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  Otrema  Stocum
Anzelc  Dominguez  Hilstrom  Lieder  Ozment  Smith
Akins  Doty  Hilty  Lillie  Paulsen  Solberg
Beard  Drazkowski  Holberg  Loeffler  Paymar  Swails
Benson  Eastlund  Hoppe  Madore  Pelowski  Thao
Bers  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  Udahl
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. **Rebas ing 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, 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.

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

Those who voted in the negative were:
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
Those who voted in the negative were:

Abeler  Anzelc  Atkins  Benson  Bigham  Bly  Brown  Brynaert  Carlson  Clark  Davnie  Dill
Anzalone  Eken  Erhardt  Faust  Fritz  Greiling  Hansen  Hausman  Hilstrom  Hiity  Hornstein  Hortman

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:

Those who voted in the negative were:

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

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
A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 54 yea and 77 nay 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  Gottwald  Haws  Howes
Berns  DeLaForest  Emmer  Greiling  Heidgerken  Kohls
Brod  Demmer  Erhardt  Gunther  Holberg  Lanning
Those who voted in the negative were:

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

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

Anderson, B.  Demmer  Garofalo  Howes  Ozment  Simpson
Anderson, S.  Dettmer  Gottwald  Kohls  Paulsen  Smith
Beard  Drazkowski  Gunther  Lanning  Peppin  Tingelstad
Berns  Eastlund  Hackbarth  Magnus  Peterson, N.  Udahl
Brod  Emmer  Hamilton  McFarlane  Ruth  Wardlow
Buesgens  Erhardt  Heidgerken  McNamara  Seifert  Westrom
Cornish  Erickson  Holberg  Nornes  Severson  Wollschlager
DelLaForest  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  DelLaForest  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  Garofalo  Heidgerken
Berns  Cornish  Doty  Greiling  Heilstrom  Huntley
Bigham  Davnie  Eastlund  Gottwald  Hilty  Jaros
Bly  Dean  Eken  Greiling  Hilty  John
Those who voted in the negative were:

Beard Buesgens Drazkowski Emmer Zellers

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 Hack Barth Lanning Ozment Smith
Anderson, S. Dill Hamilton Lieder Paulsen Thao
Atkins Drazkowski Haws Madore Pelowski Tingelstad
Beard Eastlund Heiderken Magnus Peppin Urda
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 Otrema 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
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  Anderson, B.  Anderson, S.  Beard  Berns  Brod  Buesgens  Cornish  Dean  DeLaForest
Demmer  Dettmer  Dittrich  Drazkowski  Dittrich  Erickson  Finstad  Garofalo
Gottwalt  Gunther  Hackaback  Hamilton  Heidgerken  Holberg  Erhardt  Hosch  Kalin
Kohls  Lanning  Magnus  McFarlane  McNamara  Nornes  Olson  Ozment  Peppin
Peterson, N.  Poppe  Ruth  Seifert  Severson  Shimanski  Simpson  Smith  Swails
Tingelstad  Urdahl  Ward  Westrom  Wolfschlager  Zellers

Those who voted in the negative were:

Anzelc  Atkins  Benson  Bigham  Bly  Brown  Brynaert  Bunb  Carlson  Clark  Davnie  Dill  Dominguez
Doty  Eken  Faust  Fritz  Gardner  Hansen  Hausman  Haws  Hilstrom  Hilty  Hornstein  Hortman  Johnson
Huntley  Jaros  Johnson  Kahn  Lencizewski  Koenen  Laine  Lencizewski  Lesch  Liebling  Lieder  Lillie
Loeffler  Madore  Mahoney  Marquart  Masin  Koenen  Moe  Morrow  Mullery  Murphy, E.  Murphy, M.  Nelson
Norton  Olia  Otemba  Paymar  Pelowski  Peterson, A.  Peterson, S.  Rukavina  Saier  Sertich  Simon  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
Bins  Eastlund  Heidgerken  McFarlane  McNamara  Scarslaw
Brod  Emmer  Holberg  Walker  Wollschlager
Buesgens  Erhardt  Hoppe  Morgan  Seifert  Zellers
Cornish  Erickson  Howes  Mullery  Severson
Dean  Finstad  Kalin  Nornes  Shimanski
DeLaForest  Garofalo  Kohls  Olson  Simpson

Those who voted in the negative were:

Anzelc  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  Siman  Welti
Davnie  Hilty  Liebling  Norton  Slawk  Winkler
Dill  Hornstein  Lieder  Olin  Slocum  Spk. Kelliher
Dominguez  Hortman  Lillie  Otreamba  Solberg
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."

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

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:


Those who voted in the negative were:


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.  Tinglestad
Bly  Gardner  Kahn  Moe  Poppe  Tschumper
Brown  Greiling  Kalin  Morgan  Rukavina  Udahl
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
Domínguez  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.
- Buesgens
- Cornish
- DeLaForest
- Demmer
- Drazkowski
- Emmer
- Erickson
- Finstad
- Gunther
- Hackbarth
- Holberg
- Hoppe
- Nornes
- Olson
- Peppin
- Seifert
- Westrom
- Zellers

Those who voted in the negative were:

- Abeler
- Anderson, S.
- Anzelc
- Atkins
- Beard
- Benson
- Berns
- Bigham
- Bly
- Brod
- Brown
- Brynaert
- Bunn
- Carlson
- Clark
- Davnie
- Dean
- Dettmer
- Dill
- Dittrich
- Dominguez
- Doty
- Eastlund
- Eken
- Erhardt
- Faust
- Fritz
- Gardner
- Garofalo
- Gottwalt
- Greiling
- Hamilton
- Hansen
- Hausman
- Haws
- Heidgerken
- Hilstrom
- Hilty
- Hornstein
- Hortman
- Hosch
- Huntley
- Jaros
- Johnson
- Kahn
- Kalin
- Knuth
- Koenen
- Laine
- Lanning
- Lenczewski
- Lesch
- Liebling
- Lieder
- Lillie
- Loeffler
- Madore
- Magnus
- Mahoney
- Mariani
- Marquart
- Masin
- McFarlane
- McNamara
- Moe
- Morgan
- Morrow
- Mullery
- Murphy, E.
- Murphy, M.
- Nelson
- Norton
- Olin
- Otremba
- Ozment
- Paulsen
- Paymar
- Pelowski
- Peterson, A.
- Peterson, N.
- Peterson, S.
- Poppe
- Rukavina
- Ruth
- Ruud
- Sailer
- Scalze
- Sertich
- Severson
- Shimanski
- Simon
- Simpson
- 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
Anderson, B.
Beard
Berens
Brod
Buesgens
Cornish
Dean
Abeler
Anderson, B.
Beard
Berens
Brod
Buesgens
Cornish
Dean

Those who voted in the negative were:

Anderson, S.
Anzelc
Atkins
Benson
Bigham
Bly
Brown
Brynaert
Bunn
Carlson
Clark
Clark
Davnie
DeLaForest
Demmer
Anderson, S.
Anzelc
Atkins
Benson
Bigham
Bly
Brown
Brynaert
Bunn
Carlson
Clark
Clark
Davnie
DeLaForest
Demmer

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
Dettmer
Dill
Emmer
Garofalo
Beard
Cornish
Demmer
Drazkowski
Erickson
Gottwalt
Demmer

Those who voted in the negative were:

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

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:

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

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:

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

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

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:

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

Those who voted in the negative were:

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

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:

<table>
<thead>
<tr>
<th>Anderson, B.</th>
<th>Berns</th>
<th>Cornish</th>
<th>Demmer</th>
<th>Drazkowski</th>
<th>Erhardt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, S.</td>
<td>Brod</td>
<td>Dean</td>
<td>Dettmer</td>
<td>Eastlund</td>
<td>Erickson</td>
</tr>
<tr>
<td>Beard</td>
<td>Buesgens</td>
<td>DeLaForest</td>
<td>Dill</td>
<td>Emmer</td>
<td>Finstad</td>
</tr>
</tbody>
</table>
Those who voted in the negative were:

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

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.
- Anderson, S.
- Anzelc
- Beard
- Brod
- Buesgens
- Cornish
- Dean
- DeLaForest
- Demmer
- Dettmer
- Drazkowski
- Eastlund
- Emmer
- Erickson
- Finstad
- Garofalo
- Gottwald
- Gunther
- Hackbarth
- Hamilton
- Heidgerken
- Holberg
- Hoppe
- Hornberg
- Olm
- Peppin
- Howes
- Koenen
- Gunther
- Hamilton
- Gunther
- Howes
- Lanning
- Lending
- Hamilton
- Lanning
- Lom
- Nornes
- Olin
- Seifert
- Seifert
- Severson
- Shimanski
- Shimanski
- Stob
- Seifert
- Seifert
- Severson
- Shimanski
- Nornes
- Olin
- Simpson
- Simpson
- Withers
- Wollschlager
- Zellers
- Zellers
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
Berner   Faust   Juhnke   McNamara   Peterson, N.   Tillberry
Bigham   Fritz   Kahn   Moé   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% 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 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 (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 (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 (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% 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% of the actual June liability; or

(2) 80% 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% 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% of the actual June liability; or

(2) 80% 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  Urdaal
Brens  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  Loefler  Olin  Stocum
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  Heiderken  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:

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

**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  Heiderken  Morgan  Peterson, N.
Berns  Demmer  Finstad  Holberg  Nornes  Poppe
Brod  Dettmer  Garofalo  Hoppe  Norton  Ruth
Brown  Dittrich  Gottwald  Howes  Olson  Ruud
Buesgens  Drazkowski  Gunther  Lanning  Ozment  Seifert
Those who voted in the negative were:

Anzelc  Eken  Huntley  Lieder  Murphy, M.  Slocum
Atkins  Faust  Jaros  Lillie  Nelson  Solberg
Benson  Fritz  Johnson  Leffler  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 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, 5.1 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, 5.1 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         Hackbart       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         Lillic         Nelson       Slocum       
Dominquez    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  Gottwald  Magnus  Severson  
Buesgens  Drazkowski  Gunther  Nornes  Shimanski  
Dean  Eastlund  Hackbarth  Olson  Simpson  
Delaforest  Emmers  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
Berner  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  Lenczowski  Murphy, E.  Scalze  Welti
Clark  Hilstrom  Lesch  Murphy, M.  Sertich  Winkler
Cornish  Hilty  Liebling  Nelson  Simon  Wollschlager
Davnie  Hoppe  Lieder  Norton  Slawik  
Dill  Hornstein  Lillie  Olin  Slocum  
Domiguez  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; Gottwald; 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  Grelling  Knuth  Morgan  Sailer  Walker
Bly  Hansen  Laine  Morrow  Scalze  Welti
Brown  Hausman  Lesch  Mullery  Sertich  Winkler
Brynaert  Hilstrom  Liebling  Murphy, E.  Simon  Wolschlager
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  Gottwald  Koenen  Ozment  Solberg
Anderson, S.  Doty  Gunther  Lamning  Paulsen  Tingelstad
Beard  Drazkowski  Hack Barth  Lenczewski  Pelowski  Udahl
Berns  Eastlund  Hamilton  Magnus  Peppin  Ward
Brod  Eken  Haws  Marquart  Peterson, N.  Wardlaw
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, Gottwald 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:

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

Those who voted in the negative were:

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

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 one-time 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
one-time 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."
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
Anderson, B.
Anderson, S.
Beard
Berns
Brod
Buesgens
Cornish
Dean
DeLaForest
Demmer
Dettmer
Drazkowski
Eastlund
Emmer
Erhardt
Garofalo
Gottwalt
Gunnther
Hack Barth
Hamilton
Heidgerken
Holberg
Howes
Laming

Those who voted in the negative were:

Anzelc
Atkins
Benson
Bigham
Bly
Brown
Brynaert
Bunn
Carlson
Clark
Davnie
Dill
 Dittrich
Dominguez
DeLaForest
Demmer
Dettmer
Drazkowski
Eastlund
Emmer
Erhardt
Garofalo
Gottwalt
Gunnther
Hack Barth
Hamilton
Heidgerken
Holberg
Howes
Laming

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:

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

Those who voted in the negative were:

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

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

Gottwald; 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 Gottwald et al amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Gottwald 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  Loefler  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  Hackbart  Lenczewski  Paulsen  Tingelstad
Berns  Eastlund  Hamilton  Magnus  Pelowski  Udahl
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; and

(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;
2. the compensation revenue pupil weighting factor for the building;
3. 0.60.

(d) Notwithstanding paragraphs (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  Loeffer  Nelson  Slawik
Anzelc  Eken  Jaros  Madore  Otremba  Stocum
Atkins  Gardner  Johnson  Mahoney  Paymar  Solberg
Benson  Gottwald  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 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
Anderson, B.
Anderson, S.
Anzelc
Beard
Benson
Berns
Bly
Brod
Buesgens
Bunn
Cornish
Dean
DeLaForest
Demmer
Dettmer
Dill
Dittrich
Doty
Drazkowski
Eastlund
Eken
Emmer
Erickson
Faust
Finstad
Fritz
Garofalo
Gottwalt
Gunther
Hackbarth
Hamilton
Haws
Heidgerken
Holberg
Hoppe
Hosch
Howes
Juhnke
Kalin
Koenen
Lanning
Lenczowski
Lieder
Magnus
Marquet
McFarlane
McNamara
Murphy, M.
Nornes
Olin
Otremba
Ozment
Paulsen
Pelowski
Peppin
Peterson, N.
Peterson, S.
Potter
Ruth
Scalze
Seifert
Severson
Shimanski
Smith
Solberg
Swails
Tingelstad
Urdahl
Ward
Warlow
Welti
Westrom
Zellers

Those who voted in the negative were:

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

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  Udahl
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  Tinglestad
Berns  Drazkowski  Gunther  Lenczewski  Peterson, N.  Udahl
Brod  Eastlund  Hackbart  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:

Anzlec  Dominguez  Jaros  Madore  Norton  Slocum
Atkins  Eken  Johnson  Mahoney  Olson  Solberg
Benson  Gardner  Juhnke  Mariani  Paymar  Swails
Brigham  Greiling  Kahn  Marquart  Pelowski  Thao
Bly  Hansen  Knuth  Masin  Peterson, A.  Thussen
Brown  Hausman  Koenen  Moe  Peterson, S.  Tillberry
Brynaert  Heiderken  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, Hackbart 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
Anderson, B.
Anderson, S.
Anzelc
Beard
Berns
Bly
Brod
Buesgens
Cornish
Dean
DeLaForest
Demmer
Dettmer
Dill
Doty
Drazkowski
Eastlund
Eken
Emmer
Erickson
Faust
Finstad
Garofalo
Gunter
Hackbart
Hamilton
Hansen
Heidgerken
Holberg
Hoppe
Hosch
Howes
Jaros
Juhnke
Kalin
Koenen
Laine
Lanning
Lesch
Lieder
Magnus
Mahoney
Marquart
Masin
McFarlane
McNamara
Moe
Moe
Morrow
Nelson
Nornes
Olin
Olson
Otremba
Ozment
Peppin
Peterson, A.
Rukavina
Ruth
Sailer
Slocum
Smith
Solberg
Urdahl
Wayland
Westrom
Wollschlager
Zellers

Those who voted in the negative were:

Atkins
Benson
Bigham
Brown
Brynaert
Bunn
Carlson
Clark
Davnie
Dittrich
Domínguez
Ehrhardt
Fritz
Gardner
Gottwalt
Greiling
Hausman
Hilstrom
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 $30,714,000 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:

$29,931,000 . . . . 2009"
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 | Otrema | Shimanski |
| Beard        | Dettmer     | Fritz    | Kalin | Ozment | Urdahl |
| Berns        | Doty        | Garofalo | Liebling | Paulsen | Ward |
| Bly          | Drazkowski  | Gottwald | 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  Drizkowski  Erickson
Anderson, S.  Brod  Dean  Dettmer  Eastlund  Faust
Beard  Buesgens  DeLaForest  Dittrich  Emmer  Finstad
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
Bead Cornish Drazkowski Finstad Hamilton Magnus
Berns Dean Eastlund Garofalo Heidgerken McFarlane
Brod DeLaForest Emmer Gottwald Holberg McNamara
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  Haasman  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 | Ruud | Westrom |
| Cornish | Erhardt | Heidgerken | Morgan | Seifert | Zellers |
| Dean | Erickson | Holberg | Morrow | |

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. | Tillbery |
| 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 | Weltsi |
| Davnie | Hornstein | Liebling | Nelson | Simon | Winkler |
| Dill | Hortman | Lieder | Norton | Slawik | Wolfschlag |
| 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.  Swails  Spk. Kelliher
Clark  Hilty  Lieder  Nelson  Slocum 
Davnie  Hornstein  Lillie  Norton  Solberg  
Dominguez  Hortman  Loefller  Paymar  Thao  
Erhardt  Huntley  Madore  Peterson, A.  Tho  
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  Gottwald  Koenen  Ozment  Smith
Anzelc  Dill  Gunther  Lanning  Paulsen  Tinglestad
Beard  Dittrich  Hackbarth  Magnus  Pelowski  Urda
Beins  Doty  Hamilton  McFarlane  Pepin  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 | Tinglestad |
| Beard | Dettmer | Garofalo | Koenen | Ozment | Urdahl |
| Bly | Drazkowski | Gottwalt | Lanning | Ruth | Wardlow |
| Brod | Eastlund | Gunther | Magnus | Seifert | Westrom |
| Buesgens | Eken | Hackbarth | McFarlane | Severson | Shimanski |
| Cornish | Emmer | Hamilton | McNamara | Simpson | Zellers |
| 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 | Hovind | Lesch | Moe | Paymar |
| Carlson | Greiling | Huntley | Liebling | Morgan | Pelowski |
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:

<table>
<thead>
<tr>
<th>Anderson, S.</th>
<th>DeLaForest</th>
<th>Finstad</th>
<th>Koenen</th>
<th>Paulsen</th>
<th>Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anzelc</td>
<td>Dettmer</td>
<td>Hackbarth</td>
<td>Magnus</td>
<td>Peterson, A.</td>
<td>Urdahl</td>
</tr>
<tr>
<td>Beard</td>
<td>Dill</td>
<td>Hamilton</td>
<td>McNamara</td>
<td>Moe</td>
<td>Rukavina</td>
</tr>
<tr>
<td>Berns</td>
<td>Dittrich</td>
<td>Heidgerken</td>
<td>Olin</td>
<td>Sailer</td>
<td>Ward</td>
</tr>
<tr>
<td>Brod</td>
<td>Doty</td>
<td>Hoppe</td>
<td>Otremba</td>
<td>Seifert</td>
<td>Westrom</td>
</tr>
<tr>
<td>Cornish</td>
<td>Drazkowski</td>
<td>Hesch</td>
<td>Otmont</td>
<td>Shimanski</td>
<td>Zellers</td>
</tr>
<tr>
<td>Dean</td>
<td>Eken</td>
<td>Howes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

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

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
Berns
Bigham
Buesgens
Bunn
DeLaForest
Dettmer
Dittrich
Holberg
Hoppe
Knuth
Lenczewski
Hansen
Hausman

Those who voted in the negative were:

Anderson, S.
Anzelc
Atkins
Beard
Bly
Brod
Brown
Brynaert
Carlson
Cornish
Dean
Demmer
Dill
Domínguez
Doty
Drazkowski
Eastlund
Eken
Erickson
Faust
Finstad
Garofalo
Gunther
Hackbart
Hamilton
Haws
Heidgerken
Hilstrom
Hilty
Hortman
Hosch
Howes
Huntley
Jarus
Johnson
Juhnke
Kahn
Kalin
Koenen
Laine
Lanning
Lieder
Magnus
Mahoney
Mariani
Marquart
Masin
McFarlane
McNamara
Moe
Morrow
Murphy, M.
Nelson
Nornes
Olin
Otremska
Ozment
Simpson
Pelowski
Peterson, A.
Poppe
Slocum
Smith
Tingelstad
Paulsen
Paymar
Peppin
Peterson, N.
Norton
Olson
Scalze
Tschumper
Rukavina
Ruth
Sailer
Seifert
Sertich
Shimanski
Simon
Simpson
Slawik
Smith
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, 5, 6; 268.047, subdivisions 1, 2; 268.085, subdivisions 3, 9, 16; 268.125, subdivision 3; 298.227; 341.22; 341.25; 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, sections 18, 5; Laws 2007, chapter 146, article 1, section 24, subdivisions 2, 3, 4, 5, 6, 7, 8; article 2, section 46, subdivisions 2, 2, 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 11, 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:

Anzelc  Doty  Huntley  Loeffler  Olin  Slocum
Atkins  Eken  Jaros  Madore  Otrema  Solberg
Benson  Faust  Johnson  Mahoney  Paymar  Swails
Bigham  Fritz  Juhnke  Mariani  Pelowski  Thao
Bly  Gardner  Kahn  Marquart  Peterson, A.  Thissen
Brown  Greiling  Kabin  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
Dominiguez  Hosch  Lilie  Norton  Slawik

Those who voted in the negative were:

Abeler  Buesgens  Drazkowski  Garofalo  Holberg  McNamara
Anderson, B.  Cornish  Eastlund  Gottwald  Hoppe  Nornes
Anderson, S.  Dean  Emmer  Gunther  Howes  Olson
Beard  DeLaForest  Erhardt  Hackbart  Lanning  Ozment
Berns  Demmer  Erickson  Hamilton  Magnus  Paulsen
Brod  Dettmer  Finstad  Heidgerken  McFarlane  Peppin
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. MATHOWETZ, Chief Clerk, House of Representatives