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

Prayer was offered by Aba Semere Belay, St. Gabriel Church, St. Paul, 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:

A quorum was present.

Abrams; Haas; Johnson, S., and Samuelson were excused.

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

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 2915, A bill for an act relating to workers' compensation; making technical changes; modifying the definition of "personal injury" to include injury or disease resulting from certain vaccines; authorizing qualifying employees to opt to receive alternative workers' compensation benefits; amending Minnesota Statutes 2002, sections 176.011, subdivisions 15, 16; 176.081, subdivision 1; 176.092, subdivision 1a; 176.102, subdivision 3a; 176.129, subdivisions 1b, 2a, 13; 176.135, subdivisions 1, 7; 176.1351, subdivisions 3, 5, by adding a subdivision; 176.136, subdivision 1a; 176.181, by adding a subdivision; 176.1812, subdivision 6; 176.185, subdivision 1; 176.231, subdivision 5; 176.238, subdivision 10; 176.391, subdivision 2; 176.83, subdivision 5.

Reported the same back with the following amendments:

Page 22, line 1, after "proceedings" insert "against the authorized representative of the religious sect who submitted an affidavit described in paragraph (a), clause (3) or (4)."

Page 26, line 36, after "14.389" insert ", including section 14.389, subdivision 5."

With the recommendation that when so amended the bill be re-referred to the Committee on Rules and Legislative Administration without further recommendation.

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Westrom introduced:

H. F. No. 3162, A bill for an act relating to the county aid program; adjusting the formula for the tax base equalization aid; amending Minnesota Statutes 2003 Supplement, section 477A.0124, subdivision 4

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

Cox and Brod introduced:

H. F. No. 3163, A bill for an act relating to education finance; authorizing a facilities joint powers agreement; authorizing a levy.

The bill was read for the first time and referred to the Committee on Education Finance.
Urdahl; Seifert; Hoppe; Lipman; Powell; Lindgren; Simpson; Finstad; Paulsen; Adolphson; Pelowski; Davids; Zellers; Eastlund; Dill; Marquart; Biermat; Buesgens; Krinkie; Erickson; Gerlach; Wardlow; Westrom; Anderson, J.; Dorman; Gunther; Cornish; Boudreau; Ruth; Johnson, J.; Penas; Holberg; Harder; Magnus and Blaine introduced:

H. F. No. 3164, A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

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

CERTIFICATION PURSUANT TO RULE 4.03
ON FINANCE AND REVENUE BILLS

April 2, 2004

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 1867, the Omnibus Environment and Natural Resources Finance bill, H. F. No. 2755, the Omnibus Agriculture and Rural Development Finance bill, H. F. No. 3090, the Omnibus Jobs and Economic Development Finance bill and H. F. No. 3141, the Omnibus Transportation Finance bill reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE JIM KNOBLACH
Chair, House Ways and Means Committee

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2755.

H. F. No. 2755 was reported to the House.

Otremba moved to amend H. F. No. 2755, the third engrossment, as follows:

Page 34, lines 15 to 25, reinstate the stricken language
Page 34, line 29, delete the new language and reinstate the stricken language.

Page 34, line 33, delete "(3)" and insert "(6)"

A roll call was requested and properly seconded.

The question was taken on the Otremba amendment and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, I.     Atkins             Bernardy        Biernat          Carlson          Clark             Davnie          Dill
Eken              Ellison           Entenza         Goodwin         Greiling         Hausman         Hilstrom        Hilty
Hornstein     Huntley          Jaros            Kahn            Kelliber         Koenen          Larson          Latz
Lenzewsiki       Lesch             Lieder           Mahoney         Mariani          Mullery          Murphy          Nelson, M.
Opatz            Otremba            Otto             Paymar           Pelowski         Peterson        Pugh
Sieben           Slavik             Solberg          Thao            Thissen         Wagensius

Those who voted in the negative were:

Abeler           Adolphson         Anderson, B.    Anderson, J.    Beard            Blaine           Borrell         Boudreau        Bradley       Brod
DeLaForest       Demmer            Dempsey         Dorman          Dorn            Eastlund         Erhardt         Erickson        Finstad        Fuller
Heidgerken       Holberg           Hoppe           Howes           Jacobson        Johnson, J.     Juhinke         Klinzing        Knoblach       Kohls
Lindner           Lipman            Magnus          Marquart        McNamara        Meslow          Nelson, C.     Nelson, P.     Newman         Nornes
Lenzewsiki       Lesch             Lieder           Mahoney         Mariani          Mullery          Murphy          Nelson, M.     Olsen, S.     Olsen
Opatz            Otremba            Otto             Paymar           Pelowski         Peterson        Pugh
Sieben           Slavik             Solberg          Thao            Thissen

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

Mariani, Peterson and Paymar moved to amend H. F. No. 2755, the third engrossment, as follows:

Page 15, line 35, after the period, insert "No payment shall be made for ethanol produced after June 30, 2005, at an ethanol plant located in a city of the first class."

Amend the title accordingly

A roll call was requested and properly seconded.
The question was taken on the Mariani et al amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Eken  Huntley  Lieder  Paymar  Thao
Atkins  Ellison  Jaros  Mariani  Pelowski  Thissen
Bernardy  Entenza  Juhnke  Marquart  Peterson  Wagenius
Biernat  Goodwin  Kahn  Mullery  Pugh  Walker
Carlson  Greiling  Kellner  Murphy  Rhodes  Wasiluk
Clark  Hausman  Koenen  Olson, M.  Rukavina
Davnie  Hilstrom  Larson  Opatz  Sertich
Dill  Hilty  Latz  Osterman  Sieben
Dorn  Hornstein  Lesch  Otremba  Solberg

Those who voted in the negative were:

Abeler  DeLaForest  Holberg  Lipman  Penas  Tingelstad
Adolphson  Demmer  Hoppe  Magnus  Powell  Urdahl
Anderson, B.  Dempsey  Howes  Mahoney  Ruth  Van Deveer
Anderson, J.  Dorman  Jacobson  McNamara  Seagren  Walz
Beard  Eastlund  Johnson, J.  Meslow  Seifert  Wardlow
Blaine  Erhardt  Klinzing  Nelson, C.  Severson  Westerberg
Borrell  Erickson  Knoblauch  Nelson, M.  Simpson  Westrom
Boudreau  Finstad  Kohls  Nelson, P.  Slawik  Wilkin
Bradley  Fuller  Krinke  Newman  Smith  Zellers
Brod  Gerlach  Kuisle  Nornes  Soderstrom  Spk. Sviggum
Buesgens  Gunther  Lanning  Olsen, S.  Stang
Cornish  Hackbarth  Lenczewski  Otto  Strachan
Cox  Harder  Lindgren  Ozment  Swenson
Davids  Heidgerken  Lindner  Paulsen  Sykora

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

The Speaker called Boudreau to the Chair.

Eken, Otremba and Peterson moved to amend H. F. No. 2755, the third engrossment, as follows:

Page 33, line 28, after "those" insert "best management" and after "practices" insert "for that type of agriculture operation"

A roll call was requested and properly seconded.

The question was taken on the Eken et al amendment and the roll was called. There were 48 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Biernat  Davnie  Ellison  Greiling  Hilty
Atkins  Carlson  Dill  Entenza  Hausman  Hornstein
Bernardy  Clark  Eken  Goodwin  Hilstrom  Huntley
Those who voted in the negative were:

Abeler
Adolphson
Anderson, B.
Anderson, J.
Beard
Blaine
Borrell
Boudreau
Bradley
Brod
Buesgens
Cornish
Cox
Davids

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

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

Otremba offered an amendment to H. F. No. 2755, the third engrossment.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 3.21 that the Otremba amendment was not in order. Speaker pro tempore Boudreau ruled the point of order not well taken and the Otremba amendment in order.

POINT OF ORDER

Knoblach 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 Otremba amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Boudreau submitted the following question to the House: "Is it the judgment of the House that the Knoblach point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Knoblach point of order and the roll was called.
Pursuant to rule 2.05, Speaker pro tempore Boudreau excused McNamara from voting on the Knoblach point of order relating to the Otremba amendment to H. F. No. 2755.

There were 70 yeas and 58 nays as follows:

Those who voted in the affirmative were:

- Adolphson
- Anderson, B.
- Anderson, J.
- Beard
- Blaine
- Borrell
- Boudreau
- Bradley
- Brod
- Buesgens
- Cornish
- Cox
- Davids
- DeLaForest
- Dempsey
- Dorman
- Eastlund
- Erhardt
- Erickson
- Finstad
- Fuller
- Gerlach
- Gunther
- Hackbarth
- Lindner
- Jacobson
- Howes
- Knoblach
- Kohls
- Krinkie
- Kuisle
- Lanning
- Lindgren
- Holberg
- Magnus
- Meslow
- Nelson, C.
- Nelson, P.
- Newman
- Nornes
- Olsen, S.
- Olson, M.
- Osterman
- Ozment
- Paulsen
- Penas
- Petraska
- Powell
- Rhodes
- Nelson, M.
- Petefield
- Seagren
- Seifert
- Severson
- Severson
- Simpson
- Soderstrom
- Swenson
- Sykora
- Tingelstad
- Urdahl
- Walz
- Warford
- Westerberg
- Wilkin
- Zellers
- Spk. Sviggum

Those who voted in the negative were:

- Abeler
- Anderson, I.
- Atkins
- Bernardy
- Biernat
- Carlson
- Clark
- Davnie
- Dill
- Dorn
- Eken
- Ellison
- Entenza
- Goodwin
- Greiling
- Hausman
- Heidgerken
- Hilstrom
- Hilty
- Hoppe
- Hornstein
- Huntley
- Jaros
- Juhnke
- Kahn
- Kelliher
- Koenen
- Larson
- Latz
- Lenczewski
- Lesch
- Lieder
- Mahoney
- Mariani
- Marquart
- Mauer
- Nelson, M.
- Opatz
- Osterman
- Otto
- Paymar
- Pelowski
- Peterson
- Pugh
- Rukavina
- Sieben
- Slawik
- Smith
- Solberg
- Thao
- Thissen
- Vanderveer
- Wagnius
- Walker
- Wasiluk
- Westrom

So it was the judgment of the House that the Knoblach point of order was well taken and the Otremba amendment was out of order.

H. F. No. 2755 was read for the third time.

**POINT OF ORDER**

Paulsen raised a point of order pursuant to section 124 of "Mason’s Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. Speaker pro tempore Boudreau ruled the point of order not well taken.

The Speaker resumed the Chair.

H. F. No. 2755, A bill for an act relating to agriculture; changing certain duties, loan requirements, procedures, inspection requirements, and fees; regulating certain veterinary treatments; modifying provisions governing county and regional fairs; eliminating an ownership disclosure requirement; changing certain grain buyers' bond and financial reporting requirements; changing certain limits; establishing loan and grant programs; providing for faculty
veterinary licensure; limiting certain nuisance claims; prohibiting intentional introduction of disease to domestic
animals; prohibiting certain trespass on agricultural land; providing a civil remedy; providing criminal penalties;
transferring certain funds; appropriating money; changing certain appropriations; amending Minnesota Statutes
2002, sections 16C.135, by adding subdivisions; 17.115, subdivisions 2, 3, 4, 5; 17B.03, subdivision 1; 17B.15,
subdivision 1; 27.10; 35.243; 38.04; 38.12; 38.14; 38.15; 38.16; 41B.036; 41B.046, subdivision 5; 41B.049,
subdivision 2; 41C.02, subdivision 12; 156.12, subdivision 2, by adding a subdivision; 223.17, subdivisions 3, 6;
231.16; 232.22, subdivision 3; 236.02, subdivision 4; 561.19, subdivision 2; 609.605, subdivision 1, by adding a
subdivision; Minnesota Statutes 2003 Supplement, sections 18G.10, subdivisions 5, 7; 38.02, subdivisions 1, 3;
41A.09, subdivision 3a; 223.17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 41B;
116J; 609; repealing Minnesota Statutes 2002, sections 18C.433; 38.02, subdivision 2; 38.13; 41B.046,
subdivision 3.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 48 nays as
follows:

Those who voted in the affirmative were:

Abeler
Adolphson
Anderson, B.
Anderson, J.
Beard
Blaine
Borrell
Boudreau
Bradley
Brod
Buesgens
Cornish
Cox
Davids
DeLaForest
Demmer
Dempsey
Dorman
Eastlund
Erhardt
Erickson
Finstad
Fuller
Gerlach
Gunther
Hackbart
Harder
Heidgerken
Holberg
Hoppe
Howes
Jacobson
Johnson, J.
Juhnke
Klinzing
Knoblauch
Koenen
Kohls
Krnikie
Kuisle
Lanning
Larson
Lindgren
Lindner
Lipman
Magnus
McNamara
Meslow
Nelson, C.
Nelson, P.
Newman
Normes
Olsen, S.
Olson, M.
Osterman
Ozment
Paulsen
Pelowski
Penas
Powell
Rhodes
Ruth
Seagren
Seifert
Severson
Simpson
Smith
Soderstrom
Stang
Swenson
Sykora
Tingelstad
Urdahl
Vandeveer
Walz
Wardlow
Westerberg
Westrom
Wilkin
Zellers
Spk. Sviggum

Those who voted in the negative were:

Anderson, I.
Atkins
Bernardy
Biernat
Carlson
Clark
Davnie
Dill
Dorn
Eken
Ellison
Entenza
Goodwin
Greiling
Hausman
Hilstrom
Hilty
Hornstein
Hunley
Jaros
Kahn
Kelliher
Latz
Lenczewski
Lesch
Lieder
Mahoney
Mariani
Marquart
Mullery
Murphy
Nelson, M.
Opatz
Otremba
Otto
Paymar
Peterson
Pugh
Rukavina
Sertich
Sieben
Slawik
Solberg
Thao
Thissen
Wagenius
Walker
Wasiluk

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 3141.
H. F. No. 3141 was reported to the House.

Kuisle moved to amend H. F. No. 3141, the first engrossment, as follows:

Page 5, line 9, delete everything after the period, and insert "Under the pilot project the user must pay a base fare of $7, the council must pay the remainder of the fare up to a maximum subsidy of $13, and the user must pay that portion of the fare that exceeds $20."

Page 5, delete lines 10 to 13

Page 5, line 14, delete everything through the period

The motion prevailed and the amendment was adopted.

DeLaForest moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 5, lines 28 to 33, delete the new language

Page 8, line 2, delete ",(a)"

Page 8, delete lines 8 to 11

The motion prevailed and the amendment was adopted.

Dempsey and Huntley moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 3, after line 34, insert:

"Sec. 8. [PORT DEVELOPMENT GRANT.]

Notwithstanding Minnesota Statutes, section 457A.092, the commissioner of transportation may grant up to $100,000 of the funds available in the port development assistance program to the Duluth Port Authority to determine the cause of fresh water corrosion of harbor sheet piling, provided state funds are matched on a dollar-for-dollar basis by nonstate funds."

The motion prevailed and the amendment was adopted.

Erhardt and Kuisle moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 8, after line 22, insert:

"Sec. 11. Minnesota Statutes 2002, section 161.125, subdivision 3, is amended to read:
Subd. 3. [SOUND ABATEMENT MEASURES.] (a) For the purpose of this section, sound abatement measures include but are not limited to the following:

(1) traffic management measures, including reduced speed limits or exclusion and rerouting of excessively noisy vehicles;

(2) design and construction measures, including use of sound absorbing road surface materials, landscaping and planning, acquisition of buffer zones or noise insulation of buildings on abutting property;

(3) enforcement of the motor vehicle source noise limits of the Pollution Control Agency and of the federal Bureau of Motor Carrier Safety; and

(4) other measures designed for the purpose of reducing motor vehicle source noise or reducing the effects of that noise.

(b) The commissioner of public safety shall cooperate with the commissioner of transportation in implementing any sound abatement measures that include law enforcement activities.

(c) In addition to all criteria for the installation or implementation of sound abatement measures under this section, the commissioner shall consider the presence of bus shoulder lanes in residential areas."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn and Kelliher moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 26, after line 10, insert:

"Sec. 29. Minnesota Statutes 2002, section 174.03, is amended by adding a subdivision to read:

Subd. 10. [PROMOTION OF BICYCLE COMMUTING.] To conserve energy, alleviate traffic congestion, improve employee health through increased physical activity, decrease demand for motor vehicle parking, and minimize the environmental impact of commuting by singly occupied motor vehicles, the commissioner of transportation must promote bicycle commuting. As part of promoting bicycle commuting, the commissioner must:

(1) consider the effect on bicycle commuting in the design of transportation facilities throughout the state;

(2) encourage employers who are making capital improvements to their facilities to incorporate design elements that will facilitate bicycle commuting, such as bike racks, indoor or outdoor sheltered bicycle parking, high-security bicycle parking, showers, and dressing areas for bikers; and
(3) encourage employers that provide parking or other subsidies for drivers to provide subsidies for bicycle commuters.”

Renumber the sections in sequence and correct the internal references.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Lipman offered an amendment to H. F. No. 3141, the first engrossment, as amended.

POINT OF ORDER

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

Holberg, Sykora, Seagren, Huntley, Kuisle, Lieder and Biernat moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 14, after line 17, insert:

"Sec. 16. [169.2212] [BUS DRIVER DUTY OF CARE.]

The duty of care owed by a driver of a regular route transit bus to a passenger on that bus, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the bus or boarding or disembarking. The duty of care owed by a driver of a paratransit vehicle to a passenger on that vehicle, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the vehicle or boarding or disembarking, and as provided in the local passenger assistance policy. At all other times the passenger is a pedestrian and a driver's duty is limited to the duty of care owed by an operator of a motor vehicle to a pedestrian. For purposes of this section, "regular route transit" has the meaning given it in section 174.22, subdivision 8, and "paratransit" has the meaning given it in section 174.22, subdivision 6."

Renumber the sections in sequence and correct the internal references.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Rukavina moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 20, after line 28, insert:
"Sec. 20. Minnesota Statutes 2002, section 169.87, is amended by adding a subdivision to read:

Subd. 7. [VEHICLE TRANSPORTING PROPANE.] A weight restriction imposed under subdivision 1 or 2 by the commissioner of transportation or a local road authority does not apply to a vehicle primarily designed and used for transporting propane for delivery in bulk, while the vehicle is engaged in that activity. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight allowed for a utility vehicle under subdivision 5, paragraph (a)."

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.

Cornish moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 15, after line 9, insert:

"Sec. 17. Minnesota Statutes 2002, section 169.81, is amended by adding a subdivision to read:

Subd. 3e. [ARTICULATED BUSES.] Notwithstanding subdivision 2, a motor carrier of passengers registered under section 221.0252 may operate without a permit an articulated bus of up to 61 feet in length."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Fuller moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 14, after line 5, insert:

"Sec. 15. Minnesota Statutes 2002, section 169.01, subdivision 78, is amended to read:

Subd. 78. [RECREATIONAL VEHICLE COMBINATION.] "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; or all-terrain vehicle as defined in section 84.92, subdivision 8; or equestrian equipment and supplies. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods."
Page 15, after line 9, insert:

"Sec. 18. Minnesota Statutes 2002, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the camper-semitrailer in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle, or equestrian equipment and supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

The motion prevailed and the amendment was adopted.

Kohls; Fuller; Biernat; Strachan; Hoppe; Krinkie; Lipman; Lindgren; Zellers; DeLaForest; Buesgens; Wardlow; Gerlach; Kahn; Nelson, C.; Wilkin; Holberg; Opatz; Brod; Powell; Borrell; Kuisle; Paulsen; Tingelstad; Bradley; Walz; Lenczewski; Meslow; Thissen; Adolphson; Johnson, J.; Stang and Finstad moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 38. [REPEALER.]

Minnesota Statutes 2002, section 169.685, subdivision 4, is repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2005, and applies to actions commenced on or after that date."

The motion prevailed and the amendment was adopted.

A roll call was requested and properly seconded.
POINT OF ORDER

Atkins 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 Kohls et al amendment was not in order. Speaker pro tempore Boudreau ruled the point of order not well taken and the Kohls et al amendment in order.

Latz moved to amend the Kohls et al amendment to H. F. No. 3141, the first engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Sec. 39. Minnesota Statutes 2002, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of $25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a $25 fine for a violation of paragraph (a), clause (2) or (3), by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

Sec. 40. Minnesota Statutes 2002, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.] (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder’s parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of $25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person’s driving record.

(d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.
Sec. 41. Minnesota Statutes 2002, section 171.055, subdivision 2, is amended to read:

Subd. 2. [USE OF PROVISIONAL LICENSE.] (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of $25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person’s driving record.

(b) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver’s license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

Sec. 42. [EFFECTIVE DATE.] Sections 39 to 42 are effective August 1, 2004, and apply to violations committed on and after that date.”

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 amendment to the amendment and the roll was called. There were 19 yeas and 110 nays as follows:

Those who voted in the affirmative were:

Biernat  Clark  Cornish  Entenza  Greiling  Hausman  Hornstein  Huntley  Jaros  Juhnke  Kahn  Lenczewski  Murphy  Paymar  Pugh  Rhodes  Sieben  Wagenius

Those who voted in the negative were:

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

Mahoney offered an amendment to the Kohls et al amendment to H. F. No. 3141, the first engrossment, as amended.

**POINT OF ORDER**

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

**POINT OF ORDER**

Seifert raised a point of order pursuant to section 124 of "Mason's Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. Speaker pro tempore Boudreau ruled the point of order well taken.

The Speaker resumed the Chair.

**POINT OF ORDER**

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

The question recurred on the Kohls et al amendment and the roll was called. There were 70 yeas and 59 nays as follows:

Those who voted in the affirmative were:

- Adolphson
- Anderson, B.
- Anderson, J.
- Beard
- Biernat
- Blaine
- Borrell
- Boudreau
- Bradley
- Brod
- Buesgens
- Cox
- Davids
- Davnie
- DeLaForest
- Dempsey
- Dorman
- Eastlund
- Erhardt
- Erickson
- Finstad
- Fuller
- Gerlach
- Gunther
- Harder
- Heidgerken
- Hoppe
- Howes
- Jacobson
- Kahn
- Klinzing
- Knoblach
- Kohls
- Krinkie
- Kuisine
- Lanning
- Lenczewski
- Lindgren
- Lindner
- Lipman
- Magnus
- McNamara
- Meslow
- Nelson, C.
- Nelson, P.
- Newman
- Nornes
- Olsen, S.
- Olson, M.
- Opatz
- Ozment
- Paulsen
- Penas
- Powell
- Ruth
- Severson
- Simpson
- Soderstrom
- Swenson
- Thissen
- Tingelstad
- Walz
- Wardlow
- Wilkin
- Zellers
- Spk. Sviggum
Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Ellison</th>
<th>Jaros</th>
<th>Marquart</th>
<th>Pugh</th>
<th>Stang</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, I.</td>
<td>Entenza</td>
<td>Juhnke</td>
<td>Mullery</td>
<td>Rhodes</td>
<td>Sykora</td>
</tr>
<tr>
<td>Atkins</td>
<td>Goodwin</td>
<td>Kelliher</td>
<td>Murphy</td>
<td>Rukavina</td>
<td>Thao</td>
</tr>
<tr>
<td>Bernardy</td>
<td>Greiling</td>
<td>Koenen</td>
<td>Nelson, M.</td>
<td>Seagren</td>
<td>Urdahl</td>
</tr>
<tr>
<td>Carlson</td>
<td>Hackbarth</td>
<td>Larson</td>
<td>Osterman</td>
<td>Seifert</td>
<td>Vanderveer</td>
</tr>
<tr>
<td>Clark</td>
<td>Hausman</td>
<td>Latz</td>
<td>Otremba</td>
<td>Sertich</td>
<td>Wagenius</td>
</tr>
<tr>
<td>Cornish</td>
<td>Hilstrom</td>
<td>Lesch</td>
<td>Otto</td>
<td>Sieben</td>
<td>Walker</td>
</tr>
<tr>
<td>Dill</td>
<td>Hilty</td>
<td>Liedert</td>
<td>Paymar</td>
<td>Slawik</td>
<td>Wasiluk</td>
</tr>
<tr>
<td>Dorn</td>
<td>Hornstein</td>
<td>Mahoney</td>
<td>Pelowski</td>
<td>Smith</td>
<td>Westrom</td>
</tr>
<tr>
<td>Eken</td>
<td>Huntley</td>
<td>Mariani</td>
<td>Peterson</td>
<td>Solberg</td>
<td></td>
</tr>
</tbody>
</table>

The motion prevailed and the amendment was adopted.

Paymar, Mariani and Entenza moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 14, delete section 15
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 Paymar et al amendment and the roll was called. There were 42 yeas and 81 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Carlson</th>
<th>Hausman</th>
<th>Kahn</th>
<th>Lesch</th>
<th>Nelson, M.</th>
<th>Peterson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clark</td>
<td>Hilstrom</td>
<td>Kelliher</td>
<td>Lipman</td>
<td>Opatz</td>
<td>Seagren</td>
</tr>
<tr>
<td>Davnie</td>
<td>Hilty</td>
<td>Knoblach</td>
<td>Mahoney</td>
<td>Osterman</td>
<td>Solberg</td>
</tr>
<tr>
<td>Dorn</td>
<td>Hornstein</td>
<td>Koenen</td>
<td>Mariani</td>
<td>Otremba</td>
<td>Thissen</td>
</tr>
<tr>
<td>Eken</td>
<td>Huntley</td>
<td>Larson</td>
<td>Marquart</td>
<td>Otto</td>
<td>Wagenius</td>
</tr>
<tr>
<td>Entenza</td>
<td>Jaros</td>
<td>Latz</td>
<td>Meslow</td>
<td>Paymar</td>
<td>Walker</td>
</tr>
<tr>
<td>Greiling</td>
<td>Juhnke</td>
<td>Lenczewski</td>
<td>Mullery</td>
<td>Pelowski</td>
<td>Wasiluk</td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Borrell</th>
<th>Demmer</th>
<th>Goodwin</th>
<th>Johnson, J.</th>
<th>McNamara</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adolphson</td>
<td>Boudreau</td>
<td>Dempsey</td>
<td>Gunther</td>
<td>Kohls</td>
<td>Nelson, C.</td>
</tr>
<tr>
<td>Anderson, I.</td>
<td>Bradley</td>
<td>Dorman</td>
<td>Hackbarth</td>
<td>Krickie</td>
<td>Nelson, P.</td>
</tr>
<tr>
<td>Anderson, J.</td>
<td>Brod</td>
<td>Eastlund</td>
<td>Harder</td>
<td>Kuisle</td>
<td>Newman</td>
</tr>
<tr>
<td>Atkins</td>
<td>Buesgens</td>
<td>Erhardt</td>
<td>Heidgerken</td>
<td>Lanning</td>
<td>Nornes</td>
</tr>
<tr>
<td>Beard</td>
<td>Cornish</td>
<td>Erickson</td>
<td>Holberg</td>
<td>Lieder</td>
<td>Olsen, S.</td>
</tr>
<tr>
<td>Bernardy</td>
<td>Cox</td>
<td>Finstad</td>
<td>Hoppe</td>
<td>Lindgren</td>
<td>Olson, M.</td>
</tr>
<tr>
<td>Biemel</td>
<td>Davids</td>
<td>Fuller</td>
<td>Howes</td>
<td>Lindner</td>
<td>Ozment</td>
</tr>
<tr>
<td>Blaine</td>
<td>DeLaForest</td>
<td>Gerlach</td>
<td>Jacobson</td>
<td>Magnus</td>
<td>Paulsen</td>
</tr>
</tbody>
</table>
The motion did not prevail and the amendment was not adopted.

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

Westrom moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 12, after line 22, insert:

"Sec. 13. Minnesota Statutes 2002, section 168.27, subdivision 24, is amended to read:

Subd. 24. [BONDS.] (a) Except as otherwise provided in this subdivision, all persons licensed according to this section shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in the following amounts; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers, or dealers in trailers with a manufacturer's rated carrying capacity under 15,000 pounds designed to transport small construction or farm equipment, in the amount of $5,000; and as to all other persons in the amount of $50,000. The bond must be conditioned on the faithful performance by the licensee of the obligations imposed on persons engaged in motor vehicle transactions by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees, and penalties. The bond must be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds must be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

(b) This subdivision does not apply to:

(1) a dealer in new trailers designed to transport small construction or farm equipment in any year following a year in which the dealer had less than $500,000 in gross receipts from the sale of such trailers; or

(2) a dealer in new trailers designed to transport small construction or farm equipment who has been a dealer in such trailers for less than one year and who the department reasonably determines will have gross receipts of less than $500,000 during the first year of business."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Seifert moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 23, after line 19, insert:
"Sec. 24.  Minnesota Statutes 2002, section 171.13, subdivision 1, is amended to read:

Subdivision 1.  [SUBJECTS TESTED.] Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs.  The commissioner may not give the examination in any language other than English. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of traffic laws related to bicycles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception.  Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license.  The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant."

Page 31, after line 13, insert:

"Sec. 39.  [REPEALER.]

Minnesota Rules, part 7410.4740, subpart A, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

POINT OF ORDER

Ellison 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 Seifert amendment was not in order. The Speaker ruled the point of order not well taken and the Seifert amendment in order.

Entenza appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Seifert moved to lay the Entenza appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.
MOTION TO FIX TIME TO CONVENE

Juhnke moved that when the House adjourns today it adjourn until 10:00 a.m., Wednesday, April 7, 2004.

A roll call was requested and properly seconded.

The question was taken on the Juhnke motion and the roll was called. There were 52 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Eken  Huntley  Lieder  Otremba  Sieben
Atkins  Ellison  Juhnke  Mahoney  Otto  Sjawik
Bernardy  Entenza  Kahn  Marian  Paymar  Solberg
Biernat  Goodwin  Kelliler  Martz  Pelowski  Thao
Carlson  Greiling  Koenen  Mullery  Peterson  Thissen
Clark  Hausman  Larson  Murphy  Pugh  Wagenius
Davnie  Hilstrom  Latz  Nelson, M.  Rhodes  Walker
Dill  Hilty  Lenczewski  Opatz  Rukavina
Dorn  Hornstein  Lesch  Osterman  Sertich

Those who voted in the negative were:

Abeler  Adolphson  Harder  Lindner  Penas  Urdahl
Anderson, B.  DeLaForest  Heidgerken  Lipman  Powell  VanDeveer
Anderson, J.  Demmer  Holberg  Magnus  Ruth  Walz
Beard  Dempsey  Hoppe  McNamara  Seagren  Wardlow
Blaine  Dorman  Howes  Meslow  Seifert  Westerberg
Blaine  Eastlund  Jacobson  Nelson, C.  Severson  Westrom
Borrell  Erhardt  Johnson, J.  Nelson, P.  Simpson  Wilkin
Boudreau  Erickson  Knoblauch  Newman  Smith  Zellers
Bradley  Finstad  Kohls  Nornes  Soderstrom  Spk. Sviggum
Brod  Fuller  Krinkie  Olsen, S.  Stang
Buesgens  Gerlach  Kuisle  Olson, M.  Swenson
Cornish  Gunther  Lanning  Ozment  Sykora
Cox  Hackbart  Lindgren  Paulson  Tinglestad

The motion did not prevail.

The question recurred on the Seifert motion to lay the Entenza appeal of the decision of the Speaker on the table and the roll was called. There were 75 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Adolphson  Bradley  Demmer  Fuller  Hoppe  Kuisle
Anderson, B.  Brod  Dempsey  Gerlach  Howes  Lanning
Anderson, J.  Buesgens  Dorman  Gunther  Johnson, J.  Lindgren
Beard  Cornish  Eastlund  Harder  Knoblauch  Lipman
Blaine  Cox  Erhardt  Harder  Knoblauch  Lipman
Borrell  Davids  Erickson  Heidgerken  Kohls  Magnus
Boudreau  DeLaForest  Finstad  Holberg  Kuisle  McNamara

Those who voted in the negative were:


The motion prevailed and the appeal of the decision of the Speaker was laid on the table.

MOTION TO FIX TIME TO CONVENE

Entenza moved that when the House adjourns today it adjourn until 8:30 a.m., Wednesday, April 7, 2004.

A roll call was requested and properly seconded.

The question was taken on the Entenza motion and the roll was called. There were 51 yeas and 72 nays as follows:

Those who voted in the affirmative were:


Those who voted in the negative were:

The motion did not prevail.

Pursuant to rule 1.22, Knoblach withdrew his request for immediate consideration of H. F. No. 3141, as amended.

FISCAL CALENDAR ANNOUNCEMENTS

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. No. 3141, as amended, and H. F. Nos. 1867, 3090 and 2684 on the Fiscal Calendar for Wednesday, April 7, 2004.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 8:00 a.m., Wednesday, April 7, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 8:00 a.m., Wednesday, April 7, 2004.

E DWARD A. BURDICK, Chief Clerk, House of Representatives