

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

## THIRTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 7, 2005

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

Prayer was offered by the Reverend Rolf Olson, All Saints Lutheran Church, Cottage Grove, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

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

A quorum was present.

Hilstrom, Holberg, Jaros, Meslow and Otremba were excused.

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

## REPORTS OF STANDING COMMITTEES

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 46, A bill for an act relating to state government; making permanent the requirement that certain litigation and settlement proceeds be deposited in the general fund; repealing Minnesota Statutes 2004, section 16A.151, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

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

H. F. No. 367, A bill for an act relating to real property; providing for certain defeasible estates; modifying residential purchase agreement cancellations; amending the foreclosure advice notice; amending Minnesota Statutes 2004, sections 500.20, subdivision 2a; 559.217, subdivisions 1, 3, 4, 5, 6; 580.041, by adding subdivisions.

Reported the same back with the following amendments:

Pages 3 to 9, delete sections 2 to 10 and insert:

"Sec. 2. Minnesota Statutes 2004, section 513.56, subdivision 3, is amended to read:

Subd. 3. [INSPECTIONS.] (a) Except as provided in paragraph (b), a seller is not required to disclose information relating to the ~~physical condition of the~~ real property if a written report that discloses the information has been prepared by a qualified third party and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state, or local governmental agency, or any person whom the seller, or prospective buyer, reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report.

(b) A seller shall disclose to the prospective buyer material facts known by the seller that contradict any information included in a written report under paragraph (a) if a copy of the report is provided to the seller.

Sec. 3. Minnesota Statutes 2004, section 513.57, subdivision 2, is amended to read:

Subd. 2. [LIABILITY.] A seller who fails to make a disclosure as required by sections 513.52 to 513.60 and was aware of ~~the condition of~~ material facts pertaining to the real property is liable to the prospective buyer. A person injured by a violation of this section may bring a civil action and recover damages and receive other equitable relief as determined by the court. An action under this subdivision must be commenced within two years after the date on which the prospective buyer closed the purchase or transfer of the real property.

Sec. 4. Minnesota Statutes 2004, section 559.217, is amended to read:

559.217 ~~[DECLARATORY CANCELLATION OF RESIDENTIAL PURCHASE AGREEMENT.]~~

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

(b) "Purchase agreement" means an earnest money contract, purchase agreement, or exercised option ~~that could be canceled under section 559.21, subdivision 4, paragraph (a) whether or not the instrument is subject to section 559.21.~~

(c) "Residential real property" means real property, including vacant land, occupied by, or intended to be occupied by, in the aggregate, one to four families as their residence.

(d) "Suspend" means to temporarily or permanently restrain or enjoin a cancellation proceeding under subdivision 3 or 4 pursuant to the provisions of section 559.211.

Subd. 2. [USE OF THIS SECTION.] Either the purchaser or the seller may cancel a purchase agreement for residential real property under this section. If either a seller or purchaser initiates a cancellation proceeding under this section and before completion of the proceeding the other party to the purchase agreement initiates a cancellation proceeding under this section, whether under subdivision 3 or 4, the purchase agreement is deemed canceled as of the date the second cancellation notice is served upon the other party to the purchase agreement under this section. Either party ~~can~~ may later pursue legal remedies at law to recover the earnest money. A court shall make a determination of which party is entitled to the earnest money without regard to which party first initiated the cancellation proceeding and may consider the terms of the canceled purchase agreement in making its determination.

Subd. 3. [CANCELLATION WITH RIGHT TO CURE.] (a) If a default occurs or an unfulfilled condition exists after the date specified for fulfillment in the terms of a purchase agreement for the conveyance of residential real property, which does not by its terms cancel the purchase agreement, the purchaser or the seller may initiate a cancellation by serving upon the other party to the purchase agreement and any third party that is holding earnest money under the purchase agreement a notice:

(1) specifying the residential real property that is the subject of the purchase agreement, including the legal description;

(2) specifying the purchase agreement by date and names of parties, and the unfulfilled condition or default; and

(3) stating that the purchase agreement will be canceled 15 days after service of the notice upon the other party to the purchase agreement unless prior to the cancellation date the party upon whom the notice is served complies with the conditions in default and completes the unfulfilled conditions, including, if applicable, completion of the purchase or sale of the residential real property according to the terms of the purchase agreement.

(b) The notice must be served in the manner provided in section 559.21, subdivision 4, paragraphs (a) and (b). The notice required by this subdivision must be given notwithstanding any provisions in the purchase agreement to the contrary.

(c) The purchase agreement is canceled unless, within 15 days after the service of the notice upon the other party to the purchase agreement, the party upon whom the notice was served fully complies with the conditions in default and completes the unfulfilled conditions or secures from a court an order suspending the cancellation.

Subd. 4. [DECLARATORY CANCELLATION.] (a) ~~If a default occurs or~~ an unfulfilled condition exists after the date specified for fulfillment in the terms of a purchase agreement for the conveyance of residential real property, which by the terms of the purchase agreement cancels the purchase agreement, either the purchaser or the seller may confirm the cancellation by serving upon the other party to the purchase agreement and any third party that is holding earnest money under the purchase agreement a notice:

(1) specifying the residential real property that is the subject of the purchase agreement, including the legal description;

(2) specifying the purchase agreement by date and names of parties, and the unfulfilled condition ~~or default~~; and

(3) stating that the purchase agreement has been canceled.

(b) The notice must be served in the manner provided in section 559.21, subdivision 4, paragraphs (a) and (b).

(c) The cancellation of the purchase agreement is complete, unless, within 15 days after the service of the notice upon the other party to the purchase agreement, the party upon whom the notice was served secures from a court an order suspending the cancellation.

Subd. 5. [FORM OF NOTICE OF CANCELLATION.] (a) For purposes of subdivision 3, the term "notice" means a writing stating the information required in subdivision 3, paragraph (a), stating the name, address, and telephone number of that party serving the notice or of an attorney authorized by such party to serve the notice, and including the following information in 12-point or larger underlined uppercase type, or 8-point type if published, ~~or in large legible handwritten letters~~:

"THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE (SELLER) (PURCHASER) (STRIKE ONE) HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.217, TO CANCEL YOUR PURCHASE AGREEMENT FOR THE (PURCHASE) (SALE) (STRIKE ONE) OF THE ABOVE PROPERTY FOR THE REASONS SPECIFIED IN THIS NOTICE. THE PURCHASE AGREEMENT WILL BE CANCELED ... DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DAY OF PUBLICATION OF THIS NOTICE) (STRIKE ONE) UNLESS BEFORE THEN:

(A) YOU HAVE FULLY COMPLIED WITH ALL OF YOUR OBLIGATIONS UNDER THE PURCHASE AGREEMENT THAT WERE REQUIRED TO BE PERFORMED AS OF THE DATE OF SERVICE OF THIS NOTICE; INCLUDING, WITHOUT LIMITATION, THE ITEMS OF DEFAULT SPECIFIED IN THIS NOTICE; ~~OR~~ AND THE UNFULFILLED CONDITIONS SPECIFIED IN THIS NOTICE ARE COMPLETED, INCLUDING, IF APPLICABLE, COMPLETION OF THE PURCHASE OR SALE OF THE RESIDENTIAL REAL PROPERTY ACCORDING TO THE TERMS OF THE PURCHASE AGREEMENT; OR

(B) YOU SECURE FROM A DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE PURCHASE AGREEMENT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING, OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR PURCHASE AGREEMENT WILL BE CANCELED AT THE END OF THE PERIOD (AND YOU WILL LOSE ALL EARNEST MONEY YOU HAVE PAID ON THE PURCHASE AGREEMENT) (STRIKE IF NOT APPLICABLE); AND YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE.

HOWEVER, IF WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE YOU SERVE YOUR OWN NOTICE UNDER MINNESOTA STATUTES, SECTION 559.217, YOUR PURCHASE AGREEMENT WILL BE IMMEDIATELY CANCELED, BUT YOUR ENTITLEMENT TO EARNEST MONEY MUST BE DETERMINED BY A COURT OR DETERMINED BY ARBITRATION IF AGREED TO BY THE PARTIES.

IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY."

(b) For purposes of subdivision 4, the term "notice" means a writing stating the information required in subdivision 4, paragraph (a), stating the name, address, and telephone number of the party serving the notice or of an attorney authorized by ~~that~~ such party to serve the notice, and including the following information in 12-point or larger underlined uppercase type, or 8-point type if published, ~~or in large legible handwritten letters:~~

"THIS NOTICE IS PURSUANT TO MINNESOTA STATUTES, SECTION 559.217, TO INFORM YOU THAT YOUR PURCHASE AGREEMENT FOR THE (PURCHASE) (SALE) (STRIKE ONE) OF THE ABOVE PROPERTY HAS BEEN CANCELED FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CANCELLATION WILL BE CONFIRMED ... DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DAY OF PUBLICATION OF THIS NOTICE) (STRIKE ONE) UNLESS BEFORE THEN YOU SECURE FROM A DISTRICT COURT AN ORDER THAT THE CONFIRMATION OF CANCELLATION OF THE PURCHASE AGREEMENT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING, OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT OBTAIN SUCH A COURT ORDER WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, THE CONFIRMATION OF CANCELLATION OF YOUR PURCHASE AGREEMENT WILL BE FINAL AT THE END OF THE PERIOD (AND YOU WILL LOSE ALL EARNEST MONEY YOU HAVE PAID ON THE PURCHASE AGREEMENT) (STRIKE IF NOT APPLICABLE); AND YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE.

HOWEVER, IF WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE YOU SERVE YOUR OWN NOTICE UNDER MINNESOTA STATUTES, SECTION 559.217, YOUR PURCHASE AGREEMENT WILL BE IMMEDIATELY CANCELED, BUT YOUR ENTITLEMENT TO EARNEST MONEY MUST BE DETERMINED BY A COURT OR DETERMINED BY ARBITRATION IF AGREED TO BY THE PARTIES.

IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY."

Subd. 6. [SUSPENSION OF CANCELLATION, ATTORNEY FEES, COURT FEES, AND COSTS OF SERVICE.] ~~If the party A seller or a purchaser~~ upon whom the notice is served ~~commences~~ may commence a proceeding under section 559.211 to obtain a court order to suspend the cancellation of a purchase agreement under this section, and in the proceeding the court ~~shall~~ may award court filing fees, attorney fees, and costs of service actually expended to the prevailing party in an amount not to exceed \$3,000.

Subd. 7. [AFFIDAVIT OF CANCELLATION.] (a) After a cancellation under subdivision 3 or a confirmation of cancellation under subdivision 4, the purchase agreement is void and of no further force or effect, and, except as provided in subdivision 2, any earnest money held under the purchase agreement must be distributed to, and become the sole property of, the party completing the cancellation of the purchase agreement.

(b) When a cancellation under this section has been completed, the party who served the notice, or that party's attorney, may execute an affidavit stating that the party caused a notice of cancellation to be served upon the other party, that the other party neither complied with the actions required in the notice, if applicable, nor obtained a court order suspending the cancellation, and that the property is residential real property.

(c) A copy of the affidavit of cancellation, when attached to a copy of the notice, is prima facie evidence of the facts therein stated.

(d) Except as provided in subdivision 2, the affidavit of cancellation, when delivered to a ~~person~~ third party holding earnest money under the purchase agreement, is a sufficient basis for that person to release the earnest money to the party initiating and completing the cancellation.

(e) If either a seller or purchaser commences a cancellation proceeding under this section and before completion of the first proceeding the other party initiates a cancellation proceeding under this section, either party or that party's attorney may execute an affidavit stating that both parties caused the notice of cancellation to be served upon the other party and further specifying the date the second notice of cancellation was served upon the other party. A copy of the affidavit of cancellation, when attached to copies of both notices of cancellation, is prima facie evidence of the cancellation of the purchase agreement and of the effective date of the cancellation of the purchase agreement.

Subd. 8. [ATTORNEY AS AGENT FOR SERVICE.] Any attorney authorized to serve the notice of cancellation by a party initiating a cancellation under this section is designated as the attorney who may receive service as agent for the party initiating the cancellation of all summons, complaints, orders, and motions made in connection with an action by the party upon whom the notice is served to restrain the cancellation. Service in the action may be made upon the party initiating the cancellation by mailing a copy of the process to such party or to such party's attorney, by first class mail, postage prepaid, to the address stated in the notice.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to purchase agreements entered into on or after that date.

Sec. 5. Minnesota Statutes 2004, section 580.041, is amended by adding a subdivision to read:

Subd. 1a. [APPLICABILITY.] This section applies to foreclosure of mortgages under this chapter on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner.

Sec. 6. Minnesota Statutes 2004, section 580.041, is amended by adding a subdivision to read:

Subd. 3. [AFFIDAVIT.] Any person may establish compliance with or inapplicability of this section by recording, with the county recorder or registrar of titles, an affidavit by a person having knowledge of the facts, stating that the notice required by this section has been delivered in compliance with this section or that this section is not applicable because the property described in the notice of foreclosure did not consist of one to four family dwelling units, one of which was occupied by the owner as the owner's principal place of residency. The affidavit and a certified copy of a recorded affidavit shall be prima facie evidence of the facts stated in the affidavit. The affidavit may be recorded regarding any foreclosure sale, including foreclosure sales which occurred prior to the effective date of this section, and may be recorded separately or as part of the record of a foreclosure.

Sec. 7. Minnesota Statutes 2004, section 580.041, is amended by adding a subdivision to read:

Subd. 4. [VALIDATION OF FORECLOSURE SALES.] No mortgage foreclosure sale under this chapter shall be invalid because of failure to comply with this section unless an action to invalidate the sale is commenced and a notice of lis pendens is filed with the county recorder or registrar of titles within one year after the last day of the redemption period of the mortgagor, the mortgagor's personal representatives, or assigns. This subdivision shall not affect any action or proceeding pending on August 1, 2005, or which is commenced before February 1, 2006, in any court of this state, provided a notice of lis pendens of the action is filed with the county recorder or registrar of titles before February 1, 2006.

Sec. 8. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes, section 580.041, subdivision 1, as subdivision 1b."

Delete the title and insert:

"A bill for an act relating to real property; providing for certain defeasible estates; modifying residential purchase agreement cancellations; amending the foreclosure advice notice; amending Minnesota Statutes 2004, sections 500.20, subdivision 2a; 513.56, subdivision 3; 513.57, subdivision 2; 559.217; 580.041, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 368, A bill for an act relating to probate; changing and clarifying certain venue, trustee powers, and omitted beneficiary provisions; amending Minnesota Statutes 2004, sections 501B.17; 501B.705, subdivisions 2, 3, 4, 5; 524.2-302.

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

The report was adopted.

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

H. F. No. 416, A bill for an act relating to metropolitan government; changing residency requirements for membership on the Metropolitan Council and the Metropolitan Airports Commission; amending Minnesota Statutes 2004, sections 473.123, subdivisions 2a, 3; 473.604, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 13, after the period, insert "At the time of appointment."

Page 1, line 14, reinstate the stricken "reside" and delete "have resided" and after "represented" insert "and must have resided in the council district"

Page 1, line 15, before the period, insert "immediately preceding the appointment"

Page 2, line 6, after the period, insert "At the time of appointment." and reinstate the stricken "reside" and delete the new language

Page 2, line 7, delete "resided" and after "represented" insert "and must have resided in the council district"

Page 2, line 8, before the period, insert "immediately preceding the appointment"

Page 3, line 33, before "Each" insert "At the time of appointment." and reinstate the stricken language and delete the new language

Page 3, line 34, after "represented" insert "and must have been a resident of the council district"

Page 3, line 35, before the period, insert "immediately preceding the appointment"

Page 4, line 31, delete "the day following final enactment" and insert "January 1, 2007"

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

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 455, A bill for an act relating to the military; extending the time period for adjutant general of the Minnesota National Guard to make tuition reimbursement grants to members who have served in active military service; amending Minnesota Statutes 2004, section 192.501, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 192.501, subdivision 2, is amended to read:

Subd. 2. [TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.] (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota National Guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the National Guard who:

(1) is serving satisfactorily as defined by the adjutant general;

(2) is attending a postsecondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and

(3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

~~In addition,~~ (c) Notwithstanding paragraph (b), clause (1), for a person who:

(1) has satisfactorily completed the person's service contract in the Minnesota National Guard or the portion of it involving selective reserve status, for which any part of that service was spent serving honorably in federal active service or federally funded state active service since September 11, 2001, the person's eligibility is extended for a period of two years, plus an amount of time equal to the duration of that person's active service, subject to the credit hours limit in paragraph (g); or

(2) has served honorably in the Minnesota National Guard and has been separated or discharged from that organization due to a service connected injury, disease, or disability, the eligibility period is extended for eight years beyond the date of separation, subject to the credit hours limit in paragraph (g).

~~(d)~~ If a member of the Minnesota National Guard is killed in the line of state active service or federally funded state active service, ~~as defined in section 190.05, subdivisions 5a and 5b,~~ the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant, with each eligible person independently subject to the credit hours limit in paragraph (g).

~~(e)~~ The adjutant general may, within the limitations of ~~this paragraph~~ paragraphs (b) to (d) and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

~~(e)~~ (f) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

(1) up to 100 percent of the cost of tuition for lower division programs in the College of Liberal Arts at the Twin Cities campus of the University of Minnesota in the most recent academic year; or

(2) up to 100 percent of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for postsecondary courses at a Minnesota public educational institution.

~~Paragraph (g)~~ Paragraphs (b) to (e) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

~~(d)~~ (h) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota Higher Education Services Office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

~~(e)~~ (i) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general. However, this authority does not apply to a person whose separation from the Minnesota National Guard is due to a medical condition or financial hardship.

(j) For purposes of this section, the terms "active service," "state active service," "federally funded state active service," and "federal active service" have the meanings given in section 190.05, subdivisions 5 to 5c, respectively, except that for purposes of paragraph (c), clause (1), these terms exclude service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members;

(3) service performed in accordance with section 190.08, subdivision 3; and

(4) service performed as part of the active guard/reserve program pursuant to United States Code, title 32, section 502(f), or other applicable authority.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to persons who have served in the Minnesota National Guard at any time since September 11, 2001, and if the person has died in the line of service, to the person's surviving spouse and dependent."

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

The report was adopted.

Sykora from the Committee on Education Finance to which was referred:

H. F. No. 529, A bill for an act relating to education finance; authorizing the sale of a school facility; forgiving any remaining balance on the maximum effort capital loan issued to former Independent School District No. 566, Askov.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Capital Investment.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 367 and 368 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Krinkie, Rukavina, Larson, Vandevveer, Zellers, DeLaForest and Howes introduced:

H. F. No. 785, A bill for an act relating to taxation; prohibiting increases in property tax rates for taxes payable in 2006 and certain subsequent years; prohibiting increases in local government and state fees; providing reimbursement to local governments for certain property tax and fee increases; appropriating money.

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

McNamara, Kahn, Hackbarth, Ozment and Cox introduced:

H. F. No. 786, A bill for an act relating to natural resources; modifying disposition of proceeds from sale of tax-forfeited lands bordering public waters; creating the riparian land enhancement account; appropriating money; amending Minnesota Statutes 2004, section 282.09, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

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

McNamara and Cox introduced:

H. F. No. 787, A bill for an act relating to natural resources; requiring an application fee to obtain road easements across state lands; creating a land management account; appropriating money; amending Minnesota Statutes 2004, section 84.631; proposing coding for new law in Minnesota Statutes, chapter 92.

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

McNamara and Hansen introduced:

H. F. No. 788, A bill for an act relating to natural resources; establishing a surcharge on tree seedlings; appropriating money; amending Minnesota Statutes 2004, section 89.37, by adding a subdivision.

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

Cox, McNamara and Hackbarth introduced:

H. F. No. 789, A bill for an act relating to waters; providing for administrative penalty orders; providing civil penalties; requiring an implementation plan; providing a rulemaking exemption; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Wardlow; Thao; Johnson, S.; Gunther; Ozment; Lieder; Anderson, I.; Dempsey; Hortman; Jaros; Newman; Finstad; Krinkie; Lesch; Murphy; Hilty; Welti; Abeler; Latz; Lillie; Meslow; Scalze; Hoppe and Charron introduced:

H. F. No. 790, A bill for an act relating to veterans homes; expanding eligibility for admission to include certain Minnesota residents who provided military assistance to the United States armed forces in Southeast Asia during the Vietnam War era; amending Minnesota Statutes 2004, section 198.01.

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

Zellers, Heidgerken, DeLaForest, Howes, Hackbarth, Hoppe, Erickson, Lesch and Dorman introduced:

H. F. No. 791, A bill for an act relating to gambling; modifying definition of video game of chance; amending Minnesota Statutes 2004, section 609.75, subdivision 8.

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

Sertich and Wilkin introduced:

H. F. No. 792, A bill for an act relating to commerce; regulating securities, mortgage originators and servicers, athlete agents, and the contractor's recovery fund; amending Minnesota Statutes 2004, sections 80A.19, by adding a subdivision; 116J.70, subdivision 2a; 326.975, subdivision 1.

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

Thao and Abeler introduced:

H. F. No. 793, A bill for an act relating to human services; exempting certain refugees and asylees from participating in the diversionary work program; amending Minnesota Statutes 2004, section 256J.95, subdivision 3.

The bill was read for the first time and referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

Howes, Simpson, Nornes, Moe, Gazelka, Atkins and Sailer introduced:

H. F. No. 794, A bill for an act relating to taxation; property; providing for valuation and deferment of taxes on certain homestead resorts; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Urdahl, Heidgerken and Cox introduced:

H. F. No. 795, A bill for an act relating to water quality; providing for additional monitoring for agricultural pesticides in groundwater and surface water; appropriating money.

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

Heidgerken, Urdahl, Seifert, Juhnke, Blaine, Hosch, Marquart, Eken and Moe introduced:

H. F. No. 796, A bill for an act relating to agriculture; appropriating money for certain alternative livestock production programs.

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

Bradley, Demmer, Welti and Liebling introduced:

H. F. No. 797, A bill for an act relating to taxation; providing for uses of Rochester sales and use tax revenues; amending Laws 1998, chapter 389, article 8, section 43, subdivision 3.

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

Westerberg, DeLaForest, Hackbarth, Goodwin and Bernardy introduced:

H. F. No. 798, A bill for an act relating to highways; authorizing state bonding for improvements to marked Trunk Highway 65 to facilitate bus rapid transit.

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

Anderson, I., introduced:

H. F. No. 799, A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the interpretive center at Grand Mound in Koochiching County.

The bill was read for the first time and referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

Nelson, M., and Atkins introduced:

H. F. No. 800, A bill for an act relating to commerce; regulating peddlers and door-to-door solicitors; amending Minnesota Statutes 2004, sections 329.14; 368.01, subdivision 11; 412.221, subdivision 19; proposing coding for new law in Minnesota Statutes, chapter 329; repealing Minnesota Statutes 2004, section 329.17, subdivision 2.

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

Dempsey; Nornes; Anderson, I., and Lieder introduced:

H. F. No. 801, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Davnie, Sykora, Hornstein, Kelliher, Thissen, Loeffler, Ellison, Kahn, Mullery, Walker, Wagenius and Clark introduced:

H. F. No. 802, A bill for an act relating to education; excluding Minneapolis from the Teacher Tenure Act; amending Minnesota Statutes 2004, sections 122A.40, subdivision 18; 122A.41, subdivision 2.

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

Juhnke; Abrams; Johnson, J.; Sykora; Smith and Marquart introduced:

H. F. No. 803, A bill for an act relating to lawful gambling; modifying the definition of "raffle"; amending Minnesota Statutes 2004, sections 349.12, subdivision 33; 349.173.

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

Cornish, Davids, Juhnke and Finstad introduced:

H. F. No. 804, A bill for an act relating to taxation; sales and use; exempting sales of stoves that burn biomass fuels; amending Minnesota Statutes 2004, section 297A.67, by adding a subdivision.

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

Dorn, Hoppe, Gunther and Anderson, I., introduced:

H. F. No. 805, A bill for an act relating to intoxicating liquor; authorizing Mankato to issue an on-sale intoxicating liquor license for the Midwest Wireless Civic Center.

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

Cornish, Dorn, Buesgens and Demmer introduced:

H. F. No. 806, A bill for an act relating to education; providing for immunity from liability for school district and district employee notification of students with a history of violent behavior; amending Minnesota Statutes 2004, sections 121A.64; 121A.75, by adding a subdivision.

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

Dauids introduced:

H. F. No. 807, A bill for an act relating to sales tax; exempting materials and equipment used in construction and upgrading of a wastewater treatment facility in Chatfield from the sales tax; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision.

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

Smith and Ozment introduced:

H. F. No. 808, A bill for an act relating to public employment; establishing procedures and standards for contracting with private entities for the provision of services that have been, or otherwise would be, provided by public employees; providing for public accountability; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Dorn introduced:

H. F. No. 809, A bill for an act relating to education; modifying district health, safety, and environmental management cost; amending Minnesota Statutes 2004, section 123B.57, subdivision 8.

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

Dorn introduced:

H. F. No. 810, A bill for an act relating to education finance; restoring the former method of determining class size ratios and allocating class size reduction revenue; amending Minnesota Statutes 2004, section 126C.12, subdivisions 2, 3, 4.

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

Hortman, Marquart, Koenen, Fritz, Walker and Johnson, R., introduced:

H. F. No. 811, A bill for an act relating to military affairs; creating a military assistance trust fund and specifying uses of the fund; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Brod introduced:

H. F. No. 812, A bill for an act relating to elections; providing for voter registration outreach and solicitation training; requiring numbering of voter registration applications and providing for their distribution; amending Minnesota Statutes 2004, sections 201.054, by adding a subdivision; 201.061, subdivision 1.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Sykora; Ozment; Cornish; Johnson, R., and Dill introduced:

H. F. No. 813, A bill for an act relating to natural resources; providing for evaluation of construction aggregate located on school trust lands; appropriating money; amending Minnesota Statutes 2004, section 16A.125, subdivision 5, by adding a subdivision.

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

Cornish, Howes, Dempsey, Ozment and Dill introduced:

H. F. No. 814, A bill for an act relating to state lands; authorizing private sale of certain surplus land in Hubbard, Lake, and Wabasha Counties.

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

Kahn introduced:

H. F. No. 815, A bill for an act relating to local government; requiring a city council to vote on charter commission recommendations for charter amendments by ordinance; amending Minnesota Statutes 2004, section 410.12, subdivision 7.

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

Kahn; Beard; Nelson, P.; Cox; Peterson, S.; Hortman; Lenczewski; Ruud; Dittrich; Larson; Opatz and Hosch introduced:

H. F. No. 816, A bill for an act relating to elections; providing for nonpartisan legislative offices; modifying the allocation of money in the state elections campaign fund; amending Minnesota Statutes 2004, sections 10A.31, subdivision 5; 204D.08, subdivisions 4, 6; 204D.13, subdivision 1.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Erickson introduced:

H. F. No. 817, A bill for an act relating to education; authorizing districts to hold operating referendum for a proposed facility at the same time as a referendum to fund the proposed facility; amending Minnesota Statutes 2004, section 126C.17, subdivision 11.

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

Kahn, Mariani, Ellison, Davnie and Clark introduced:

H. F. No. 818, A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 1; authorizing local units of government to permit permanent resident noncitizens to vote in local elections.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Thissen introduced:

H. F. No. 819, A bill for an act relating to insurance; providing state-funded reinsurance for small employer health coverage; appropriating money; amending Minnesota Statutes 2004, section 62L.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Paulsen; Lenczewski; Abrams; Pelowski; Tingelstad; Johnson, J.; Zellers; Penas; Wardlow; Magnus; Erickson; Klinzing; Soderstrom; Vandever; Larson; Nelson, P.; Kohls; Abeler; Westerberg; Beard; Sviggum; Severson and Peterson, N., introduced:

H. F. No. 820, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2004, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Blaine introduced:

H. F. No. 821, A bill for an act relating to natural resources; modifying requirements for in lieu of tax payments on wildlife lands; appropriating money; amending Minnesota Statutes 2004, section 97A.061, subdivision 1.

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

Blaine introduced:

H. F. No. 822, A bill for an act relating to Independent School District No. 482, Little Falls; providing for an alley system or at-large election of school board members.

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

Blaine, Hackbarth, Ozment, Gazelka, Hoppe, Cornish, Penas, Howes, McNamara, Dill and Scalze introduced:

H. F. No. 823, A bill for an act relating to natural resources; modifying the State Timber Act; modifying standard measurements for wood; amending Minnesota Statutes 2004, sections 90.01, by adding subdivisions; 90.041, subdivision 5; 90.042; 90.101, subdivision 2; 90.121; 90.172; 90.173; 90.195; 90.211; 90.301, subdivision 4; 239.33; repealing Minnesota Statutes 2004, sections 90.01, subdivision 9; 90.041, subdivisions 3, 4.

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

Blaine, Hackbarth, Ozment, Gazelka, Cornish, Hoppe, Penas, Howes, McNamara and Dill introduced:

H. F. No. 824, A bill for an act relating to natural resources; modifying disposition of receipts to the forest suspense account; amending Minnesota Statutes 2004, sections 16A.125, subdivision 5; 89.039, subdivision 1.

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

Hilstrom; Nelson, M., and Carlson introduced:

H. F. No. 825, A bill for an act relating to the city of Brooklyn Center; extending time to expend tax increments.

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

Ozment; Kelliher; Davids; Juhnke; Sviggum; Wagenius; Hoppe; Mariani; Cox; Lesch; Cornish; Hausman; Tingelstad; Clark; Blaine; Davnie; Magnus; Ellison; Hornstein; Wardlow; Johnson, S.; Otremba; McNamara; Thissen; Abeler; Cybart; Meslow; Koenen; Kahn and Entenza introduced:

H. F. No. 826, A bill for an act relating to the environment; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; appropriating money; proposing coding for new law in Minnesota Statutes chapter 446A; proposing coding for new law as Minnesota Statutes, chapter 114D.

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

Greiling, Lanning, Carlson and Mariani introduced:

H. F. No. 827, A bill for an act relating to education; providing for a state coordinator for school world languages programs; providing for grants to model extended world languages programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Greiling, Otremba, Lenczewski and Ellison introduced:

H. F. No. 828, A bill for an act relating to elections; prohibiting political parties that receive a public subsidy from making independent expenditures; requiring that income tax checkoff money and political contributions refunded by the state be used only for candidates who have agreed to spending limits; imposing campaign contribution and spending limits on legislative caucuses that choose to participate in the political contribution refund program; limiting multicandidate expenditures by political parties; increasing the maximum political contribution refund from \$50 to \$100; amending Minnesota Statutes 2004, sections 10A.01, subdivisions 9, 18; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivision 11, by adding a subdivision; 10A.275, subdivision 1; 10A.28, subdivisions 1, 2; 10A.31, subdivisions 3, 5; 10A.322; 290.06, subdivision 23.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Peppin; Thissen; Ozment; Samuelson; Peterson, A.; Cybart; Powell and Otremba introduced:

H. F. No. 829, A bill for an act relating to health; providing for education of parents, primary caregivers, and child care providers on the dangers associated with shaking infants and young children; proposing coding for new law in Minnesota Statutes, chapters 144; 245A.

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

Mahoney introduced:

H. F. No. 830, A bill for an act relating to elections; soil and water conservation district supervisors; providing for election of certain supervisors and appointment of certain supervisors; amending Minnesota Statutes 2004, sections 103C.311, by adding a subdivision; 103C.315, subdivision 1.

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

Fritz, Greiling, Otremba, Urdahl, Liebling, Koenen, Eken, Moe, Mariani, Sailer, Poppe and Hortman introduced:

H. F. No. 831, A bill for an act relating to elections; making it easier to vote by absentee ballot; amending Minnesota Statutes 2004, sections 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.11, subdivision 4.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Klinzing, Mariani, Erickson, Buesgens, Sykora and Nornes introduced:

H. F. No. 832, A bill for an act relating to education; providing for a school site governance program; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Hoppe, Thissen, Kelliher and Howes introduced:

H. F. No. 833, A bill for an act relating to natural resources; modifying restrictions on the operation of off-highway vehicles; extending the availability of the off-highway vehicle damage account; providing for seizure and forfeiture of certain off-highway vehicles; requiring certain off-highway vehicle violations to be added to the driving record of the violator; modifying civil penalties; clarifying the requirement for off-road vehicle registration; modifying off-road vehicle account receipts and disposition; requiring plates on all-terrain vehicles; providing for revocation of registration; providing criminal penalties; amending Minnesota Statutes 2004, sections 84.773, subdivision 1, by adding a subdivision; 84.775, subdivision 1; 84.780; 84.797, subdivisions 6, 12; 84.798, subdivision 1; 84.802; 84.803; 84.804, subdivisions 1, 2, 3; 84.922, subdivision 2; 84.928, subdivision 2; 97A.315, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2004, sections 84.796; 84.805; 84.929; 296A.18, subdivision 6.

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

Dittrich; Greiling; Sykora; Buesgens; Dorn; Davnie; Eken; Ruud; Bernardy; Simon; Anderson, B.; Gazelka; Newman; Lillie; Hortman; Sieben; Peterson, S.; Lenczewski; Peppin; Larson; Opatz; Hosch; Tingelstad; Dorman; Garofalo; Charron; Welti; Moe; Kelliher; Poppe and Scalze introduced:

H. F. No. 834, A bill for an act relating to education; granting school districts the authority to offer certain rewards; amending Minnesota Statutes 2004, section 123B.02, by adding a subdivision.

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

Cornish introduced:

H. F. No. 835, A bill for an act relating to local government aids; changing the aid formula for certain cities; amending Minnesota Statutes 2004, section 477A.011, subdivision 34.

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

Peppin and Knoblach introduced:

H. F. No. 836, A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XIII; establishing the same standard for the Minnesota Constitution and the United States Constitution for issues relating to abortion.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Smith and Knoblach introduced:

H. F. No. 837, A bill for an act relating to health; requiring reporting on notification that is required before an abortion is performed on a minor or certain other women; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Otremba and Knoblach introduced:

H. F. No. 838, A bill for an act relating to health; providing for unborn child pain prevention; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Abeler, Huntley and Bradley introduced:

H. F. No. 839, A bill for an act relating to human services; providing for prescription drug bulk purchasing; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Abeler and Huntley introduced:

H. F. No. 840, A bill for an act relating to pharmacy; modifying wholesale drug distributor requirements; amending Minnesota Statutes 2004, section 151.47, subdivision 1, by adding a subdivision.

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

Vandever, Krinkie, Erickson, Soderstrom and Tingelstad introduced:

H. F. No. 841, A bill for an act relating to highways; designating Interstate Highways I-494 and I-694 as Ronald Reagan Beltway; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

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

Solberg introduced:

H. F. No. 842, A bill for an act relating to natural resources; authorizing the private sale of consolidated conservation land in Aitkin County.

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

Demmer; Bradley; Juhnke; Liebling; Welti; Peterson, A.; Davids; Gunther and Seifert introduced:

H. F. No. 843, A bill for an act relating to taxation; providing a sales tax exemption for certain construction materials for certain resource recovery facilities; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision.

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

Knoblach and Opatz introduced:

H. F. No. 844, A bill for an act relating to capital investment; modifying the grant recipient of an appropriation for St. Cloud Paramount Theater to provide for the city to own the facility; amending Laws 1998, chapter 404, section 23, subdivision 17, as amended.

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

Lenczewski; Krinkie; Abrams; Kohls; Marquart; Brod; Anderson, I.; Lanning; Erhardt; Atkins; Bernardy and Lesch introduced:

H. F. No. 845, A bill for an act relating to taxation; individual income; repealing the alternative minimum tax; amending Minnesota Statutes 2004, section 290.091, subdivision 6; repealing Minnesota Statutes 2004, section 290.091, subdivisions 1, 2, 3, 4, 5, 6.

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

Hoppe introduced:

H. F. No. 846, A bill for an act relating to school districts and other local governments; requiring a notice on levy or bond referenda to be placed in a prominent location on the ballot; amending Minnesota Statutes 2004, sections 126C.17, subdivision 9; 275.60.

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

Hoppe, Hackbarth, Cornish, Ozment and Dill introduced:

H. F. No. 847, A bill for an act relating to game and fish; modifying certain definitions; providing for disposition and use of certain revenue; providing for special fish management tags; modifying authority to take animals causing damage; modifying use of scopes by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.071, subdivision 2; 97A.075; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivision 7; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.031, subdivision 5; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.085; 97C.203; 97C.327; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 97C; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

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

Smith, Murphy, Hilstrom, Newman and Meslow introduced:

H. F. No. 848, A bill for an act relating to public defense; limiting representation by public defenders to statutorily designated persons; providing for public defender access to certain data; amending Minnesota Statutes 2004, sections 611.14; 611.16; 611.25, subdivision 1; 611.272; repealing Minnesota Statutes 2004, section 611.18.

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

Zellers and Peppin introduced:

H. F. No. 849, A bill for an act relating to highways; authorizing state bonds for Central Avenue and Jefferson Highway project in Osseo.

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

Powell introduced:

H. F. No. 850, A bill for an act relating to public safety; authorizing rulemaking to allow installation of vehicle-monitoring device in certain vehicles; making clarifying changes; amending Minnesota Statutes 2004, section 169.71, subdivision 1.

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

Lenczewski; Abrams; Zellers; Peterson, N.; Paulsen; Ruud; Larson; Erhardt; Wilkin; Wardlow; Johnson, J., and Sykora introduced:

H. F. No. 851, A bill for an act relating to property taxation; requiring the commissioner of revenue to conduct a study of the metropolitan fiscal disparities program.

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

Zellers introduced:

H. F. No. 852, A bill for an act relating to highways; authorizing state bonds for Central Avenue and Jefferson Highway project in Osseo; appropriating money.

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

Kelliher, Smith, Murphy, Kahn and Thissen introduced:

H. F. No. 853, A bill for an act relating to retirement; Minneapolis Employees Retirement Fund; exempting the executive director from the political subdivision compensation limit; permitting the investment of fund assets with the State Board of Investment; modifying certain liquidity requirements; amending Minnesota Statutes 2004, sections 43A.17, subdivision 9; 422A.05, subdivision 2c; 422A.06, subdivisions 3, 5; 422A.101, subdivision 3; repealing Minnesota Statutes 2004, section 422A.101, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Abeler, Thao, Finstad, Nornes, Thissen, Samuelson, Otremba and Powell introduced:

H. F. No. 854, A bill for an act relating to health occupations; eliminating the prohibition against providing physical therapy after 30 days without a physician's order or without practicing for one year; amending Minnesota Statutes 2004, sections 148.75; 148.76, subdivision 2.

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

Abeler and Huntley introduced:

H. F. No. 855, A bill for an act relating to human services; removing the sunset for a provision exempting certain antihemophilic factor drugs from prior authorization under medical assistance; amending Minnesota Statutes 2004, section 256B.0625, subdivision 13f.

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

Dittrich, Abeler, Hortman and Ruud introduced:

H. F. No. 856, A bill for an act relating to highways; authorizing trunk highway bonds to finance completion of highway 610; appropriating money.

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

Simpson and Nornes introduced:

H. F. No. 857, A bill for an act relating to highways; appropriating money for traffic control improvements for intersection in Ottertail County.

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

Wardlow; Dempsey; Lillie; Juhnke; Greiling; Carlson; Buesgens; Heidgerken; Urdahl; Erickson; Thao; Hosch; Poppe; Samuelson; Hornstein; Paymar; Cornish; Anderson, B.; Hilstrom; Olson; Scalze; Slawik; Peterson, A.; Brod; Newman; Klinzing; Eastlund and Tingelstad introduced:

H. F. No. 858, A bill for an act relating to state government; renaming the State Office Building as the Edward A. Burdick State Office Building.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Holberg, Wardlow, Ozment, Cybart, Atkins, Powell, Sieben, Hansen, McNamara, Garofalo and Wilkin introduced:

H. F. No. 859, A bill for an act relating to Dakota County Regional Railroad Authority; permitting development of bus rapid transit in Cedar Avenue transitway corridor.

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

Eken and Lieder introduced:

H. F. No. 860, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Green Meadow Dam.

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

Eken and Lieder introduced:

H. F. No. 861, A bill for an act relating to education finance; making adjustments to the Department of Education's treatment of the Fertile-Beltrami tax base when making levy adjustments.

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

Eken introduced:

H. F. No. 862, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a flood hazard mitigation grant to Ada.

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

Eken introduced:

H. F. No. 863, A bill for an act relating to natural resources; appropriating money and authorizing bonds for a grant to the Wild Rice Watershed District for flood storage easement acquisition.

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

Abrams, Hornstein, Latz, Simon, Heidgerken, Hoppe, Ellison and Bernardy introduced:

H. F. No. 864, A bill for an act relating to education; providing for payment of the cost of school breakfast and lunch special diets based on religious beliefs of students; appropriating money.

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

Olson and Otremba introduced:

H. F. No. 865, A bill for an act relating to elections; changing certain procedures in cases of annexations affecting precinct boundaries; amending Minnesota Statutes 2004, section 204B.14, subdivision 5.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Olson, Cybart and Anderson, B., introduced:

H. F. No. 866, A bill for an act relating to education; authorizing an education tax credit for tuition expenses for certain school attendance; eliminating the family cap on the education tax credit; amending Minnesota Statutes 2004, section 290.0674, subdivisions 1, 2.

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

Olson; Marquart; Gazelka; Anderson, B.; Newman; Erickson; Ozment; Seifert; Knoblach; Westerberg; Abeler; Westrom; Vandever; Tingelstad; Otremba; DeLaForest; Cybart; Blaine and Demmer introduced:

H. F. No. 867, A bill for an act relating to education; enacting the American Heritage Education in Minnesota Public Schools Act; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Peterson, A.; Davids; Dill; Hackbarth; Koenen; Solberg; Marquart; Rukavina; Sertich; Nelson, M.; Otremba; Eken; Howes; Juhnke; Finstad; Buesgens; Heidgerken; Simpson; Gunther; Cornish; Penas; Urdahl; Wardlow; Lieder; Hoppe; Magnus; Hamilton; Seifert; Erickson; Soderstrom; Demmer; Atkins; Severson and Beard introduced:

H. F. No. 868, A bill for an act relating to *Canis latrans*; providing a coyote conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

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

Hortman, Marquart, Garofalo and Johnson, R., introduced:

H. F. No. 869, A bill for an act relating to military affairs; proposing an amendment to the Minnesota Constitution by adding a section to article XI; creating a military assistance trust fund; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Thissen; Johnson, S., and Atkins introduced:

H. F. No. 870, A bill for an act relating to health; requiring disclosure of employers of applicants for publicly funded health programs; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Seifert; Peterson, A.; Tingelstad; Loeffler and McNamara introduced:

H. F. No. 871, A bill for an act relating to state government; authorizing participation of day training and habilitation services providers in state cooperative purchasing agreements; including certain rehabilitation facilities, extended employment providers, and day training and habilitation services providers in the state agency acquisition process; amending Minnesota Statutes 2004, sections 16C.10, subdivision 5; 16C.15; 471.59, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 75, 225, 234 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 75, A bill for an act relating to motor carriers; exempting household goods movers from fixed compensation requirement when doing certain charitable work; amending Minnesota Statutes 2004, section 221.171, subdivision 2.

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

S. F. No. 225, A bill for an act relating to highways; authorizing turnback of Legislative Route No. 268 in Pipestone County; repealing Minnesota Statutes 2004, section 161.115, subdivision 199.

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

S. F. No. 234, A bill for an act relating to highways; providing for turnback of highway to Becker County.

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

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

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development.

**MOTIONS AND RESOLUTIONS**

Kahn moved that the name of Latz be added as an author on H. F. No. 13. The motion prevailed.

Rukavina moved that the name of Ellison be added as an author on H. F. No. 48. The motion prevailed.

Thissen moved that the name of Poppe be added as an author on H. F. No. 61. The motion prevailed.

Johnson, R., moved that the name of Brod be added as an author on H. F. No. 70. The motion prevailed.

Thissen moved that the name of Poppe be added as an author on H. F. No. 132. The motion prevailed.

Huntley moved that the name of Latz be added as an author on H. F. No. 153. The motion prevailed.

Hornstein moved that the name of Johnson, R., be added as an author on H. F. No. 313. The motion prevailed.

Slawik moved that the name of Kelliher be added as an author on H. F. No. 315. The motion prevailed.

Powell moved that the name of Samuelson be added as an author on H. F. No. 319. The motion prevailed.

Seifert moved that the names of Beard, Magnus, Koenen and Juhnke be added as authors on H. F. No. 395. The motion prevailed.

Rukavina moved that the name of Ellison be added as an author on H. F. No. 409. The motion prevailed.

Penas moved that the name of Johnson, R., be added as an author on H. F. No. 426. The motion prevailed.

Sertich moved that the name of Ruth be added as an author on H. F. No. 427. The motion prevailed.

Brod moved that the name of Fritz be added as third author and the name of Smith be shown as sixth author on H. F. No. 452. The motion prevailed.

Cybart moved that the name of Kahn be added as an author on H. F. No. 455. The motion prevailed.

DeLaForest moved that the name of Lenczewski be added as an author on H. F. No. 465. The motion prevailed.

Urdahl moved that the name of Ruud be added as an author on H. F. No. 488. The motion prevailed.

Lillie moved that the name of Lenczewski be added as an author on H. F. No. 502. The motion prevailed.

Carlson moved that the name of Hilstrom be added as an author on H. F. No. 504. The motion prevailed.

Mahoney moved that the name of Ruth be added as an author on H. F. No. 510. The motion prevailed.

Powell moved that the name of Lenczewski be added as an author on H. F. No. 521. The motion prevailed.

Cybart moved that the name of Lenczewski be added as an author on H. F. No. 541. The motion prevailed.

Hamilton moved that his name be stricken as an author on H. F. No. 566. The motion prevailed.

Johnson, J., moved that the name of Abeler be added as an author on H. F. No. 572. The motion prevailed.

Johnson, J., moved that the name of Abeler be added as an author on H. F. No. 573. The motion prevailed.

Vandevener moved that the name of Abeler be added as an author on H. F. No. 582. The motion prevailed.

Bernardy moved that the name of Lenczewski be added as an author on H. F. No. 594. The motion prevailed.

Gunther moved that the name of Ruth be added as an author on H. F. No. 595. The motion prevailed.

Ruth moved that the name of Abeler be added as an author on H. F. No. 597. The motion prevailed.

Kelliher moved that the name of Abeler be added as an author on H. F. No. 613. The motion prevailed.

Klinzing moved that the name of Abeler be added as an author on H. F. No. 615. The motion prevailed.

Bradley moved that the name of Abeler be added as an author on H. F. No. 619. The motion prevailed.

Ruth moved that the name of Abeler be added as an author on H. F. No. 621. The motion prevailed.

Sykora moved that the name of Abeler be added as an author on H. F. No. 625. The motion prevailed.

Hortman moved that the name of Hilstrom be added as an author on H. F. No. 638. The motion prevailed.

Johnson, S., moved that the name of Hilstrom be added as an author on H. F. No. 644. The motion prevailed.

Sieben moved that the name of Hilstrom be added as an author on H. F. No. 646. The motion prevailed.

Buesgens moved that the names of Erickson, Soderstrom, Ruth and Sykora be added as authors on H. F. No. 650. The motion prevailed.

Clark moved that the names of Paymar and Kahn be added as authors on H. F. No. 655. The motion prevailed.

Meslow moved that the name of Scalze be added as an author on H. F. No. 665. The motion prevailed.

Samuelson moved that the name of Scalze be added as an author on H. F. No. 671. The motion prevailed.

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

Gunther moved that the name of Welti be added as an author on H. F. No. 689. The motion prevailed.

Clark moved that the name of Kahn be added as an author on H. F. No. 712. The motion prevailed.

Ellison moved that the name of Mariani be added as an author on H. F. No. 716. The motion prevailed.

Hortman moved that the name of Kahn be added as an author on H. F. No. 756. The motion prevailed.

Abrams moved that the name of Wilkin be added as an author on H. F. No. 760. The motion prevailed.

Walker moved that the name of Kahn be added as an author on H. F. No. 784. The motion prevailed.

Johnson, J., moved that H. F. No. 766 be recalled from the Committee on Public Safety Policy and Finance and be re-referred to the Committee on Civil Law and Elections. The motion prevailed.

Sertich; Rukavina; Jaros; Johnson, J., and Lanning introduced:

House Resolution No. 5, A House resolution expressing the sense of the Minnesota House of Representatives that the Baseball Hall of Fame elect Roger Maris to the Baseball Hall of Fame.

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

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 10, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, February 10, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

