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 the Reverend Lonnie E. Titus, House Chaplain.

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:

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

REPORTS OF CHIEF CLERK

S. F. No. 1384 and H. F. No. 3065, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Pugh moved that S. F. No. 1384 be substituted for H. F. No. 3065 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1530 and H. F. No. 1593, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Strachan moved that the rules be so far suspended that S. F. No. 1530 be substituted for H. F. No. 1593 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2231 and H. F. No. 2275, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Biernat moved that the rules be so far suspended that S. F. No. 2231 be substituted for H. F. No. 2275 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2455 and H. F. No. 2653, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Howes moved that S. F. No. 2455 be substituted for H. F. No. 2653 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2986, A bill for an act relating to natural resources; requiring permits to be issued for a taconite pellet production facility.

Reported the same back with the following amendments:
Delete everything after the enacting clause and insert:

"Section 1. [ENVIRONMENTAL REVIEW; IRON NUGGET PRODUCTION SCALE DEMONSTRATION FACILITY EXEMPTION.]

(a) The first iron nugget production scale demonstration facility that meets all of the criteria in this section shall be exempt from environmental review under Minnesota Statutes, chapter 116D and Minnesota Rules, chapter 4410. The qualifying project must:

(1) be the first iron nugget production scale demonstration facility in Minnesota;

(2) involve a single rotary hearth furnace of maximum outside diameter of 60 meters;

(3) be located outside the area adjacent to the north shore of Lake Superior classified as the lake orientation zone in the Department of Natural Resources report entitled "North Shore Characterization Study"; and

(4) have complete permit applications submitted to the appropriate state agencies in calendar year 2004 for all permits required to construct and operate the facility.

(b) The Department of Natural Resources, the Environmental Quality Board, the Pollution Control Agency, and any other state agency with applicable permit-granting authority shall provide public notice for any necessary permits for the iron nugget production scale demonstration facility within four months of receiving complete applications.

(c) If the first iron nugget production scale demonstration facility to qualify for this exemption is proposed at a stationary source that has permitted taconite pellet furnaces, permanent shutdown of those pellet furnaces, prior to start-up of the iron nugget production scale demonstration facility, shall be a requirement in the iron nugget production scale demonstration facility air quality permit. The shutdown of these furnaces shall not be creditable in calculating the "net emissions increase," as defined in Code of Federal Regulations, title 40, section 52.21, for this project.

(d) The Pollution Control Agency shall strive in the permitting process to assure the lowest mercury emissions reasonably possible.

(e) Permit applications must comply with applicable law, except that an iron nugget production scale demonstration facility that meets the criteria in this section is exempt from environmental review under Minnesota Statutes, chapter 116D and Minnesota Rules, chapter 4410, and the company is not required to perform an environmental review before permits are issued for the iron nugget production scale demonstration facility.

(f) The construction and operation of the iron nugget production scale demonstration facility will demonstrate whether the technology is technically and economically feasible at this larger scale. Environmental data from the operation of the iron nugget production scale demonstration facility may be used in the environmental review and permitting of commercial scale facilities built elsewhere in Minnesota.

(g) The exemption does not affect any existing permit requirement that may require environmental review for a commercial scale iron nugget facility at an existing taconite facility located within the area adjacent to the north shore of Lake Superior classified as the lake orientation zone in the Department of Natural Resources report entitled "North Shore Characterization Study."
Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; granting certain temporary exemptions for an iron nugget production scale demonstration facility."

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1384, 1530, 2231 and 2455 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Lieder; Anderson, I.; Magnus; Wardlow and Anderson, B., introduced:

H. F. No. 3192, A resolution memorializing the President of the United States and Congress to provide increased benefits to members of the National Guard and other Reserve Components of the United States Armed Forces who are engaged in the nation's Global War on Terrorism.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1851, A bill for an act relating to bridges; deleting requirement for Regional Development Commission or Metropolitan Council approval of projects funded from state transportation fund; repealing Minnesota Statutes 2002, section 174.50, subdivision 4.
H. F. No. 1898, A bill for an act relating to highways; repealing requirement that designation of natural preservation routes on county state-aid highways be reviewed by advisory committee; amending Minnesota Statutes 2002, section 162.021, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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


H. F. No. 2103, A bill for an act relating to real property; local planning and zoning; authorizing municipalities to require the dedication of land for public purposes; providing certain terms and conditions for the dedication; amending Minnesota Statutes 2002, section 462.358, subdivision 2b, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 462.353, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2235, A bill for an act relating to unemployment insurance; modifying definitions; making technical, housekeeping, and policy changes; modifying penalty provisions; amending Minnesota Statutes 2002, sections 176.011, subdivision 20; 268.035, subdivisions 3, 8a, 12a, 17, 20, 23a, 28, by adding a subdivision; 268.043; 268.044, subdivisions 2, 3, 4; 268.051, subdivisions 4, 7; 268.0511; 268.053, subdivision 2; 268.057, as amended; 268.058, as amended; 268.059, subdivision 3; 268.0625, as amended; 268.064, subdivisions 1, 3; 268.065, subdivisions 1, 2; 268.07, subdivisions 1, 3; 268.085, subdivisions 2, 12, 13a, 14; 268.095, subdivisions 4, 6a; 268.101, subdivisions 2, 4; 268.103; 268.105, as amended; 268.115, subdivision 5; 268.125, subdivision 5; 268.135, subdivisions 1, 2, 4; 268.145, subdivision 1; 268.18, subdivisions 2b, 6; 268.182; 268.184; Minnesota Statutes 2003 Supplement, sections 268.035, subdivision 15; 268.042, subdivisions 1, 3; 268.044, subdivisions 1, 1a; 268.045; 268.047, subdivision 5; 268.051, subdivisions 1, 1a, 3, 5, 6; 268.052, subdivisions 1, 2; 268.053, subdivisions 1, 3; 268.059, subdivision 1; 268.063; 268.066; 268.067; 268.0675; 268.07, subdivision 2; 268.085, subdivisions 1, 3, 4, 5, 6; 268.095, subdivisions 1, 3; 268.101, subdivisions 3, 3a; 268.18, subdivisions 1, 2; 268.186; 268.19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2270, A bill for an act relating to official publications; changing provisions for publication of public notices in newspapers; requiring a report; amending Minnesota Statutes 2002, sections 279.09; 279.092; 331A.01, subdivisions 2, 3, 6, 9, 10; 331A.02, subdivisions 1, 3, 4, by adding a subdivision; 331A.03, subdivision 1, by adding a subdivision; 331A.04, as amended; 331A.05, subdivisions 3, 4, 5, 7, by adding a subdivision; 331A.06,
Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1425, A bill for an act relating to judgments; regulating stays of execution on money judgments; limiting bond amounts; amending Minnesota Statutes 2002, section 550.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Holberg moved that the House concur in the Senate amendments to H. F. No. 1425 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1425, A bill for an act relating to judgments; regulating stays of execution on money judgments; limiting bond amounts; amending Minnesota Statutes 2002, section 550.36.

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

The question was taken on the repassage of the bill and the roll was called. There were 111 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler  Demmer  Holberg  Lipman  Pelowski  Stang
Adolphson  Dempsey  Hoppe  Magnus  Penas  Strachan
Anderson, B.  Dorman  Hornstein  Mahoney  Peterson  Swenson
Anderson, I.  Dorn  Howes  Marquart  Powell  Sykora
Anderson, J.  Eastlund  Jacobson  McNamara  Pugh  Thao
Atkins  Eken  Johnson, J.  Mullery  Rhodes  Thissen
Beard  Entenza  Juhnke  Murphy  Rukavina  Tingelstad
Bernardy  Erhardt  Kelliher  Nelson, C.  Ruth  Urdaal
Biernat  Erickson  Klinzing  Nelson, M.  Samuelson  Vandeveer
Blaine  Finstad  Knoblach  Nelson, P.  Seagren  Walz
Borrell  Fuller  Koenen  Newman  Seifert  Wardlow
Boudreau  Gerlach  Kohls  Nornes  Sertich  Wasiluk
Bradley  Goodwin  Kuisle  Olsen, S.  Severson  Westerberg
Buesgens  Greiling  Lanming  Opatz  Sieben  Westrom
Carlson  Hackbarth  Larson  Osterman  Simpson  Wilkin
Cornish  Harder  Lenczowski  Otremba  Slawik  Spk. Sviggum
Cox  Heidgerken  Lesch  Otto  Smith  Soderstrom
DeLaForest  Hilty  Lindgren  Paulsen  Solberg  Spk. Sviggum
Those who voted in the negative were:

Abrams  Davnie  Jaros  Kahn  Paymar  Walker  
Davnie  Huntley  Johnson, S.  Latz  Wagenius

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

Mr. Speaker:

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

S. F. Nos. 1803, 2274, 2125, 2620, 2472, 2703, 2154, 2080, 1769, 1973 and 2379.

Patrick E. Flahaven, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1803, A bill for an act relating to business organizations; enacting and modifying the Uniform Limited Partnership Act of 2001; providing transitional provisions; making conforming changes; regulating the organization, structure, and governance of business corporations, nonprofit corporations, and limited liability companies; appropriating money; amending Minnesota Statutes 2002, sections 5.25, subdivision 1; 302A.011, subdivisions 21, 31, 49, 51, by adding subdivisions; 302A.111, subdivision 2; 302A.115, subdivision 1; 302A.137; 302A.215; 302A.231, subdivisions 4, 6; 302A.401, subdivision 3; 302A.402, subdivision 2; 302A.437, subdivision 1; 302A.441; 302A.471, subdivisions 1, 3; 302A.473, subdivisions 3, 4; 302A.521, subdivision 1; 302A.651, subdivision 1; 302A.661, subdivision 2; 302A.723, subdivision 1; 308A.121, subdivision 1; 317A.011, subdivision 14, by adding a subdivision; 317A.115, subdivision 2; 317A.231, subdivisions 4, 5; 317A.447; 322B.03, subdivisions 36a, 45a; 322B.115, subdivision 2; 322B.12, subdivision 1; 322B.155; 322B.346, subdivision 1; 322B.35, subdivision 1; 322B.383, subdivision 1; 322B.386, subdivisions 3, 4; 322B.40, subdivision 6; 322B.63; 322B.643, subdivisions 4, 6; 322B.77, subdivision 2; 323A.1-01; Minnesota Statutes 2003 Supplement, section 317A.443, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B; proposing coding for new law as Minnesota Statutes, chapter 321; repealing Minnesota Statutes 2002, sections 322A.01; 322A.02; 322A.03; 322A.04; 322A.05; 322A.06; 322A.07; 322A.11; 322A.12; 322A.13; 322A.14; 322A.15; 322A.16; 322A.17; 322A.18; 322A.19; 322A.24; 322A.25; 322A.26; 322A.27; 322A.28; 322A.31; 322A.32; 322A.33; 322A.34; 322A.35; 322A.38; 322A.39; 322A.40; 322A.41; 322A.45; 322A.46; 322A.47; 322A.48; 322A.49; 322A.50; 322A.51; 322A.52; 322A.55; 322A.56; 322A.57; 322A.58; 322A.59; 322A.63; 322A.64; 322A.65; 322A.66; 322A.69; 322A.70; 322A.71; 322A.72; 322A.73; 322A.74; 322A.75; 322A.76; 322A.761; 322A.79; 322A.80; 322A.81; 322A.82; 322A.85; 322A.86; 322A.87; 322A.88.

The bill was read for the first time.

Lipman moved that S. F. No. 1803 and H. F. No. 1824, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2274, A bill for an act relating to zoning; providing certain limitations on municipal interim ordinances; amending Minnesota Statutes 2002, section 462.355, subdivision 4.

The bill was read for the first time.

Buesgens moved that S. F. No. 2274 and H. F. No. 2021, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.
S. F. No. 2125, A bill for an act relating to natural resources; modifying the time that ice houses may be on the ice in certain areas; amending Minnesota Statutes 2002, section 97C.355, subdivision 7.

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

S. F. No. 2620, A bill for an act relating to fire insurance; prescribing certain notice requirements; amending provisions regulating township mutual combination policies; amending Minnesota Statutes 2002, sections 65A.01, subdivision 3c; 67A.191.

The bill was read for the first time.

Brod moved that S. F. No. 2620 and H. F. No. 2777, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2472, A bill for an act relating to natural resources; providing for certain rulemaking exemptions; granting authorities to the commissioner of natural resources; authorizing fees; modifying civil penalties; amending Minnesota Statutes 2002, sections 83A.02; 84.027, by adding a subdivision; 84.029, by adding a subdivision; 84.033; 84.0855, by adding a subdivision; 84.791, subdivision 2, by adding a subdivision; 84.86, subdivision 1; 84.8712, subdivision 2; 84.925, subdivision 1, by adding a subdivision; 84D.13, subdivision 5; 85.052, subdivisions 1, 2, by adding subdivisions; 85.055, subdivision 1a; 85.22, subdivision 3; 86A.05, subdivision 5; 86A.07, subdivision 3; 86A.21; 86B.321, subdivision 2; 86B.521, by adding a subdivision; 88.79, by adding a subdivision; 89.012; 89.018, subdivisions 1, 2, by adding a subdivision; 89.19; 89.21; 89.37, by adding a subdivision; 89.53, subdivision 1; 89.71, subdivision 1; 97A.101, subdivision 2; 97A.133, subdivision 3; 97A.135, subdivision 1; 97A.145, subdivision 1; 97B.015, by adding a subdivision; 97B.025; 103G.223; 103I.601, subdivision 3; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84.775, subdivision 1; 84.780.

The bill was read for the first time.

Hackbarth moved that S. F. No. 2472 and H. F. No. 2433, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2703, A bill for an act relating to state employment; modifying state hiring process provisions; adding, modifying, and eliminating definitions; making technical changes; requiring a study and report on the impacts of the political subdivision compensation limit; amending Minnesota Statutes 2002, sections 43A.02, subdivisions 4, 6, 11, 26, 32, 34, by adding subdivisions; 43A.04, subdivisions 3, 4; 43A.05, subdivision 1; 43A.10; 43A.11, subdivisions 5, 7, 8, 9; 43A.15, subdivisions 1, 2, 4, 7, 10, 15; 43A.16, subdivision 1; 43A.191, subdivision 3; 43A.36, subdivision 1; 43A.39, subdivision 1; 197.455; Minnesota Statutes 2003 Supplement, section 43A.15, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 2002, sections 43A.02, subdivisions 7, 8, 15, 16, 19, 20, 37; 43A.11, subdivisions 3, 4; 43A.12; 43A.13, subdivisions 1, 2, 3, 4, 5, 6, 8; 43A.15, subdivisions 8, 9, 11; Minnesota Statutes 2003 Supplement, section 43A.13, subdivision 7; Minnesota Rules, parts 3900.3300; 3900.6100; 3900.6300; 3900.6400; 3900.6500; 3900.6600; 3900.7100; 3900.7200; 3900.7300; 3900.7400; 3900.8500; 3900.8600; 3900.8800.

The bill was read for the first time.

Ozment moved that S. F. No. 2703 and H. F. No. 2874, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.
S. F. No. 2154, A bill for an act relating to motor vehicles; requiring reports regarding fuel purchased for use in certain state-owned vehicles; requiring the use of E85 fuel in flexible-fuel vehicles; requiring periodic reports; providing for special license plates for alternative fuel vehicles powered by E85 fuel; directing commissioner of transportation to authorize use of high-occupancy vehicle lanes by E85-fueled vehicles; amending Minnesota Statutes 2002, section 16C.135, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 168.

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

S. F. No. 2080, A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring reporting requirements of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; appropriating money; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7, by adding subdivisions; 144.651, subdivision 2; 144.653, subdivision 4; 144.698, subdivisions 1, 5; 147.091, subdivision 1; 256B.02, subdivision 7; Minnesota Statutes 2003 Supplement, sections 144.7063, subdivision 3; 256L.035; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time.

Boudreau moved that S. F. No. 2080 and H. F. No. 2127, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1769, A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

The bill was read for the first time.

Kahn moved that S. F. No. 1769 and H. F. No. 1925, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1973, A bill for an act relating to the public safety radio and communication system; transforming the Public Safety Radio System Planning Committee into the Statewide Radio Board; changing the composition of the Metropolitan Radio Board and providing for the transfer of its responsibilities to a regional radio board and the Statewide Radio Board; providing for the composition and responsibilities of the Statewide Radio Board; providing for establishment of regional radio boards and various advisory committees; allocating responsibility for requesting that the Metropolitan Council sell bonds for construction of the public safety radio and communication system; amending Minnesota Statutes 2003 Supplement, sections 403.21, subdivisions 1, 2, 3, 5, 8, 9, 10, by adding subdivisions; 403.22, subdivisions 1, 2; 403.23, subdivision 3; 403.27, subdivision 1; 403.35; 403.36; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

The bill was read for the first time.

Holberg moved that S. F. No. 1973 and H. F. No. 2136, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.
S. F. No. 2379, A bill for an act relating to commerce; regulating real estate brokers and salespersons; making various changes in real property law; recodifying the laws and rules regulating these licensees; making technical and conforming changes; amending Minnesota Statutes 2002, sections 58.13, subdivision 1; 58.16, subdivisions 2, 4; 82.17, subdivision 4, by adding subdivisions; 82.19, subdivisions 3, 5, by adding subdivisions; 82.195; 82.196; 82.197; 82.20, subdivisions 3, 4, 8, by adding subdivisions; 82.21, by adding subdivisions; 82.22, by adding subdivisions 6, 8, 12, 13, by adding subdivisions; 82.24, subdivisions 3, 5, by adding subdivisions; 82.27, by adding a subdivision; 513.55, subdivision 1; 513.56, by adding a subdivision; 515B.4-106; 515B.4-108; 559.21, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 82; 325F; 559; repealing Minnesota Statutes 2002, sections 58.02, subdivision 24; 82.22, subdivision 9; Minnesota Rules, parts 2800.0100; 2800.0200; 2800.0300; 2800.1100; 2800.1200; 2800.1300; 2800.1400; 2800.1500; 2800.1600; 2800.1700; 2800.1750; 2800.1751; 2800.1800; 2800.1900; 2800.2000; 2800.2100; 2800.2150; 2805.0100; 2805.0200; 2805.0300; 2805.0400; 2805.0500; 2805.0600; 2805.0700; 2805.0800; 2805.0900; 2805.1000; 2805.1100; 2805.1300; 2805.1400; 2805.1500; 2805.1600; 2805.1700; 2805.1800; 2805.1900; 2805.2000.

The bill was read for the first time.

Brod moved that S. F. No. 2379 and H. F. No. 2439, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 6, 2004:

S. F. Nos. 1604 and 1192; H. F. Nos. 2136, 2633 and 2762; S. F. Nos. 2222 and 2065; H. F. No. 2577; S. F. No. 2143; H. F. Nos. 2561, 2304, 2087, 2737, 2777, 2910, 2334, 2078, 2642, 2212, 3061, 2433, 264, 2439, 2217, 2874, 2609 and 2163; S. F. Nos. 1639 and 2386; and H. F. Nos. 2678, 1801, 2095, 606 and 352.

CALENDAR FOR THE DAY

S. F. No. 2437, A bill for an act relating to farm products; regulating liens and financing statements; establishing filing requirements; setting fees; appropriating money; amending Minnesota Statutes 2002, sections 336A.01; 336A.02; 336A.03; 336A.04; 336A.05; 336A.06; 336A.07; 336A.08; 336A.09; 336A.10; 336A.11, subdivisions 1, 2; 336A.12; 336A.13; proposing coding for new law in Minnesota Statutes, chapter 336A; repealing Minnesota Rules, parts 8265.0100; 8265.0200; 8265.0300; 8265.0400; 8265.0500; 8265.0600.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler   Anderson, I.   Bernardy   Boudreau   Carlson   Davnie
Abrams   Anderson, J.   Biernat   Bradley   Cornish   DeLaForest
Adolphson   Atkins   Blaine   Brod   Cox   Demmer
Anderson, B.   Beard   Borrell   Buesgens   Davids   Dempsey
Dorman  Heidgerken  Koenen  Nelson, C.  Pugh  Swenson  
Dorn  Hilstrom  Kohls  Nelson, M.  Rhodes  Sykora  
Eastlund  Hilty  Kuisle  Nelson, P.  Rukavina  Thao  
Eken  Holberg  Lanning  Newman  Ruth  Thissen  
Entenza  Hoppe  Larson  Nornes  Samuelson  Tingelstad  
Erhardt  Hornstein  Latz  Olsen, S.  Seagren  Urdahl  
Erickson  Howes  Lenczewski  Opitz  Seifert  Vandeever  
Finstad  Huntley  Lesch  Osterman  Sertich  Wagenius  
Fuller  Jacobson  Lieder  Otremba  Severson  Walker  
Gerlach  Jaros  Lindgren  Otto  Sieben  Walz  
Goodwin  Johnson, J.  Lipman  Ozmant  Simpson  Wardlow  
Greiling  Johnson, S.  Magnus  Paulsen  Slawik  Wasiluk  
Gunther  Juhnke  Mahoney  Paymar  Smith  Westerberg  
Haas  Kahn  Marquart  Pelowski  Soderstrom  Westrom  
Hackbarth  Keliher  McNamara  Penas  Solberg  Wilkin  
Harder  Klinzing  Mullery  Peterson  Stang  Zellers  
Hausman  Knoblach  Murphy  Powell  Strachan  Spk. Sviggum  

The bill was passed and its title agreed to.

S. F. No. 1604 was reported to the House.

Samuelson moved to amend S. F. No. 1604 as follows:

Page 4, after line 25, insert:

"Sec. 3. [256B.440] [RECOMMENDATION TO ESTABLISH NEW NURSING FACILITY REIMBURSEMENT SYSTEM.]

Subdivision 1. [IN GENERAL.] The commissioner shall present to the legislature, by January 15, 2005, a recommendation to establish a new nursing facility reimbursement system that provides facility-specific, prospective payment rates for nursing facilities participating in the medical assistance program. The rates shall be determined using a statistical and cost report filed by each nursing facility. The total payment rate shall be composed of four rate components: direct-care services, support services, external fixed, and property-related costs. The payment rate shall be derived from statistical measures of actual costs incurred in the operation of nursing facilities. From this cost basis, the components of the total payment rate shall be adjusted for quality of services provided, actual costs of operation of each facility, geographic variation in labor costs, rental value, and resident acuity.

Subd. 2. [RECOMMENDATION FOR ESTABLISHMENT BEGINNING OCTOBER 1, 2006.] The recommendation in subdivision 1 shall provide for the establishment of all or part of a nursing facility’s rates under the new nursing facility reimbursement system beginning on October 1, 2006. Rates shall be rebased annually. Effective January 1, 2005, each cost reporting year shall begin on January 1 and end on the following December 31. A cost report shall be filed by each nursing facility by March 31. Notice of rates shall be distributed by August 1 and the rates shall go into effect on October 1 for one year.

Subd. 3. [REPORTING OF BASELINE STATISTICAL AND COST INFORMATION.] (a) Nursing facilities shall file a baseline statistical and cost report on or before August 31, 2004, for the reporting period ending either September 30, 2003, or December 31, 2003. After July 1, 2004, the report required under Minnesota Rules, part 9549.0041, subpart 1, shall no longer be required. For the period between January 1, 2004, and December 31, 2004, the commissioner may collect statistical and cost information from facilities in no greater detail than items collected from facilities under section 256B.431 or section 256B.434, whichever is applicable, for the year ending September 30, 2003."
All nursing facilities shall provide information to the commissioner in the form and manner specified by the commissioner. The commissioner shall consult with stakeholders in developing the baseline statistical and cost report that will be used to collect all data necessary to develop and model the new nursing facility reimbursement system.

Nursing facilities shall report as costs of the nursing facility only costs directly related to the operation of the nursing facility. The facility shall not include costs that are separately reimbursed by residents, medical assistance, or other payors. The commissioner may grant to facilities one extension of up to ten days for the filing of this report, if the extension is requested by August 1. The commissioner may require facilities to submit separately, in the form and manner specified by the commissioner, documentation of statistical and cost information included in the report, in order to ensure accuracy in modeling payment rates and to perform audit and appeal review functions under this section. Facilities shall retain all records necessary to document statistical and cost information provided in the report for a period of no less than seven years.

The commissioner may reject a report filed by a nursing facility under this section if the commissioner determines that the report has been filed in a form that is incomplete or inaccurate and the information is insufficient to model accurate payment rates. If a report is rejected or is not submitted in a timely manner, the commissioner shall reduce payments to a nursing facility to 85 percent of amounts due until the information is completely and accurately filed. The reinstatement of withheld payments shall be retroactive for no more than 90 days. A nursing facility whose report is rejected shall be given notice of the rejection, the reasons for the rejection, and an opportunity to correct the report prior to any payment reduction. A nursing facility that does not submit a report shall be given a prior written notice of the payment reduction.

The commissioner shall use the baseline statistical and cost report data to model and simulate the new nursing facility reimbursement system. Modeling shall be done using both budget neutrality and additional funding assumptions.

The data set in which statistical and cost reports are compiled shall, upon request, be released by the commissioner, once it has been used for statistical analyses for purposes of modeling rate setting.

The commissioner shall determine, in consultation with stakeholders and experts, methods that shall be used to integrate quality measures into the new nursing facility reimbursement system. For the modeling and simulations of the baseline data, the quality measures shall include, at a minimum:

1. Direct care hours per standardized resident day;
2. Staff turnover;
3. Staff retention;
4. Use of pool staff;
5. Proportion of beds in single bed rooms;
6. Quality indicators from the minimum data set; and
7. Survey deficiencies.
If data analysis of the modeling and simulations indicates that revisions, deletions, or additional indicators are needed, those modifications shall be made prior to the initial rate year. The quality measures used to determine a component of the payment rates shall be established for a rate year using data submitted in the statistical and cost report from the associated reporting year, and using data from other sources related to the reporting year.

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1604, A bill for an act relating to human services; requiring the commissioner of human services to provide rate notices within certain timelines under certain conditions; requiring a planned nursing facility closure to be budget neutral; amending Minnesota Statutes 2002, sections 256B.431, subdivision 10; 256B.437, subdivision 3.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler  DeLaForest  Hilstrom  Latz  Otto  Soderstrom
Abrams  Demmer  Hilty  Lenczewski  Ozment  Solberg
Adolphson  Dempsey  Holberg  Lesch  Paulsen  Stang
Anderson, B.  Dorman  Hoppe  Lieder  Paymar  Strachan
Anderson, I.  Dorn  Hornstein  Lindgren  Pelowski  Swenson
Anderson, J.  Eastlund  Howes  Lipman  Pesas  Sykora
Atkins  Eken  Huntley  Magnus  Peterson  Thao
Beard  Entenza  Jacobson  Mahoney  Powell  Thissen
Bernardy  Erhardt  Jaros  Marquart  Pugh  Tingelstad
Biernat  Erickson  Johnson, J.  McNamara  Rhodes  Udahl
Blaine  Finstad  Johnson, S.  Mullery  Rukavina  Vandeveer
Borrell  Fuller  Juhnke  Murphy  Ruth  Wagenius
Boudreau  Gerlach  Kahn  Nelson, C.  Samuelson  Walker
Bradley  Goodwin  Kellher  Nelson, M.  Seagren  Walz
Brod  Greiling  Klinzing  Nelson, P.  Seifert  Wardlow
Buesgens  Gunther  Knoblauch  Newman  Sertich  Wasiluk
Carlson  Haas  Koenen  Nornes  Severson  Westerberg
Cornish  Hackbarth  Kohls  Olsen, S.  Sieben  Westrom
Cox  Harder  Kuisle  Opitz  Simpson  Wilkin
Davids  Hausman  Lanning  Osterman  Slawik  Zellers
Davnie  Heidgerken  Larson  Otreamba  Smith  Spk. Sviggum

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

S. F. No. 1192, A bill for an act relating to drivers' licenses; requiring department of public safety to forward information about certain driver's license and identification card applicants to selective service system; amending Minnesota Statutes 2002, section 171.06, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.
The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler  Demmer  Hilty  Lenczewski  Ozment  Stang
Abrams  Dempsey  Holberg  Lesch  Paulsen  Strachan
Adolphson  Dorman  Hoppe  Lieder  Pelowski  Swenson
Anderson, B.  Dorn  Hornstein  Lindgren  Penas  Sykora
Anderson, I.  Eastlund  Howes  Lipman  Peterson  Thao
Anderson, J.  Eken  Huntley  Magnus  Powell  Thissen
Atkins  Entenza  Jacobson  Mahoney  Pugh  Tingelstad
Beard  Erhardt  Jaros  Marquart  Rhodes  Urdahl
Bernardy  Erickson  Johnson, J.  McNamara  Rukavina  Wagenius
Biermat  Finstad  Johnson, S.  Mullery  Ruth  Walz
Blaine  Fuller  Juhnke  Murphy  Samuelson  Wardlow
Boorrell  Gerlach  Kahn  Nelson, C.  Seagren  Wasiulak
Boudreau  Goodwin  Kellither  Nelson, M.  Seifert  Westerberg
Bradley  Greiling  Klinzing  Nelson, P.  Sertich  Westrom
Brod  Gunther  Knoblauch  Newman  Severson  Wilkin
Buesgens  Haas  Koenen  Nornes  Sieben  Zellers
Carlson  Hackbarth  Kohls  Olsen, S.  Simpson  Spk. Sviggum
Cornish  Harder  Kuisle  Opatz  Slawik
Cox  Hausman  Lanning  Osterman  Smith
Davids  Heiderken  Larson  Otremba  Soderstrom
DeLaForest  Hilstrom  Latz  Otto  Solberg

The bill was passed and its title agreed to.

H. F. No. 2633, A bill for an act relating to the environment; providing for exemptions from environmental review for ethanol plants; amending Minnesota Statutes 2003 Supplement, section 116D.04, subdivision 2a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abrams  Cornish  Gerlach  Juhnke  Mahoney  Penas
Adolphson  Cox  Goodwin  Klinzing  Marquart  Peterson
Anderson, B.  Davids  Gunther  Knoblauch  McNamara  Powell
Anderson, I.  DeLaForest  Haas  Koenen  Nelson, C.  Pugh
Anderson, J.  Demmer  Hackbarth  Kohls  Nelson, M.  Rhodes
Atkins  Dempsey  Harder  Kuisle  Newman  Rukavina
Beard  Dorman  Heiderken  Lanning  Nornes  Ruth
Blaine  Dorn  Hilstrom  Larson  Olsen, S.  Samuelson
Boorrell  Eastlund  Hilty  Lenczewski  Osterman  Seifert
Boudreau  Eken  Holberg  Lieder  Otremba  Sertich
Bradley  Erhardt  Hoppe  Lindgren  Ozment  Severson
Brod  Erickson  Howes  Lipman  Paulsen  Simpson
Buesgens  Finstad  Jacobson  Magnus  Pelowski  Slawik
Carlson  Fuller  Johnson, J.  Magnus  Pelowski  Slawik
Those who voted in the negative were:

Abeler
Bernardy
Biernat
Davnie
Entenza

Greiling
Hausman
Hornstein
Huntley
Jaros

Johnson, S.
Kahn
Kelliher
Latz
Lesch

Mullery
Murphy
Nelson, P.
Otto
Paymar

Sieben
Thao
Thissen
Wagenius
Walker

The bill was passed and its title agreed to.

S. F. No. 2065, A bill for an act relating to municipal tort liability; providing immunity from tort liability for a limited partnership in which a community action agency is a general partner; amending Minnesota Statutes 2003 Supplement, section 466.01, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler
Abrams
Adolphson
Anderson, B.
Anderson, L.
Anderson, J.
Atkins
Beard
Bernardy
Biernat
Blaine
Borrell
Boudreau
Bradley
Brod
Buesgens
Carlson
Cornish
Cox
Davids
Davnie

DeLaForest
Demmer
Dempsey
Dorman
Dorn
Eastlund
Eken
Entenza
Erhardt
Erickson
Finstad
Fuller
Gerlach
Goodwin
Greiling
Gunther
Haas
Hackbart
Harder
Hausman
Heidgerken

Hiilstrom
Holberg
Hoppe
Horstein
Howes
Huntley
Jaros
Johnson, J.
Johnson, S.
Juhnke
Kahn
Kelliher
Knoblauch
Koenen
Kohls
Krinkie
Kuisle
Lanning
Larson

Lenzewski
Lesch
Lieder
Lindgren
Lipman
Magnus
Mahoney
Marquart
McNamara
Murphy
Nelson, C.
Nelson, M.
Nelson, P.
Newman
Nornes
Olsen, S.
Opatz
Osterman
Otrema

Otto
Orzent
Paulsen
Paymar
Pelowski
Penas
Person
Pugh
Rhodes
Rukavina
Ruth
Wagenius
Walker
Walz
Seifert
Severtich
Severson
Simpson
Slawik
Smith
Spk. Sviggum

The bill was passed and its title agreed to.
Paulsen 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 Speaker pro tempore Paulsen.

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

CALENDAR FOR THE DAY, Continued

H. F. No. 2011 was reported to the House.

Westrom moved to amend H. F. No. 2011 as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 2002, section 240.30, is amended by adding a subdivision to read:

Subd. 11. [REASONABLE ACCOMMODATION.] For purposes of this section and compliance with chapter 363 and the Americans with Disability Act, a reasonable accommodation includes provision of a person to read cards to a visually impaired person or the provision of braille cards."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Rukavina moved to amend H. F. No. 2011, as amended, as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 2003 Supplement, section 349.166, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] (a) Bingo, with the exception of linked bingo games, may be conducted without a license and without complying with sections 349.168, subdivisions 1 and 2; 349.17, subdivisions 1, 4, and 5; 349.18, subdivision 1; and 349.19, if it is conducted:

(1) by an organization in connection with a county fair, the state fair, or a civic celebration and is not conducted for more than 12 consecutive days and is limited to no more than four separate applications for activities applied for and approved in a calendar year; or
(2) by an organization that conducts four or fewer bingo occasions in a calendar year.

An organization that holds a license to conduct lawful gambling under this chapter may not conduct bingo under this subdivision.

(b) Bingo may be conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if the prizes for a single bingo game do not exceed $10, total prizes awarded at a single bingo occasion do not exceed $200, no more than two bingo occasions are held by the organization or at the facility each week, only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, and a manager is appointed to supervise the bingo. Bingo conducted under this paragraph is exempt from sections 349.11 to 349.23, and the board may not require an organization that conducts bingo under this paragraph, or the manager who supervises the bingo, to register or file a report with the board. The gross receipts from bingo conducted under the limitations of this subdivision are exempt from taxation under chapter 297A.

(c) Raffles may be conducted by an organization or an individual without a license and without complying with sections 349.154 to 349.165 and 349.167 to 349.213 if the value of all raffle prizes awarded by the organization or individual in a calendar year does not exceed $1,500, and if the net profits of the raffles are expended or contributed pursuant to section 349.12, subdivision 25. The organization or individual must register with the board on a form provided by the board before raffles may be conducted under this paragraph.

(d) Except as provided in paragraph (b), the organization or individual must maintain all required records of excluded gambling activity for 3-1/2 years.”

Delete the title and insert:

"A bill for an act relating to gambling; eliminating the maximum table required for card clubs; regulating raffles conducted by certain organizations and individuals; amending Minnesota Statutes 2002, section 240.30, subdivision 8; Minnesota Statutes 2003 Supplement, section 349.166, subdivision 1."

The motion prevailed and the amendment was adopted.

Seagren, Lenczewski and Larson offered an amendment to H. F. No. 2011, as amended.

POINT OF ORDER

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

Larson 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 60 nays as follows:

Those who voted in the affirmative were:

Abeler  Buesgens  Fuller  Kuisle  Paulsen  Udahl
Abrams  Cornish  Gerlach  Lanning  Penas  Walz
Adolphson  Cox  Hackabeth  Lindgren  Ruth  Wardlow
Anderson, B.  Davids  Harder  Lipman  Seifert  Westerberg
Anderson, I.  DeLaForest  Heidgerken  McNamara  Severson  Westrom
Anderson, J.  Demmer  Holberg  Murphy  Simpson  Wilkin
Beard  Dempsey  Hoppe  Nelson, C.  Smith  Zellers
Blaine  Dorman  Howes  Nelson, P.  Soderstrom  Spk. Sviggum
Borrell  Eastlund  Johnson, J.  Newman  Stang
Boudreau  Erhardt  Klinzing  Nornes  Strachan
Bradley  Erickson  Kohls  Otremba  Swenson
Brod  Finstad  Krinke  Ozmant  Sykora

Those who voted in the negative were:

Atkins  Goodwin  Jaros  Lesch  Otto  Sertich
Bernardy  Greiling  Johnson, S.  Lieder  Paymar  Sieben
Biemel  Gunther  Juhnke  Mahoney  Pelowski  Slawik
Carlson  Haas  Kahn  Mariani  Peterson  Solberg
Davnie  Hausman  Kelliher  Marquart  Powell  Thao
Dill  Hilstrom  Knoblach  Mullery  Pugh  Thissen
Dorn  Hilty  Koenen  Nelson, M.  Rhodes  Tingelstad
Eken  Hornstein  Larson  Olsen, S.  Rukavina  Vandeveer
Ellison  Huntley  Latz  Opatz  Samuelson  Wagensick
Entenza  Jacobson  Lenczewski  Osterman  Seagren  Walker

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

H. F. No. 2011, as amended, was read for the third time.

Kahn moved that H. F. No. 2011, as amended, be re-referred to the Committee on Taxes.

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Anderson, I.  Clark  Entenza  Hilty  Johnson, S.  Krinke
Atkins  Davnie  Goodwin  Hornstein  Juhnke  Larson
Bernardy  Dorn  Greiling  Huntley  Kahn  Latz
Biemel  Eken  Hausman  Jacobson  Kelliher  Lenczewski
Carlson  Ellison  Hilstrom  Jaros  Koenen  Lesch
Those who voted in the negative were:


The motion did not prevail.

H. F. No. 2011, A bill for an act relating to gambling; eliminating the maximum table requirement and providing for reasonable accommodation at card clubs; regulating raffles conducted by certain organizations and individuals; amending Minnesota Statutes 2002, section 240.30, subdivision 8, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 349.166, subdivision 1.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 58 nays as follows:

Those who voted in the affirmative were:


Those who voted in the negative were:


Those who voted in the affirmative were:


Those who voted in the negative were:

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

S. F. No. 2181 was reported to the House.

Wilkin moved to amend S. F. No. 2181 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2199, the third engrossment:

"Section 1. Minnesota Statutes 2002, section 15A.081, subdivision 8, is amended to read:

Subd. 8. [EXPENSE ALLOWANCE.] Notwithstanding any law to the contrary, positions listed in section 15A.0815, subdivisions 2 and 3, constitutional officers, and the commissioner of Iron Range resources and rehabilitation, and the director of the state lottery are authorized an annual expense allowance not to exceed $1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and postaudit. The commissioner of finance may adopt rules to assure the proper expenditure of these funds and to provide for reimbursement.

Sec. 2. Minnesota Statutes 2002, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. [DIRECTOR.] A State Lottery is established under the supervision and control of a director. The director of the State Lottery shall be appointed by the governor with the advice and consent of the senate. The director must be qualified by experience and training in the operation of a lottery to supervise the lottery. The director serves in the unclassified service at the pleasure of the governor. The annual salary rate authorized for the director is equal to 95 percent of the salary rate prescribed for the governor.

Sec. 3. Minnesota Statutes 2002, section 349A.10, subdivision 6, is amended to read:

Subd. 6. [BUDGET APPEARANCE; PLANS.] The director shall prepare and submit a biennial budget plan to the commissioner of finance. The governor shall recommend the maximum amount available for the lottery in the budget the governor submits to the legislature under section 16A.11. The maximum amount available to the lottery for operating expenses and capital expenditures shall be determined by law. Operating expenses shall not include expenses that are a direct function of lottery sales, which include the cost of lottery prizes, amounts paid to lottery retailers as sales commissions or other compensation, amounts paid to produce and deliver scratch lottery games, and amounts paid to an outside vendor to operate and maintain an on-line gaming system. In addition, the director shall appear at least once each fiscal year before the senate and house of representatives committees having jurisdiction over gambling policy to present and explain the lottery's budget plans for future games and the related advertising and promotions and spending plans for the next fiscal year.
Sec. 4. Minnesota Statutes 2002, section 349A.15, is amended to read:

349A.15 [REPORT.]

The director shall file an annual report with the governor and legislature which must include a complete statement of lottery revenues, administrative and operating costs, capital expenditures, net proceeds transferred, and other financial transactions for the period the report covers.

Sec. 5. [LOTTERY ORGANIZATION TASK FORCE.]

Subdivision 1. [CREATION; MEMBERSHIP.] A Lottery Organization Task Force is created to study and make recommendations regarding the future organization and profitability of the State Lottery. The task force is composed of seven members, to be appointed as follows:

(1) the commissioner of natural resources, or the commissioner's designee;
(2) the commissioner of finance, or the commissioner's designee;
(3) one member of the house of representatives, to be appointed by the speaker;
(4) one member of the senate, to be appointed by the senate majority leader;
(5) the director of the State Lottery; and
(6) two members to be appointed by the governor.

Subd. 2. [CHARGE; REPORT.] (a) The task force shall examine the State Lottery and consider whether the State Lottery should:

(1) become part of another existing state agency;
(2) be accountable to an oversight board or commission to be created for that purpose;
(3) continue under its current organizational structure; or
(4) operate under other governance structures that provide appropriate oversight and accountability.

(b) The task force shall also examine the feasibility and desirability of establishing measurable performance goals for lottery proceeds and operations.

(c) The task force shall submit a report with its findings and recommendations to the legislature and the governor by February 1, 2005.

Subd. 3. [SUNSET.] The task force expires upon the adjournment of the 2005 regular legislative session.

Sec. 6. Laws 2003, First Special Session chapter 1, article 1, section 23, is amended to read:

Sec. 23. [STATE LOTTERY.]

Notwithstanding Minnesota Statutes, section 349A.10, the operating budget must not exceed $27,419,000 in fiscal year 2004 and $27,419,000 in fiscal year 2005
and thereafter. The savings must be transferred 60 percent to the general fund in the state treasury and 40 percent to the Minnesota environment and natural resources trust fund in the state treasury.

Sec. 7. [REPEALER.]

Minnesota Statutes 2002, section 349A.02, subdivision 2, is repealed.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Sections 2 and 7 apply to the appointment of a director of the State Lottery made on or after January 1, 2004.

Delete the title and insert:

"A bill for an act relating to the State Lottery; amending provisions relating to the director; providing for review and approval of lottery budget; creating a task force and requiring a report; amending Minnesota Statutes 2002, sections 15A.081, subdivision 8; 349A.02, subdivision 1; 349A.10, subdivision 6; 349A.15; Laws 2003, First Special Session chapter 1, article 1, section 23; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2."

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

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

Otto moved to amend S. F. No. 2181, as amended, as follows:

Page 2, after line 36, insert:

"Sec. 5. [349A.17] [LOTTERY SERVICE BUSINESS.]

Subd. 1. [DEFINITION.] For purposes of this section "lottery service business" means a commercial enterprise that for a fee or commission purchases lottery tickets on behalf of customers or subscribers.

Subd. 2. [PROHIBITION.] A lottery service business may not accept any form of payment for any product or service it offers other than cash, check, or money order.

Subd. 3. [VIOLATION.] A violation of subdivision 2 is a gross misdemeanor.

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 Otto amendment and the roll was called. There were 61 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler  
Anderson, I.  
Atkins  
Bernardy  
Biernat  
Brod  
Carlson  
Clark  
Carson  
Davids  
Davies  
Dill  
Dorn  
Dorman  

Those who voted in the negative were:

Abrams  
Adolphson  
Anderson, B.  
Anderson, J.  
Beard  
Blaine  
Borrell  
Boudreau  
Bradley  
Buesgens  
Cornish  
Cox  

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

Otto moved to amend S. F. No. 2181, as amended, as follows:

Page 2, after line 36, insert:

"Sec. 5. [349A.17] [LOTTERY SERVICE BUSINESS.]

Subdivision 1. [DEFINITION.] For purposes of this section "lottery service business" means a commercial enterprise that for a fee or commission purchases lottery tickets on behalf of customers or subscribers.

Subd. 2. [REQUIRED STATEMENTS.] (a) A lottery service business must, in all print advertising in any medium published by the service or on its behalf, and in all print communications intended to solicit members, including internet solicitations, for each lottery product or service offered, include a clear and prominent statement which lists the cost of a lottery ticket provided through the lottery service business compared with the actual costs of a lottery ticket purchased from a lottery retailer. Before a required statement may be published, the format, font size, placement, clarity and prominence of a required statement must be approved by the director. In each instance when a lottery service business changes its costs such that the per lottery ticket price changes, the business must submit a draft of the required statement for approval by the director. The business's per-ticket price for tickets
purchased for a pool must be calculated by multiplying the member costs paid to a lottery service business by the number of persons in the pool and dividing the product by the total number of lottery tickets purchased on behalf of the lottery pool. The per-ticket price for a lottery ticket purchased from a lottery retailer is the price set for that ticket by the director.

(b) All advertising and solicitation described in paragraph (a) must contain the following statement in clear and readable type: "This business is not affiliated with and is not an agent of the Minnesota state lottery. The Minnesota state lottery is not responsible for paying any prize to any person other than the possessor of a winning ticket."

Subd. 3. [VIOLATION.] A violation of subdivision 2 is a gross misdemeanor."

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 Otto amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I. Atkins Bernardy Biernat Carlson Clark Davnie Dill Dorn Eken
Ellison Entenza Goodwin Greiling Hausman Hilstrom Hilty Hornstein Huntley Jacobson
Jaros Johnson, S. Juhnke Kahn Kelliber Koenen Larson Latz Lenczewski Lesch
Lieder Mahoney Mariani Marquart Mullery Murphy Nelson, M. Opatz Otremba Otto
Paymar Pelowski Peterson Pugh Rukavina Sertich Sieben Slawik Solberg
Thissen Tingelstad Vandeveer Wagenius Walker

Those who voted in the negative were:

Abeler Abrams 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
Haas Hackbarth Harder Heidgerken Holberg Hoppe Howes Kohls Krinkie Kuisle
Lanning Lindgren McNamara Nelson, C. Nelson, P. Newman Nornes Olsen, S. Osten Oment Paulsen Penas
Rhodes Ruth Samuelson Seagren Seifert Severson Simpson Smith Soderstrom Stang Strachan Swenson Sykora
Urdahl Walz Wardlow Westerberg Westrom Wilkin Zellers Spk. Svigum

The motion did not prevail and the amendment was not adopted.
Carlson moved to amend S. F. No. 2181, as amended, as follows:

Page 3, line 6, delete "seven" and insert "nine"

Page 3, delete lines 11 to 14 and insert "(3) two members of the house of representatives, one to be appointed by the speaker and one to be appointed by the minority leader;"

(4) two members of the senate, one to be appointed by the senate majority leader and one to be appointed by the minority leader;"

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.

S. F. No. 2181, A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler  DeLaForest  Heidgerken  Larson  Paulsen  Swenson
Abrams  Demmer  Hilstrom  Latz  Paymar  Sykora
Adolphson  Dempsey  Hilty  Lenczewski  Pelowski  Thao
Anderson, B.  Dill  Holberg  Lesch  Penas  Thissen
Anderson, I.  Dorman  Hoppe  Lieder  Peterson  Tingelstad
Anderson, J.  Dorn  Hornstein  Lindgren  Powell  Urbah
Atkins  Eastlund  Howes  Mahoney  Pugh  Vandevier
Beard  Eken  Huntley  Mariani  Rhodes  Wagenius
Bernardy  Ellison  Jacobson  Marquart  Ruth  Walker
BIeriat  Entenza  Jaros  McNamara  Samuelson  Walz
Blaine  Erhardt  Johnson, J.  Murphy  Seagren  Wardlow
Boorrell  Erickson  Johnson, S.  Nelson, C.  Seifert  Wasilk
Boudreau  Finsad  Juhnke  Nelson, M.  Sertich  Westerberg
Bradley  Fuller  Kahn  Nelson, P.  Severson  Westrom
Brod  Gerlach  Kellher  Newman  Sieben  Wilkin
Buesgens  Goodwin  Klinzing  Nornes  Simpson  Zellers
Carlson  Greiling  Knoblach  Olsen, S.  Slawik  Spk. Sviggum
Clark  Gunther  Koenen  Opatz  Smith
Connell  Haas  Kohls  Osterman  Soderstrom
Cox  Hackbarth  Krinke  Otremba  Solberg
Davids  Harder  Kuisle  Otto  Stang
Davnie  Hausman  Lanning  Ozment  Strachan

Those who voted in the negative were:

Rukavina

The bill was passed, as amended, and its title agreed to.
S. F. No. 2134 was reported to the House.

Bradley moved to amend S. F. No. 2134 as follows:

Page 4, line 2, before "62A.16" insert "62A.146," and before "and" insert "62A.65, subdivision 5, paragraph (b),"

The motion prevailed and the amendment was adopted.

Bradley moved that S. F. No. 2134, as amended, be continued on the Calendar for the Day. The motion prevailed.

The Speaker resumed the Chair.

S. F. No. 2222, A resolution memorializing Minnesota's Congressional Delegation to authorize an increase in the existing Boundary Waters Canoe Area Wilderness (BWCAW) reservation fee to be allocated to Minnesota's Permanent School Fund.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler
Adolphson
Anderson, B.
Anderson, I.
Anderson, J.
Atkins
Beard
Bernardy
Biernat
Blaine
Borrell
Boudreau
Bradley
Brod
Buesgens
Carlson
Clark
Cornish
Cox
Davids
Davnie
DeLaForest
Demmer
Dempsey
Dill
Dorman
Dorn
Eastlund
Eken
Ellison
Entenza
Erhardt
Erickson
Finstad
Fuller
Gerlach
Goodwin
Greiling
Gunther
Haas
Hackbart
Harder
Hausman
Heidgerken
Hilstrom
Hilty
Hoppe
Howes
Huntley
Jacobson
Jaros
Johnson, J.
Johnson, S.
Juhnke
Kahn
Kellihier
Klinzing
Knoblach
Koenen
Kohls
Krinkie
Kuisle
Lanning
Larson
Latz
Lenczewski
Lesch
Lieder
Lindgren
Mahoney
Mariani
Marquart
McNamara
Mullery
Murphy
Nelson, C.
Nelson, M.
Newman
Nornes
Olsen, S.
Opitz
Osterman
Ottemba
Otto
Ozment
Paymar
Pelowski
Penas
Peterson
Powell
Pugh
Rhodes
Rukavina
Ruth
Samuelson
Seagren
Seifert
Sertich
Severson
Sieben
Simpson
Slawik
Smith
Soderstrom
Solberg
Stang
Strahan
Swenson
Sykora
Thao
Thissen
Tingelstad
Urdahl
Vandevier
Wagenius
Walker
Walz
Wardlow
Wasiluk
Westerberg
Westrom
Wilkin
Zellers
Spk. Sviggum

The bill was passed and its title agreed to.
H. F. No. 2027, A bill for an act relating to human services; providing an exemption to the moratorium on
nursing home construction; amending Minnesota Statutes 2003 Supplement, section 144A.071, subdivision 4c.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler  Davnie  Hausman  Lanning  Otremba  Smith
Abrams  DeLaForest  Heidgerken  Larson  Otto  Soderstrom
Adolphson  Demmer  Hilstrom  Latz  Ozment  Solberg
Anderson, B.  Dempsey  Hilty  Lenczewski  Paulsen  Stang
Anderson, I.  Dill  Hoppe  Lesch  Paymar  Strachan
Anderson, J.  Dorman  Hornstein  Lieder  Pelowski  Swenson
Atkins  Dorn  Howes  Lindgren  Penas  Thao
Beard  Eastlund  Huntley  Mahoney  Peterson  Thissen
Bernardy  Eken  Jacobson  Mariani  Powell  Tingelstad
Briemat  Entenza  Jaros  Marquart  Pugh  Urdahl
Blaine  Erhardt  Johnson, J.  McNamara  Rhodes  Vanderveer
Borrell  Erickson  Johnson, S.  Mullery  Rukavina  Wagenius
Boudreau  Finstad  Juhnke  Murphy  Ruth  Walker
Bradley  Fuller  Kahn  Nelson, C.  Samuelson  Walz
Brod  Gerlach  Kelliher  Nelson, M.  Seagren  Wardlow
Buesgens  Goodwin  Klinzing  Nelson, P.  Seifert  Wasiluk
Carlson  Greiling  Knoblach  Newman  Sertich  Westerberg
Clark  Gunther  Koenen  Nornes  Severson  Westrom
Cornish  Haas  Kohls  Olsen, S.  Sieben  Wilkin
Cox  Hackbarth  Krinkie  Opatz  Simpson  Zellers
Davids  Harder  Kuisle  Osterman  Slawik  Spk. Sviggum

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place H. F. No. 3081 on the Fiscal Calendar for

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Friday, May 7, 2004. The
motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands
adjourned until 12:00 noon, Friday, May 7, 2004.