominguez	Hilty	Lieder	Norton	Solberg	
Eastlund	Holberg	Lillie	Olson	Swails	

The motion did not prevail and the first portion of the Moe et al amendment was not adopted.

Moe withdrew the second portion of the Moe et al amendment to H. F. No. 1812, the third engrossment, as amended.

Tschumper, Paymar, Buesgens, DeLaForest, Peppin, Scalze and Greiling moved to amend H. F. No. 1812, the third engrossment, as amended, as follows:

Page 217, after line 6, insert:

"Sec. 7. **APPROPRIATION CANCELED.**

Notwithstanding the reduction in article 8, section 2, the appropriation in Laws 2007, chapter 45, article 1, section 3, subdivision 4, from the general fund to the commissioner of agriculture for ethanol producer payments in fiscal years 2008 and 2009 is canceled.

Sec. 8. **REPEALER.**

Minnesota Statutes 2006, section 41A.09, subdivisions 1a, 2a, 3a, 4, and 10, are repealed.

Sec. 9. **EFFECTIVE DATE.**

Sections 7 and 8 are effective the day following final enactment."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Tschumper et al amendment and the roll was called. There were 37 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Benson	Dittrich	Holberg	Lillie	Paulsen	Tingelstad
Berns	Emmer	Hoppe	Loeffler	Paymar	Tschumper
Bigham	Erhardt	Hornstein	Madore	Peppin	
Buesgens	Gardner	Knuth	Morgan	Peterson, N.	
Bunn	Greiling	Lenczewski	Murphy, E.	Peterson, S.	
DeLaForest	Hansen	Lesch	Norton	Ruud	
Dettmer	Hausman	Liebling	Olson	Scalze	

Those who voted in the negative were:

Anderson, S.	Dill	Hamilton	Kahn	McNamara	Rukavina
Anzelc	Dominguez	Haws	Kalin	Moe	Ruth
Atkins	Doty	Heidgerken	Koenen	Morrow	Sailer
Beard	Drazkowski	Hilstrom	Laine	Murphy, M.	Seifert
Bly	Eastlund	Hilty	Lanning	Nelson	Sertich
Brod	Eken	Hortman	Lieder	Nornes	Severson
Brown	Erickson	Hosch	Magnus	Olin	Shimanski
Brynaert	Faust	Howes	Mahoney	Otremba	Simon
Carlson	Finstad	Huntley	Mariani	Ozment	Simpson
Cornish	Garofalo	Jaros	Marquart	Pelowski	Slawik
Dean	Gunther	Johnson	Masin	Peterson, A.	Slocum
Demmer	Hackbarth	Juhnke	McFarlane	Poppe	Smith

Solberg	Thissen	Walker	Welti	Wollschlager
Swails	Tillberry	Ward	Westrom	Zellers
Thao	Urdahl	Wardlow	Winkler	Spk. Kelliher

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

H. F. No. 1812, A bill for an act relating to the financing, organization, and operation of state government; providing for programs in education, early childhood education, higher education, environment and natural resources, energy, agriculture, veterans affairs, military affairs, jobs and economic development activities or programs, transportation, public safety, courts, human rights, judiciary, housing, public health, health department, and human services; modifying certain statutory provisions and laws; providing for certain programs for economic and state affairs; regulating certain activities and practices; regulating abortion funding; fixing and limiting fees; providing for the taxation of certain corporations; authorizing rulemaking, requiring studies and reports; providing civil penalties; making technical corrections; providing for fund transfers; appropriating money or reducing appropriations; amending Minnesota Statutes 2006, sections 3.30, subdivision 1; 3.855, subdivision 3; 3.971, subdivision 2; 10A.071, subdivision 3; 13.32, subdivision 3, by adding a subdivision; 13.461, by adding a subdivision; 13.465, subdivision 8; 13.851, by adding a subdivision; 15A.081, subdivision 8; 15A.0815; 16A.133, subdivision 1; 16B.281, subdivision 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; 16C.16, subdivision 5; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.04, subdivision 2; 17.4988, subdivisions 2, 3; 43A.01, subdivision 3; 43A.17, subdivision 9; 84.788, subdivision 3; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2; 84.9256, subdivision 1; 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a subdivision; 86B.401, subdivision 2; 88.15, subdivision 2; 89.715; 93.481, by adding a subdivision; 97A.055, subdivision 4b; 97A.141, subdivision 1; 103A.204; 103A.43; 103B.151, subdivision 1; 103G.291, by adding a subdivision; 103G.615, subdivision 2; 116J.423, by adding a subdivision; 116J.8731, subdivision 4; 116L.17, by adding a subdivision; 116U.26; 119A.03, subdivision 1; 120B.131, subdivision 2; 120B.31, as amended; 120B.35, as amended; 120B.36, as amended; 120B.362; 122A.21; 123B.02, subdivision 21; 123B.59, subdivision 1; 123B.62; 124D.04, subdivisions 3, 6, 8, 9; 124D.05, by adding a subdivision; 124D.10, subdivision 20; 124D.385, subdivision 4; 124D.55; 125A.65, by adding a subdivision; 125A.76, by adding a subdivision; 126C.10, subdivision 31, by adding a subdivision; 126C.17, subdivision 9; 126C.21, subdivision 1; 126C.51; 126C.52, subdivision 2, by adding a subdivision; 126C.53; 126C.55; 127A.45, subdivision 16; 136A.101, subdivision 8; 136A.121, subdivision 5; 136F.90, subdivision 1; 141.25, by adding a subdivision; 144.1222, subdivision 1a, by adding subdivisions; 144.1501, subdivision 2; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivision 1; 157.16, as amended; 168.1255, by adding a subdivision; 171.29, subdivision 1; 190.19, subdivision 1, by adding a subdivision; 192.501, by adding subdivisions; 197.585, subdivision 5; 216C.41, subdivision 4; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 256.01, by adding a subdivision; 256.741, subdivisions 2, 2a, 3; 256.969, subdivisions 2b, 20; 256B.0571, subdivisions 8, 9; 256B.0621, subdivisions 2, 6, 10; 256B.0917, subdivision 8; 256B.0924, subdivisions 4, 6; 256B.19, subdivision 1d; 256B.431, subdivision 23; 256B.69, subdivisions 5a, 6, by adding subdivisions; 256B.692, by adding a subdivision; 256D.44, subdivisions 2, 5; 256L.12, subdivision 9; 259.89, subdivision 1; 260C.317, subdivision 4; 268.125, subdivisions 1, 2, by adding a subdivision; 290.01, subdivisions 5, 19c, as amended, 19d, as amended, by adding a subdivision; 290.17, subdivision 4; 298.2214, subdivisions 1, 2, as amended; 298.223, subdivision 2; 298.28, subdivisions 9b, 9d, as added; 298.292, subdivision 2, as amended; 298.2961, subdivision 2; 341.21, as amended; 341.23; 341.26; 341.28, as amended; 341.29; 341.30; 341.32, as amended; 341.33; 341.34, subdivision 1; 341.35; 341.37; 349A.02, subdivision 1; 446A.12, subdivision 1; 462A.22, subdivision 1; 473.1565, subdivision 3; 518A.50; 518A.53, subdivision 5; 609.531, subdivision 1; Minnesota Statutes 2007 Supplement, sections 3.922, by adding a subdivision; 10A.01, subdivision 35; 16B.328, by adding a subdivision; 80A.28, subdivision 1; 84.8205, subdivision 1; 103G.291, subdivision 3; 116J.575, subdivision 1a; 116L.17, subdivision 1; 120B.021, subdivision 1; 120B.024; 120B.30; 123B.143, subdivision 1; 124D.531, subdivision 1; 126C.21, subdivision 3; 126C.44; 136A.121, subdivision 7a; 136A.126; 136A.127; 136A.128, by adding a subdivision; 136A.65, subdivisions 1, 3, 5, 6, 7; 136A.66; 136A.67; 136A.69; 136F.02, subdivision 1; 136F.03, subdivision 4; 141.25, subdivision 5; 141.28,

subdivision 1; 141.35; 144.4167, by adding a subdivision; 190.19, subdivision 2; 214.04, subdivision 3; 216C.052, subdivision 2; 216C.41, subdivision 3; 253B.185, subdivision 1b; 256.741, subdivision 1; 256B.0625, subdivision 20; 256B.0631, subdivisions 1, 3; 256B.199; 256B.434, subdivision 19; 256B.441, subdivisions 1, 55, 56; 256J.621; 268.047, subdivisions 1, 2; 268.085, subdivisions 3, 9, 16; 268.125, subdivision 3; 298.227; 341.22; 341.25; 341.27; 341.321; 446A.072, subdivisions 3, 5a; 446A.086; Laws 1999, chapter 223, article 2, section 72; Laws 2006, chapter 282, article 2, section 27, subdivision 4; Laws 2007, chapter 45, article 2, section 1; Laws 2007, chapter 54, article 1, section 11; Laws 2007, chapter 57, article 1, section 4, subdivisions 3, 4, 6; Laws 2007, chapter 135, article 1, section 3, subdivisions 2, 3; Laws 2007, chapter 144, article 1, sections 3, subdivisions 2, 18; 5, subdivisions 2, 5; Laws 2007, chapter 146, article 1, section 24, subdivisions 2, 3, 4, 5, 6, 7, 8; article 2, section 46, subdivisions 2, 3, 4, 6, 9, 13; article 3, sections 23, subdivision 2; 24, subdivisions 3, 4, 9; article 4, section 16, subdivisions 2, 3, 6, 8; article 5, section 13, subdivisions 2, 3, 4, 5; article 7, section 4; article 9, section 17, subdivisions 2, 3, 4, 8, 9, 13; Laws 2007, chapter 147, article 2, section 21; article 19, section 3, subdivisions 1, 4; Laws 2007, chapter 148, article 1, sections 7; 12, subdivision 4; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 1, 2, 6; Laws 2008, chapter 152, article 1, section 6, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 5; 13B; 16A; 43A; 115A; 116J; 120B; 121A; 124D; 127A; 136F; 144; 192; 256B; 268; 325F; 341; 446A; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285; 84.961, subdivision 4; 85.013, subdivision 21b; 97A.141, subdivision 2; 121A.67; 125A.16; 125A.19; 125A.20; 125A.57; 168.123, subdivision 2a; 256.741, subdivision 15; 256J.24, subdivision 6; 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4, 5; 290.01, subdivision 6b; 298.28, subdivision 9a; 341.31; 645.44, subdivision 19; Minnesota Statutes 2007 Supplement, section 256.969, subdivision 27; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended; Laws 2004, chapter 188, section 2; Laws 2006, chapter 263, article 3, section 16; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 3, 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 83 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anzels	Doty	Huntley	Loeffler	Olin	Slocum
Atkins	Eken	Jaros	Madore	Otremba	Solberg
Benson	Faust	Johnson	Mahoney	Paymar	Swails
Bigham	Fritz	Juhnke	Mariani	Pelowski	Thao
Bly	Gardner	Kahn	Marquart	Peterson, A.	Thissen
Brown	Greiling	Kalin	Masin	Peterson, S.	Tillberry
Brynaert	Hansen	Knuth	Moe	Poppe	Tschumper
Bunn	Hausman	Koenen	Morgan	Rukavina	Wagenius
Carlson	Haws	Laine	Morrow	Ruud	Walker
Clark	Hilstrom	Lenczewski	Mullery	Sailer	Ward
Davnie	Hilty	Lesch	Murphy, E.	Scalze	Welti
Dill	Hornstein	Liebling	Murphy, M.	Sertich	Winkler
Dittrich	Hortman	Lieder	Nelson	Simon	Spk. Kelliher
Dominguez	Hosch	Lillie	Norton	Slawik	

Those who voted in the negative were:

Abeler	Buesgens	Draskowski	Garofalo	Holberg	McNamara
Anderson, B.	Cornish	Eastlund	Gottwalt	Hoppe	Nornes
Anderson, S.	Dean	Emmer	Gunther	Howes	Olson
Beard	DeLaForest	Erhardt	Hackbarth	Lanning	Ozment
Berns	Demmer	Erickson	Hamilton	Magnus	Paulsen
Brod	Dettmer	Finstad	Heidgerken	McFarlane	Peppin

Peterson, N.	Severson	Smith	Wardlow	Zellers
Ruth	Shimanski	Tingelstad	Westrom	
Seifert	Simpson	Urdahl	Wollschlager	

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Madam Speaker:

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

S. F. No. 2822, A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Senators Clark, Scheid, Moua, Higgins and Jungbauer.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Atkins 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. 2822. The motion prevailed.

Madam Speaker:

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

S. F. No. 2369, A bill for an act relating to education; requiring criminal history background checks; amending Minnesota Statutes 2006, section 123B.03, subdivision 1.

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

Senators Rest; Olson, G., and Betzold.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Bigham moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2369. The motion prevailed.

Madam Speaker:

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

S. F. No. 2909, A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

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

Senators Olseen, Higgins and Limmer.

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

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Gunther moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2909. The motion prevailed.

CONSENT CALENDAR

Sertich moved that the Consent Calendar be continued. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, April 7, 2008:

H. F. Nos. 2991, 1665, 2721, 2662, 3644, 3646, 1625, 3690, 3228, 2627, 3396, 3710, 3576 and 2426; S. F. Nos. 3286 and 2377; H. F. Nos. 2588 and 3264; S. F. No. 2667; and H. F. Nos. 3438, 3204, 3572 and 995.

CALENDAR FOR THE DAY

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2369:

Bigham; Peterson, S., and Dettmer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2822:

Atkins, Smith, Morrow, Hilstrom and Lillie.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2909:

Gunther, Mullery and Tillberry.

MOTIONS AND RESOLUTIONS

Brod moved that the name of Morgan be added as an author on H. F. No. 2172. The motion prevailed.

Moe moved that the names of Paulsen and Brod be added as authors on H. F. No. 3935. The motion prevailed.

Wagenius moved that her name be stricken as an author on H. F. No. 4021. The motion prevailed.

McFarlane moved that the names of Gardner and Scalze be added as authors on H. F. No. 4159. The motion prevailed.

Koenen moved that the name of McNamara be added as an author on H. F. No. 4160. The motion prevailed.

DeLaForest and Kahn introduced:

House Resolution No. 10, A House resolution expressing the sense of the House of Representatives relating to China's treatment of Tibet.

The resolution was referred to the Committee on Rules and Legislative Administration.

Slawik; Juhnke; Hamilton; Peterson, S., and Wardlow introduced:

House Resolution No. 11, A House resolution recognizing April 2008 as the Month of the Military Child in the state of Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, April 7, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Monday, April 7, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives