

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

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 THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 13, 2005

The House of Representatives convened at 12:00 noon and was called to order by Erik Paulsen, Speaker pro tempore.

Prayer was offered by Pastor Eric Zacharias, Zion Lutheran Church, Cologne, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Loeffler was excused until 3:05 p.m.

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

### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 7, 2005

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 997, relating to financial institutions; authorizing a detached facility in Burns Township under certain conditions.

H. F. No. 933, relating to motor vehicles; recodifying the Motor Vehicle Retail Installment Sales Act.

Sincerely,

TIM PAWLENTY  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2005 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2005</i>	<i>Date Filed 2005</i>
	997	18	11:25 a.m. April 7	April 7
	933	19	9:15 a.m. April 7	April 7

Sincerely,

MARY KIFFMEYER  
Secretary of State

**REPORTS OF STANDING COMMITTEES**

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

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

Reported the same back with the following amendments:

Pages 4 and 5, delete section 2

Amend the title as follows:

Page 1, line 3, delete the first comma and insert "and" and delete ", and the contractor's"

Page 1, line 4, delete everything before the semicolon

Page 1, line 5, delete "sections" and insert "section" and delete "; 326.975, subdivision"

Page 1, line 6, delete "1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 898, A bill for an act relating to unemployment insurance; conforming various provisions to federal requirements; making technical and housekeeping changes; modifying appeal procedures; amending Minnesota Statutes 2004, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 21, 26; 268.042, subdivision 1; 268.043; 268.044, subdivisions 1, 2, 3; 268.045, subdivision 1; 268.051, subdivisions 1, 4, 6, 7, by adding a subdivision; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivision 7; 268.065, subdivision 2; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 12; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 8, 10, 11; 268.101, subdivisions 1, 3a; 268.103, subdivision 2; 268.105; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.045, subdivisions 2, 3, 4; 268.086, subdivision 4; Laws 1997, chapter 66, section 64, subdivision 1; Minnesota Rules, parts 3310.2926; 3310.5000; 3315.0910, subpart 9; 3315.1020; 3315.1301; 3315.1315, subparts 1, 2, 3; 3315.1650; 3315.2210; 3315.3210; 3315.3220.

Reported the same back with the following amendments:

Page 13, line 9, reinstate the stricken comma

Page 13, line 10, strike the period

Page 13, line 32, reinstate "provided"

Page 13, line 33, delete "originally recruited and hired" and after "by" insert "an"

Page 13, line 35, delete "and then provided to the person"

Page 28, line 12, strike everything after "taxes"

Page 28, line 13, strike "subdivision 7,"

Page 28, line 18, strike "and voluntary payments"

Page 33, line 35, strike ", subdivision 1, paragraph (a),"

Page 33, line 36, strike ", subdivision 1,"

Page 34, line 1, strike "paragraph (d)"

Page 44, after line 18, insert:

"Sec. 31. Minnesota Statutes 2004, section 268.101, subdivision 2, is amended to read:

Subd. 2. [DISQUALIFICATION DETERMINATION.] (a) The commissioner shall determine any issue of disqualification raised by information required from an applicant under subdivision 1, paragraph (a) or (c), and send to the applicant and employer, by mail or electronic transmission, a determination of disqualification or a determination of nondisqualification, as is appropriate. The determination shall state the effect on the employer under section 268.047. A determination shall be made pursuant to this paragraph even if a notified employer has not raised the issue of disqualification.

(b) The commissioner shall determine any issue of disqualification raised by an employer and send to the applicant and that employer, by mail or electronic transmission, a determination of disqualification or a determination of nondisqualification as is appropriate. The determination shall state the effect on the employer under section 268.047.

If a base period employer:

(1) was not the applicant's most recent employer prior to the application for unemployment benefits;

(2) did not employ the applicant during the six calendar months prior to the application for unemployment benefits; and

(3) did not raise an issue of disqualification within ten calendar days of notification under subdivision 1, paragraph (b);

then any exception under section 268.047, subdivisions 2 and 3, shall begin the Sunday two weeks following the week that the issue of disqualification was raised by the employer.

(c) If any time within 24 months from the establishment of a benefit account the commissioner finds that an applicant failed to report any employment, or loss of employment, ~~or offers of employment that were~~ was required to be provided by the applicant under this section, the commissioner shall determine any issue of disqualification on that loss of employment ~~or offer of employment~~ and send to the applicant and involved employer, by mail or electronic transmission, a determination of disqualification or a determination of nondisqualification, as is appropriate. The determination shall state the effect on the employer under section 268.047.

This paragraph shall not prevent the imposition of any penalty under section 268.18, subdivision 2, or 268.182.

(d) An issue of disqualification shall be determined based upon that information required of an applicant, any information that may be obtained from an applicant or employer, and information from any other source, without regard to any common law burden of proof.

(e) A determination of disqualification or a determination of nondisqualification shall be final unless an appeal is filed by the applicant or notified employer within 30 calendar days after sending. The determination shall contain a prominent statement indicating the consequences of not appealing. Proceedings on the appeal shall be conducted in accordance with section 268.105.

(f) An issue of disqualification for purposes of this section shall include any reason for no longer working for an employer other than a layoff due to lack of work, any question of a disqualification from unemployment benefits under section 268.095, any question of an exception to disqualification under section 268.095, any question of effect on an employer under section 268.047, and any question of an otherwise imposed disqualification that an applicant has satisfied under section 268.095, subdivision 10.

(g) Regardless of the requirements of this subdivision, the commissioner is not required to send to an applicant a determination where the applicant has satisfied any otherwise potential disqualification under section 268.095, subdivision 10."

Page 60, line 16, delete "32, 34 to 39, and 41" and insert "33, 35 to 40, and 42"

Page 60, line 17, delete "40" and insert "41"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after "1," insert "2,"

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

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 913, A bill for an act relating to state employees; modifying state employee group insurance plan provisions; requiring notice to former legislators; amending Minnesota Statutes 2004, sections 43A.23, subdivision 1; 43A.24, subdivision 2; 43A.27, subdivisions 3, 4.

Reported the same back with the following amendments:

Page 8, line 2, delete everything after the period

Page 8, delete lines 3 to 5

Page 8, line 6, delete "open enrollment period."

Page 8, line 11, before the period, insert "who wish to be eligible"

Pages 8 and 9, delete section 5

Page 9, line 7, delete "6" and insert "5"

Page 9, line 8, delete "Sections 4 and 5 are" and insert "Section 4 is"

Amend the title as follows:

Page 1, line 3, delete "requiring notice to"

Page 1, line 4, delete "former legislators;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 928, A bill for an act relating to corrections; establishing a parole board; prescribing its membership, duties, and powers; prescribing when an individual is eligible to be considered for parole; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 244A.

Reported the same back with the following amendments:

Page 2, delete lines 30 to 36 and insert:

"Subdivision 1. [POWERS.] (a) Except as provided in subdivision 2, the Corrections Board, giving due consideration to public safety, may parole an individual sentenced to confinement in an adult correctional facility:

(1) if the person was not convicted of a violent crime, as that term is defined in paragraph (c);

(2) if the person has not previously been convicted of a felony anywhere in the United States; and

(3) if there has been a profound change in the individual's character and conduct since the time of the offense."

Page 3, delete lines 1 to 15

Page 3, line 19, before "secure" insert "long-term"

Page 3, after line 22, insert:

"(c) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: sections 152.021, subdivisions 1 and 2; 152.022, subdivision 1; 152.023, subdivision 1; 152.024, subdivision 1; 609.108; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.229; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.377; 609.378; 609.385; 609.498, subdivision 1; 609.561; 609.562; 609.563; 609.582, subdivisions 1, 1a, and 2; 609.66, subdivision 1e; 609.687; 609.71, subdivisions 1 and 2; 609.712; 609.713; 609.714; 609.749; and 609.855, subdivision 5."

Page 3, line 33, delete "The"

Page 3, delete lines 34 to 36

Page 4, delete lines 1 and 2

Page 5, after line 13, insert:

"Subd. 5. [REPORT.] On or before January 1 of each year, the board shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies the persons granted parole in the preceding year and the cost savings, if any, to the Department of Corrections that resulted from the parole of these offenders. The report shall also include the board's recommendations for policy modifications that influence the board's duties."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 987, A bill for an act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A; 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [245A.146] [CRIB USE IN LICENSED CHILD CARE SETTINGS.]

Subdivision 1. [CONSUMER PRODUCT SAFETY WEB LINK.] The commissioner shall maintain a link from the licensing division Web site to the United States Consumer Product Safety Commission Web site that addresses crib safety information.

Subd. 2. [DOCUMENTATION REQUIREMENT FOR LICENSE HOLDERS.] (a) Effective January 1, 2006, all licensed child care providers must maintain the following documentation for every crib used by or that is accessible to any child in care:

(1) the crib's brand name; and

(2) the crib's model number.

(b) Any crib for which the license holder does not have the documentation required under paragraph (a) must not be used by or be accessible to children in care.

Subd. 3. [LICENSE HOLDER CERTIFICATION OF CRIBS.] (a) Annually, from the date printed on the license, all license holders shall check all their cribs' brand names and model numbers against the United States Consumer Product Safety Commission Web site listing of unsafe cribs.

(b) The license holder shall maintain written documentation to be reviewed on site for each crib showing that the review required in paragraph (a) has been completed, and which of the following conditions applies:

(1) the crib was not identified as unsafe on the United States Consumer Product Safety Commission Web site;

(2) the crib was identified as unsafe on the United States Consumer Product Safety Commission Web site, but the license holder has taken the action directed by the United States Consumer Product Safety Commission to make the crib safe; or

(3) the crib was identified as unsafe on the United States Consumer Product Safety Commission Web site, and the license holder has removed the crib so that it is no longer used by or accessible to children in care.

(c) Documentation of the review completed under this subdivision shall be maintained by the license holder on site and made available to parents of children in care and the commissioner.

Subd. 4. [CRIB SAFETY STANDARDS AND INSPECTION.] (a) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document the following:

(1) no corner posts extend more than 1/16 of an inch;

(2) no spaces between side slats exceed 2.375 inches;

(3) no mattress supports can be easily dislodged from any point of the crib;

(4) no cutout designs are present on end panels;

(5) no heights of the rail and end panel are less than 26 inches when measured from the top of the rail or panel in the highest position to the top of the mattress support in its lowest position;

(6) no heights of the rail and end panel are less than nine inches when measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position;

(7) no screws, bolts, or hardware are loose or not secured, and there is no use of woodscrews in components that are designed to be assembled and disassembled by the crib owner;

(8) no sharp edges, points, or rough surfaces are present;

(9) no wood surfaces are rough, splintered, split, or cracked;

(10) there are no tears in mesh of fabric sides in non-full-size cribs;

(11) no mattress pads in non-full-size mesh or fabric cribs exceed one inch; and

(12) no gaps between the mattress and any sides of the crib are present.

(b) Upon discovery of any unsafe condition identified by the license holder during the safety inspection required under paragraph (a), the license holder shall immediately remove the crib so that it is no longer used by or accessible to children in care until necessary repairs are completed or the crib is destroyed.



(c) Documentation of the inspections and actions taken with unsafe cribs required in paragraphs (a) and (b) shall be maintained on site by the license holder and made available to parents of children in care and the commissioner.

Subd. 5. [COMMISSIONER INSPECTION.] During routine licensing inspections, and when investigating complaints regarding alleged violations of this section, the commissioner shall review the provider's documentation required under subdivisions 3 and 4.

Subd. 6. [FAILURE TO COMPLY.] The commissioner may issue a licensing action under section 245A.06 or 245A.07 if a license holder fails to comply with the requirements of this section.

Sec. 2. [325F.171] [CRIB SAFETY.]

Subdivision 1. [DEFINITIONS.] (a) "Commercial user" means any person who deals in cribs or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to cribs, or any person who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing cribs in the stream of commerce.

(b) "Infant" means any person less than 35 inches tall and less than three years of age.

(c) "Crib" means a bed or containment designed to accommodate an infant.

(d) "Full-size crib" means a full-size crib as defined in the Code of Federal Regulations, title 16, section 1508.3, regarding the requirements for full-size cribs.

(e) "Non-full-size crib" means a non-full-size crib as defined in the Code of Federal Regulations, title 16, section 1509.2, regarding the requirements for non-full-size cribs.

(f) "Place in the stream of commerce" means to sell, offer for sale, give away, offer to give away, or allow to use.

Subd. 2. [UNSAFE CRIBS PROHIBITED.] (a) No commercial user may remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place any unsafe crib in the stream of commerce on or after January 1, 2006.

(b) On or after January 1, 2006, no person operating a hotel, motel, or lodging establishment shall provide any unsafe crib to any guest, either with or without charge, for use during the guest's stay. For the purposes of this paragraph, "hotel," "motel," and "lodging establishment" have the meanings given them in section 157.15.

(c) A crib is presumed to be unsafe for purposes of this section if it does not conform to the standards endorsed or established by the United States Consumer Product Safety Commission, including but not limited to the Code of Federal Regulations, title 16, and ASTM International, as follows:

(1) Code of Federal Regulations, title 16, part 1508, and any regulations adopted to amend or supplement the regulations;

(2) Code of Federal Regulations, title 16, part 1509, and any regulations adopted to amend or supplement the regulations;

(3) Code of Federal Regulations, title 16, part 1303, and any regulations adopted to amend or supplement the regulations;

(4) the following standards and specifications of ASTM International for corner posts of baby cribs and structural integrity of baby cribs:

- (i) ASTM F 966 (corner post standard);
- (ii) ASTM F 1169 (structural integrity of full-size baby cribs);
- (iii) ASTM F 1822 (non-full-size cribs).

(d) A crib is exempt from the provisions of this section if it is not intended for use by an infant; and at the time of selling, contracting to resell, leasing, subletting or otherwise placing the crib in the stream of commerce, the commercial user attaches a written notice to the crib declaring that it is not intended to be used for an infant and is unsafe for use by an infant. A commercial user who complies with this paragraph is not liable for use of the crib contrary to the notice provided.

Subd. 3. [RETROFITS.] (a) An unsafe crib, as determined under subdivision 2, may be retrofitted if the retrofit has been approved by the United States Consumer Product Safety Commission. A retrofitted crib may be sold if it is accompanied at the time of sale by a notice stating that it is safe to use for a child under three years of age. The commercial user is responsible for ensuring that the notice is present with the retrofitted crib at the time of sale. The notice must include:

- (1) a description of the original problem that made the crib unsafe;
- (2) a description of the retrofit that explains how the original problem was eliminated and declares that the crib is now safe to use for a child under three years of age; and
- (3) the name and address of the commercial user who accomplished the retrofit certifying that the work was done along with the name and model number of the crib.

(b) A retrofit is exempt from this section if:

- (1) the retrofit is for a crib that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial user, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit; or
- (2) the seller of a previously unsold product accomplishes the retrofit prior to sale.

Subd. 4. [EXCEPTION.] A commercial user does not violate this section if the crib placed in the stream of commerce by the commercial user was not included on the consumer product safety commission's list during the entire 14-day period before this placement.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 2006."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

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

H. F. No. 1068, A bill for an act relating to real property; Minnesota Common Interest Ownership Act; requiring local government approval of subdivisions or conversions of shoreland; amending Minnesota Statutes 2004, section 515B.1-106.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1321, A bill for an act relating to civil law; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; changing a fee; making style and form changes; appropriating money; amending Minnesota Statutes 2004, sections 357.021, by adding a subdivision; 518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.091, subdivision 1; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.17, subdivisions 1, 2; 518.1705, subdivisions 2, 4, 6, 7, 8, 9; 518.175; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.1752; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.191, subdivision 1; 518.195, subdivisions 2, 3; 518.24; 518.25; 518.27; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.552; 518.58; 518.581; 518.582; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2, by adding a subdivision; 518.641; 518.642; 518.646; 518.65; 518.68, subdivision 1; 519.11, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2004, sections 518.111; 518.14, subdivision 2; 518.17, subdivisions 1a, 3, 6; 518.171; 518.185; 518.24; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.55, subdivision 4; 518.551, subdivisions 1, 5, 5a, 5b, 5c, 5d, 5e, 5f, 6, 7, 9, 11, 12, 13, 13a, 14, 15; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.6196; 518.62; 518.64, subdivisions 4, 4a, 5; 518.68.

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

The report was adopted.

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

H. F. No. 1438, A bill for an act relating to natural resources; providing for an official map of state and county forest roads as an alternative recording method; proposing coding for new law in Minnesota Statutes, chapters 89; 282.

Reported the same back with the following amendments:

Page 2, line 21, after "notices" insert "at least seven days before appearing in the qualified newspaper"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1464, A bill for an act relating to civil actions; regulating the liability of certain health care providers for providing emergency care and treatment; regulating affidavits of expert review in malpractice actions against health care providers; amending Minnesota Statutes 2004, sections 145.682, subdivisions 3, 6; 604A.01, subdivision 2.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete "providers;" and delete "sections" and insert "section"

Page 1, line 7, delete "145.682, subdivisions 3, 6;"

With the recommendation that the bill be amended and without further recommendation.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 1521, A bill for an act relating to professions; extending the application period for power limited technicians; amending Minnesota Statutes 2004, section 326.242, subdivision 3d.

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

The report was adopted.

Nornes from the Committee on Higher Education Finance to which was referred:

H. F. No. 1719, A bill for an act relating to education; providing for high school reform; providing for an educational planning and assessment program, advanced placement and international baccalaureate examination fees and teacher stipends, and a college-level examination program; replacing the basic skills tests with the Minnesota Comprehensive Assessments; appropriating money; amending Minnesota Statutes 2004, sections 120B.02; 120B.13, subdivisions 1, 3, by adding subdivisions; 120B.30, subdivisions 1, 1a; 124D.66, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Page 5, line 10, after "or" insert "four or higher on the"

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

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 1761, A bill for an act relating to health; allowing persons in active military service to suspend MinnesotaCare enrollment without a lapse in coverage; modifying MinnesotaCare eligibility determinations and premium payment calculations for persons in active military service; amending Minnesota Statutes 2004, sections 256L.05, by adding a subdivision; 256L.07, by adding a subdivision; 256L.15, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 256L.07, is amended by adding a subdivision to read:

Subd. 5. [VOLUNTARY DISENROLLMENT FOR MEMBERS OF MILITARY.] Notwithstanding section 256L.05, subdivision 3b, MinnesotaCare enrollees who are members of the military and their families, who choose to voluntarily disenroll from the program when one or more family members are called to active duty, may reenroll during or following that member's tour of active duty. Those individuals and families shall be considered to have good cause for voluntary termination under section 256L.06, subdivision 3, paragraph (d). Income and asset increases reported at the time of reenrollment shall be disregarded. All provisions of sections 256L.01 to 256L.18 shall apply to individuals and families enrolled under this subdivision upon six-month renewal.

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

Delete the title and insert:

"A bill for an act relating to health; providing for voluntary disenrollment from MinnesotaCare for certain members of the military; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1889, A bill for an act relating to human services; implementing child protection, child care, and child and family support provisions; amending Minnesota Statutes 2004, sections 119A.43, subdivision 2; 119B.025, subdivision 1; 119B.03, subdivision 6; 119B.09, subdivisions 4, 9; 144D.025; 256.978, subdivision 2; 256D.02, subdivision 17; 256D.051, subdivision 6c; 256I.04, subdivision 2a; 256I.05, by adding a subdivision; 256J.626, subdivisions 6, 7, 8; 256J.751, subdivisions 2, 5; 257.85, subdivisions 2, 3; 259.23, subdivisions 1, 2; 259.41, subdivision 3; 259.75, subdivision 1; 259.79, subdivision 1; 259.85, subdivision 1; 260.012; 260C.001, subdivision

3; 260C.007, subdivision 8; 260C.151, subdivision 6; 260C.178; 260C.201, subdivisions 1, 10, 11; 260C.312; 260C.317, subdivision 3; 518.551, subdivision 5; 518.68, subdivision 2; 548.091, subdivision 1a; 626.556, subdivisions 1, 2, 3, 10, 10b, 10e, 10f, 10i, 11, 11c, by adding subdivisions; repealing Minnesota Statutes 2004, sections 626.5551, subdivisions 1, 2, 3, 4, 5; Minnesota Rules, parts 9500.1206, subparts 20, 26d, 27; 9560.0220, subpart 6, item B; 9560.0230, subpart 2.

Reported the same back with the following amendments:

Page 10, line 27, delete "a family assessment or investigation"

Page 10, line 28, delete "related to"

Page 28, line 8, after "that" insert "child"

Page 28, line 10, after the period, insert "Child protective services for a family are voluntary unless ordered by the court."

Page 37, after line 29, insert:

"Sec. 6. Minnesota Statutes 2004, section 259.67, subdivision 2, is amended to read:

Subd. 2. [ADOPTION ASSISTANCE AGREEMENT.] The placing agency shall certify a child as eligible for adoption assistance according to rules promulgated by the commissioner. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance when Minnesota is the receiving state. Not later than 30 days after a parent or parents are found and approved for adoptive placement of a child certified as eligible for adoption assistance, and before the final decree of adoption is issued, a written agreement must be entered into by the commissioner, the adoptive parent or parents, and the placing agency. The written agreement must be fully completed by the placing agency and in the form prescribed by the commissioner and must set forth the responsibilities of all parties, the anticipated duration of the adoption assistance payments, and the payment terms. The adoption assistance agreement shall be subject to the commissioner's approval, which must be granted or denied not later than 15 days after the agreement is entered.

The amount of adoption assistance is subject to the availability of state and federal funds and shall be determined through agreement with the adoptive parents. The agreement shall take into consideration the circumstances of the adopting parent or parents, the needs of the child being adopted and may provide ongoing monthly assistance, supplemental maintenance expenses related to the adopted person's special needs, nonmedical expenses periodically necessary for purchase of services, items, or equipment related to the special needs, and medical expenses. The placing agency or the adoptive parent or parents shall provide written documentation to support the need for adoption assistance payments. The commissioner may require periodic reevaluation of adoption assistance payments. The amount of ongoing monthly adoption assistance granted may in no case exceed that which would be allowable for the child under foster family care and is subject to the availability of state and federal funds.

Sec. 7. Minnesota Statutes 2004, section 259.67, subdivision 4, is amended to read:

Subd. 4. [ELIGIBILITY CONDITIONS.] (a) The placing agency shall use the AFDC requirements as specified in federal law as of July 16, 1996, when determining the child's eligibility for adoption assistance under title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for state funded adoption assistance only if the following criteria are met:

(1) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without adoption assistance.

(2)(i) A placement agency has made reasonable efforts to place the child for adoption without adoption assistance, but has been unsuccessful; or

(ii) the child's licensed foster parents desire to adopt the child and it is determined by the placing agency that the adoption is in the best interest of the child.

(3) The child has been a ward of the commissioner, a Minnesota-licensed child-placing agency, or a tribal social service agency of Minnesota recognized by the Secretary of the Interior. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance when Minnesota is the receiving state.

(b) For purposes of this subdivision, the characteristics or circumstances that may be considered in determining whether a child is a child with special needs under United States Code, title 42, chapter 7, subchapter IV, part E, or meets the requirements of paragraph (a), clause (1), are the following:

(1) The child is a member of a sibling group to be placed as one unit in which at least one sibling is older than 15 months of age or is described in clause (2) or (3).

(2) The child has documented physical, mental, emotional, or behavioral disabilities.

(3) The child has a high risk of developing physical, mental, emotional, or behavioral disabilities.

(4) The child is adopted according to tribal law without a termination of parental rights or relinquishment, provided that the tribe has documented the valid reason why the child cannot or should not be returned to the home of the child's parent.

(c) When a child's eligibility for adoption assistance is based upon the high risk of developing physical, mental, emotional, or behavioral disabilities, payments shall not be made under the adoption assistance agreement unless and until the potential disability manifests itself as documented by an appropriate health care professional."

Page 38, line 28, after "adoptive parents" insert ", including race where such data is available"

Page 39, line 20, after "efforts" insert a comma

Page 39, line 21, after "services" insert a comma

Page 39, line 22, delete the new language and reinstate "or"

Page 39, lines 23 and 24, delete the new language

Page 39, lines 27 to 30, delete the new language and before the period, insert "and when a child cannot be reunified with the parent or guardian from whom the child was removed, the court must ensure that the responsible social services agency makes reasonable efforts to finalize an alternative permanent plan for the child as provided in paragraph (e)"

Page 39, line 34, delete "or" and insert "and"

Page 39, line 35, strike "not" and insert "always" and after "required" insert "except"

Page 40, line 36, strike everything after the period

Page 41, strike lines 1 to 4 and insert "In cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social services agency must provide active efforts as required under United States Code, title 25, section 1911(d)."

Page 41, line 7, after "child" insert "in foster care"

Page 41, line 12, delete everything after "(e)"

Page 41, line 13, delete "stage of the case."

Page 41, line 14, delete "reasonable efforts" and insert "due diligence"

Page 41, line 21, after "care" insert ", as required by section 260C.212, subdivision 4" and delete "and" and insert:

"(3) conduct a relative search as required under section 260C.212, subdivision 5; and"

Page 41, line 22, delete "(3)" and insert "(4) when the child cannot return to the parent or guardian from whom the child was removed, to plan for and" and after "permanent" insert "alternative"

Page 41, line 24, delete everything after the first "child"

Page 41, line 25, delete everything before the period

Page 41, line 27, after "use" insert "culturally"

Page 41, line 33, after "other" insert "culturally"

Page 41, line 36, after "efforts" insert "as described in paragraphs (a), (d), and (e)"

Page 42, line 6, after "placement" insert "of the child in foster care" and after the semicolon, insert:

"(2) it has made reasonable efforts to eliminate the need for removal of the child from the child's home and to reunify the child with the child's family at the earliest possible time;"

Page 42, line 7, delete "(2)" and insert "(3)" and delete "the" and insert "an alternative"

Page 42, line 8, delete "plan" and insert "home"

Page 42, line 9, delete "(3)" and insert "(4)"

Page 42, line 25, after "case" insert "when there is clear and convincing evidence that the child is in need of protection or services" and strike everything after "may" and insert "find the child in need of protection or services and order any of the dispositions available under section 260C.201, subdivision 1."

Page 43, line 27, after "or" insert "upon"

Page 52, line 15, delete "If, after"

Page 52, line 16, delete "reasonable attempts by" and after "agency" insert "shall make reasonable attempts"



Page 52, line 17, after "planning" delete the comma and insert ". If"

Page 52, line 25, delete ", and" and insert ". The parent may ask the court to modify the plan to require different or additional services requested by the parent, but which the agency refused to provide."

Page 52, line 26, after "plan" insert "as presented by the agency or may modify the plan to require services requested by the parent. The court's approval shall be"

Page 54, line 13, after "visit" insert "in order to protect the child's health, safety, or welfare" and after "and" insert "may"

Page 63, line 36, after "item" insert ". following proper notice that consent given under this provision is irrevocable upon acceptance by the court."

Page 64, line 35, after "section" insert ". following proper notice that consent given under this provision is irrevocable upon acceptance by the court."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "3;" insert "259.67, subdivisions 2, 4;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 1964, A bill for an act relating to state government; establishing an energy savings program; authorizing the Department of Administration to use energy forward pricing mechanisms for budget risk reduction; amending Minnesota Statutes 2004, section 16C.144; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 2027, A bill for an act relating to human services; reinstating certain American Indian advisory councils; amending Minnesota Statutes 2004, sections 254A.035, subdivision 2; 254A.04; 260.835.

Reported the same back with the following amendments:

Page 2, after line 21, insert:

"Sec. 3. Minnesota Statutes 2004, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. [STATE TRAUMATIC BRAIN INJURY PROGRAM.] The commissioner of human services shall:

- (1) maintain a statewide traumatic brain injury program;
- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with traumatic brain injuries;
- (5) investigate the need for the development of rules or statutes for the traumatic brain injury home and community-based services waiver;
- (6) investigate present and potential models of service coordination which can be delivered at the local level; and
- (7) the advisory committee required by clause (4) must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. Notwithstanding section 15.059, subdivision 5, the advisory committee does not terminate until June 30, ~~2005~~ 2008."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "American Indian" and after the semicolon, insert "extending the termination date for the Traumatic Brain Injury Advisory Council;"

Page 1, line 5, after the semicolon, insert "256B.093, subdivision 1;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs.

The report was adopted.

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

H. F. No. 2035, A bill for an act relating to motor vehicles; authorizing commissioner of public safety to remove from department records certain old liens on passenger automobiles; amending Minnesota Statutes 2004, section 168A.20, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2042, A bill for an act relating to natural resources; eliminating the Project Riverbend Board; amending Minnesota Statutes 2004, sections 103F.387; 103F.389, subdivision 2; 103F.391; repealing Minnesota Statutes 2004, sections 103F.383, subdivisions 1, 2; 103F.385; 103F.389, subdivisions 3, 4; 103F.393.

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

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 2063, A bill for an act relating to public safety; modifying motor vehicle, traffic regulation, and driver's license provisions relating to commercial motor vehicles; making technical and clarifying changes; modifying definitions of recreational vehicle, motor home, state, and tank vehicle; prohibiting issuance of identification card to holder of driving instruction permit; modifying driver's license classifications, restrictions, exceptions, and exemptions; modifying driver records provisions; incorporating federal regulations; amending Minnesota Statutes 2004, sections 168.011, subdivision 25; 169.01, subdivisions 75, 76; 169A.52, subdivision 3; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.09; 171.12, subdivision 3; 171.165, subdivisions 1, 2, 6; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 2004, sections 169.99, subdivision 1b; 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a, 4b; Minnesota Rules, part 7503.2400.

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

The report was adopted.

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

H. F. No. 2187, A bill for an act relating to public and municipal corporations; creating a county subsidiary corporation to provide health care and related services, education, and research; providing for governance of Hennepin County Medical Center; amending Minnesota Statutes 2004, sections 179A.03, subdivisions 7, 14, 15; 179A.06, subdivision 2; 179A.16, by adding a subdivision; 353.01, subdivisions 2b, 2d, 6; 353.64, subdivision 10; 353E.02, subdivision 2a; 383B.117, subdivision 2; 383B.217, subdivision 7; 383B.46; proposing coding for new law in Minnesota Statutes, chapters 179A; 383B; repealing Minnesota Statutes 2004, section 383B.217, subdivisions 1, 2, 3, 4, 5, 6, 8.

Reported the same back with the following amendments:

Page 2, line 32, delete "8" and insert "383B.908"

Page 3, line 22, delete "5" and insert "383B.905"

Page 3, line 25, delete "8" and insert "383B.908"

Page 9, line 26, delete "383B.914" and insert "383B.913"

Page 11, line 23, delete "14" and insert "383B.913"

Page 12, line 10, after "technicians" insert "and the supervisors and managers of such employees" and after "officers" insert "and supervisors of such employees"

Page 12, line 14, delete "1" and insert "2"

Page 12, line 20, after "practitioners" insert "who bill independently for their time"

Page 13, line 3, delete "subdivisions 5 and 6" and insert "subdivision 5"

Page 13, line 5, after the the comma, insert "including supervisors and managers of such employees."

Page 13, line 8, after the comma, insert "including supervisors of such employees."

Page 15, line 36, after "Minnesota" insert "Government"

Page 19, line 12, delete "383B.914, subdivision 2" and insert "383B.913, subdivisions 2 and 3"

Page 24, delete section 5

Page 26, line 4, delete "....." and insert "Hennepin Health Care System, Inc., or prior to the formation of the corporation Hennepin County."

Page 29, line 12, after "finalized" insert "and the county board shall, by a single majority vote without amendment, approve the rules and policies and ratify labor agreements."

Page 29, delete section 11 and insert:

"Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 7 and 9 are effective on the date specified in article 1, section 29, paragraph (b). Section 8 is effective the day following final enactment.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after "2;"

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

The report was adopted.

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

H. F. No. 2335, A bill for an act relating to education finance; making forecast adjustments to education appropriations; amending Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special

Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended.

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

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

S. F. No. 3, A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 2004, section 177.24, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 177.24, subdivision 1, is amended to read:

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

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least \$5.15 an hour beginning September 1, 1997, at a rate of at least \$5.90 an hour beginning July 1, 2005, and at a rate of at least \$6.65 an hour beginning July 1, 2006. Every small employer must pay each employee at a rate of at least \$4.90 an hour beginning January 1, 1998, and at a rate of at least \$5.15 an hour beginning July 1, 2005.

(c) Notwithstanding paragraph (b), during the first 90 consecutive days of employment, an employer may pay an employee under the age of 20 years a wage of ~~\$4.25~~ \$4.95 an hour. No employer may take any action to displace any employee, including a partial displacement through a reduction in hours, wages, or employment benefits, in order to hire an employee at the wage authorized in this paragraph.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2005."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 879, A bill for an act relating to elections; providing for elimination of the state primary in a municipality or county if no nominee must be selected at the state primary for any partisan or nonpartisan office in that municipality or county; amending Minnesota Statutes 2004, section 204D.03, subdivision 1.

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

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

S. F. No. 1621, A bill for an act relating to the military; providing for rental of certain facilities at Camp Ripley; amending Minnesota Statutes 2004, section 190.16, by adding a subdivision.

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

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

House Resolution No. 8, A House resolution setting the maximum limits on expenditures by major finance bills for the biennium in accordance with House Rule 4.03.

Reported the same back with the following amendments:

Page 1, delete lines 5 to 25

Page 2, delete lines 1 to 5 and insert:

*"Be It Resolved* by the House of Representatives that the general fund net expenditure limits in this resolution are set for fiscal years 2006 and 2007 for the major finance bills in accordance with House Rule 4.03.

The limits in Option A of this resolution are effective until House File No. 1664 is passed by the House of Representatives. After House File No. 1664 is passed by the House of Representatives, the limits in Option B of this resolution are effective and the limits in Option A are not effective.

Option A:

- (1) a limit of \$2,750,468,000 for a higher education finance bill;
- (2) a limit of \$12,404,686,000 for an education finance bill;
- (3) a limit of \$85,834,000 for an agriculture and rural development finance bill;
- (4) a limit of \$274,481,000 for an environment and natural resources finance bill;
- (5) a limit of \$7,308,071,000 for a health finance bill;

(6) a limit of \$489,043,000 for a state government finance bill;

(7) a limit of \$1,071,658,000 for a jobs and economic opportunity finance bill;

(8) a limit of \$146,819,000 for a transportation finance bill;

(9) a limit of \$1,655,282,000 for a public safety finance bill;

(10) a limit of \$2,808,829,000 for property tax aids and credits, administrative costs and other expenditures in the tax bill; and

(11) a limit of \$780,536,000 for debt service as a result of existing debt service obligations and any capital investment bills.

Option B:

(1) a limit of \$2,775,918,000 for a higher education finance bill;

(2) a limit of \$12,538,686,000 for an education finance bill;

(3) a limit of \$85,834,000 for an agriculture and rural development finance bill;

(4) a limit of \$285,881,000 for an environment and natural resources finance bill;

(5) a limit of \$7,328,071,000 for a health finance bill;

(6) a limit of \$489,043,000 for a state government finance bill;

(7) a limit of \$1,086,658,000 for a jobs and economic opportunity finance bill;

(8) a limit of \$146,819,000 for a transportation finance bill;

(9) a limit of \$1,659,782,000 for a public safety finance bill;

(10) a limit of \$2,598,712,000 for property tax aids and credits, administrative costs and other expenditures in the tax bill; and

(11) a limit of \$780,536,000 for debt service as a result of existing debt service obligations and any capital investment bills.

The limits in Option A and Option B are based on expenditures projected in the general fund forecast issued February 28, 2005, and subsequent corrections."

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 792, 913, 1438, 1464, 1761, 1889, 2035 and 2042 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 3 and 879 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Seifert and Magnus introduced:

H. F. No. 2406, A bill for an act relating to taxation; providing for a sales tax exemption for certain aircraft and aerial surveying equipment used in a job opportunity building zone; amending Minnesota Statutes 2004, section 297A.68, subdivision 37.

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

Abrams, Abeler, Erhardt, Hornstein and Hausman introduced:

H. F. No. 2407, A bill for an act relating to taxes; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; clarifying restrictions on the issuance of general obligation bonds for the Hiawatha light rail transit line; amending Minnesota Statutes 2004, section 473.39, subdivision 1f, by adding a subdivision.

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

Finstad introduced:

H. F. No. 2408, A bill for an act relating to education; providing salary differential reimbursement aid; appropriating money; amending Minnesota Statutes 2004, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 126C.

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

Finstad introduced:

H. F. No. 2409, A bill for an act relating to appropriations; appropriating money for Minnesota Public Radio.

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



Greiling introduced:

H. F. No. 2410, A bill for an act relating to retirement; retirement coverage for school administrators; providing school administrators with an option to elect defined contribution plan coverage; authorizing the Teachers Retirement Association to enter into cooperative agreements with teacher retirement systems of other states for the recognition of combined service for benefit eligibility and benefit calculations; proposing coding for new law in Minnesota Statutes, chapters 354; 354B.

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

Marquart introduced:

H. F. No. 2411, A bill for an act relating to liquor; authorizing the city of Breckenridge to issue an on-sale liquor license.

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

Huntley introduced:

H. F. No. 2412, A bill for an act relating to human services; increasing reimbursement rates for community mental health centers and clinics; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Ellison introduced:

H. F. No. 2413, A bill for an act relating to taxation; providing a personal property tax exemption and a sales tax exemption for construction materials used for an electric generating facility; amending Minnesota Statutes 2004, sections 272.02, subdivision 53; 297A.71, by adding a subdivision.

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

Sykora introduced:

H. F. No. 2414, A bill for an act relating to education finance; creating a process for the commissioner of education to contract for the creation of a unified, Internet-based student information and reporting system; appropriating money.

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

Latz, Lesch and Abrams introduced:

H. F. No. 2415, A bill for an act relating to taxation; requiring movants to pay for tax court transcripts; amending Minnesota Statutes 2004, section 271.07.

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

Huntley and Finstad introduced:

H. F. No. 2416, A bill for an act relating to human services; providing a disproportionate population adjustment for certain hospitals; providing a hospital payment adjustment for certain hospitals under certain circumstances; changing hospital payment adjustment provisions for diagnostic-related group payments; increasing the surcharge on criminal and traffic offenders; appropriating money; amending Minnesota Statutes 2004, sections 256.969, subdivisions 9, 23, 26; 256B.195, subdivision 3; 357.021, subdivisions 6, 7.

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

Garofalo, Hosch, Gunther, Charron, Mahoney, Poppe, Samuelson, McNamara, Gazelka, Hamilton, Wilkin, Simpson, Sailer, Krinkie and Johnson, J., introduced:

H. F. No. 2417, A bill for an act relating to historic sites; prohibiting the Minnesota Historical Society from charging fees for tours of the Minnesota State Capitol; amending Minnesota Statutes 2004, section 138.668.

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

Anderson, B., introduced:

H. F. No. 2418, A bill for an act relating to public safety; amending the drug paraphernalia crime to change the mental state requirement, specifically address sales of drug paraphernalia, and consolidate certain drug paraphernalia crimes into a single statutory section; authorizing cities, counties, and towns to restrict through zoning the sale of drug paraphernalia; allowing unlawful drug paraphernalia activities to constitute a public nuisance; prohibiting the possession of certain items associated with controlled substance use; imposing criminal penalties; amending Minnesota Statutes 2004, sections 152.01, subdivision 18; 152.093; 617.81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 152; 471; repealing Minnesota Statutes 2004, section 152.094.

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

Sertich and Tingelstad introduced:

H. F. No. 2419, A bill for an act relating to energy; providing funding for certain biomass-fueled community energy systems; appropriating money.

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

Seifert introduced:

H. F. No. 2420, A bill for an act relating to state government; codifying transfer of planning office to Department of Administration; authorizing forward pricing for energy purchases; reinstating Small Business Procurement Advisory Council; appropriating money; amending Minnesota Statutes 2004, sections 4.045; 4A.02; 4A.03; 4A.04; 4A.05, subdivisions 1, 1a, 2; 4A.07, subdivisions 2, 3, 4, 5; 14.3691, subdivision 2; 15A.0815, subdivision 2; 16B.87, subdivision 1; 16C.17, subdivision 2; 40A.121, subdivision 1; 43A.08, subdivision 1; 103F.211, subdivision 2; 116.182, subdivision 3a; 116C.03, subdivisions 2, 4, 5; 116C.712, subdivisions 3, 5; 124D.23, subdivision 9;

145.9255, subdivision 1; 145.9266, subdivision 6; 145.951; 245.697, subdivision 2a; 272.67, subdivision 1; 276A.09; 299A.293, subdivision 1; 299C.65, subdivision 2; 365.46, subdivision 2; 379.05; 412.021, subdivision 1; 412.091; 414.01, subdivisions 1, 16; 414.011, subdivision 11; 414.031, subdivision 4a; 414.12, subdivision 3; 469.334, subdivision 1; 473F.13, subdivision 1; 473H.14; 477A.014, subdivision 4; 572A.015, subdivision 2; 572A.02, subdivisions 2, 5, 6; 611A.78, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 2004, sections 4A.01; 119A.04, subdivision 3; 394.232; 414.01, subdivision 7a; 462.3535; 473.1455; 572A.01; 572A.03, subdivision 2; Minnesota Rules, part 4410.0200, subpart 1a.

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

Heidgerken introduced:

H. F. No. 2421, A bill for an act relating to education finance; providing an increase in equity revenue for districts with low levels of referendum revenue per pupil unit; amending Minnesota Statutes 2004, section 126C.10, subdivision 24.

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

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

RECESS

RECONVENED

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

### **CONSENT CALENDAR**

Abrams moved that the Consent Calendar be continued. 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 Calendar for the Day for Wednesday, April 13, 2005:

S. F. No. 1535; and H. F. Nos. 2110, 1922, 892, 742, 1334 and 1480.

### **CALENDAR FOR THE DAY**

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

**MOTIONS AND RESOLUTIONS**

Zellers moved that the name of Smith be shown as chief author on H. F. No. 1. The motion prevailed.

Cox moved that the name of Dorn be added as an author on H. F. No. 490. The motion prevailed.

Wilkin moved that the name of Heidgerken be added as an author on H. F. No. 588. The motion prevailed.

Bradley moved that the name of Lenczewski be added as an author on H. F. No. 775. The motion prevailed.

Beard moved that the name of Ruth be added as an author on H. F. No. 914. The motion prevailed.

Smith moved that the name of Bernardy be added as an author on H. F. No. 1109. The motion prevailed.

Meslow moved that the name of Latz be added as an author on H. F. No. 1183. The motion prevailed.

Slawik moved that the name of Lillie be added as an author on H. F. No. 1329. The motion prevailed.

Holberg moved that the name of Sieben be added as an author on H. F. No. 1720. The motion prevailed.

Meslow moved that the name of Liebling be added as an author on H. F. No. 1916. The motion prevailed.

Davids moved that the name of Ruth be added as an author on H. F. No. 2059. The motion prevailed.

Clark moved that the names of McNamara and Ruud be added as authors on H. F. No. 2068. The motion prevailed.

Johnson, R., moved that the name of Tingelstad be added as an author on H. F. No. 2199. The motion prevailed.

Dorman moved that the name of Severson be added as an author on H. F. No. 2285. The motion prevailed.

Howes moved that the name of Lanning be added as an author on H. F. No. 2325. The motion prevailed.

Davnie moved that the name of Latz be added as an author on H. F. No. 2385. The motion prevailed.

Abeler moved that the name of Tingelstad be added as an author on H. F. No. 2387. The motion prevailed.

Paymar moved that the name of Seifert be added as an author on H. F. No. 2396. The motion prevailed.

Simon moved that the name of Liebling be added as an author on H. F. No. 2397. The motion prevailed.

Zellers moved that H. F. No. 1338 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Taxes. The motion prevailed.

Erickson moved that H. F. No. 2275 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Education Finance. The motion prevailed.

House Resolution No. 8 was reported to the House.

#### HOUSE RESOLUTION NO. 8

A House resolution setting the maximum limits on expenditures by major finance bills for the biennium in accordance with House Rule 4.03.

*Be It Resolved* by the House of Representatives that the general fund net expenditure limits in this resolution are set for fiscal years 2006 and 2007 for the major finance bills in accordance with House Rule 4.03.

The limits in Option A of this resolution are effective until House File No. 1664 is passed by the House of Representatives. After House File No. 1664 is passed by the House of Representatives, the limits in Option B of this resolution are effective and the limits in Option A are not effective.

##### Option A:

- (1) a limit of \$2,750,468,000 for a higher education finance bill;
- (2) a limit of \$12,404,686,000 for an education finance bill;
- (3) a limit of \$85,834,000 for an agriculture and rural development finance bill;
- (4) a limit of \$274,481,000 for an environment and natural resources finance bill;
- (5) a limit of \$7,308,071,000 for a health finance bill;
- (6) a limit of \$489,043,000 for a state government finance bill;
- (7) a limit of \$1,071,658,000 for a jobs and economic opportunity finance bill;
- (8) a limit of \$146,819,000 for a transportation finance bill;
- (9) a limit of \$1,655,282,000 for a public safety finance bill;
- (10) a limit of \$2,808,829,000 for property tax aids and credits, administrative costs and other expenditures in the tax bill; and
- (11) a limit of \$780,536,000 for debt service as a result of existing debt service obligations and any capital investment bills.

##### Option B:

- (1) a limit of \$2,775,918,000 for a higher education finance bill;
- (2) a limit of \$12,538,686,000 for an education finance bill;
- (3) a limit of \$85,834,000 for an agriculture and rural development finance bill;
- (4) a limit of \$285,881,000 for an environment and natural resources finance bill;

(5) a limit of \$7,328,071,000 for a health finance bill;

(6) a limit of \$489,043,000 for a state government finance bill;

(7) a limit of \$1,086,658,000 for a jobs and economic opportunity finance bill;

(8) a limit of \$146,819,000 for a transportation finance bill;

(9) a limit of \$1,659,782,000 for a public safety finance bill;

(10) a limit of \$2,598,712,000 for property tax aids and credits, administrative costs and other expenditures in the tax bill; and

(11) a limit of \$780,536,000 for debt service as a result of existing debt service obligations and any capital investment bills.

The limits in Option A and Option B are based on expenditures projected in the general fund forecast issued February 28, 2005, and subsequent corrections.

Knoblach moved that House Resolution No. 8 be now adopted.

A roll call was requested and properly seconded.

Meslow; Sykora; Wardlow; Abeler; Urdahl; Demmer; Klinzing; Westerberg; Peterson, N.; Beard; Samuelson; Heidgerken and Brod moved to amend House Resolution No. 8, the first engrossment, as follows:

Page 1, line 18, delete "\$12,404,686,000" and insert "\$12,422,686,000"

Page 1, line 25, delete "\$489,043,000" and insert "\$476,043,000"

Page 2, line 17, delete "\$12,538,686,000" and insert "\$12,556,686,000"

Page 2, line 24, delete "\$489,043,000" and insert "\$476,043,000"

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE

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

Abeler	Bernardy	Charron	Davnie	Dittrich	Emmer
Abrams	Blaine	Clark	Dean	Dorman	Entenza
Anderson, B.	Bradley	Cornish	DeLaForest	Dorn	Erhardt
Anderson, I.	Brod	Cox	Demmer	Eastlund	Erickson
Atkins	Buesgens	Cybart	Dempsey	Eken	Finstad
Beard	Carlson	Dauids	Dill	Ellison	Fritz

Garofalo	Hosch	Latz	Nelson, M.	Powell	Solberg
Gazelka	Howes	Lenczewski	Nelson, P.	Rukavina	Sykora
Goodwin	Huntley	Lesch	Newman	Ruth	Thao
Greiling	Jaros	Liebling	Nornes	Ruud	Thissen
Gunther	Johnson, J.	Lieder	Opatz	Sailer	Tingelstad
Hackbarth	Johnson, R.	Lillie	Otremba	Samuelson	Urdahl
Hamilton	Johnson, S.	Loeffler	Ozment	Scalze	Vandever
Hansen	Juhnke	Magnus	Paulsen	Seifert	Wagenius
Hausman	Kahn	Mahoney	Paymar	Sertich	Walker
Heidgerken	Kelliher	Mariani	Pelowski	Severson	Wardlow
Hilstrom	Klinzing	Marquart	Penas	Sieben	Walti
Hilty	Knoblach	McNamara	Peppin	Simon	Westerberg
Holberg	Koenen	Meslow	Peterson, A.	Simpson	Westrom
Hoppe	Kohls	Moe	Peterson, N.	Slawik	Wilkin
Hornstein	Lanning	Mullery	Peterson, S.	Smith	Zellers
Hortman	Larson	Murphy	Poppe	Soderstrom	Spk. Sviggum

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Knoblach motion and the roll was called. There were 68 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gazelka	Krinkie	Peppin	Urdahl
Abrams	Dean	Gunther	Lanning	Peterson, N.	Vandever
Anderson, B.	DeLaForest	Hackbarth	Magnus	Powell	Wardlow
Beard	Demmer	Hamilton	McNamara	Ruth	Westerberg
Blaine	Dempsey	Heidgerken	Meslow	Samuelson	Westrom
Bradley	Dorman	Holberg	Nelson, P.	Seifert	Wilkin
Brod	Eastlund	Hoppe	Newman	Severson	Zellers
Buesgens	Emmer	Howes	Nornes	Simpson	Spk. Sviggum
Charron	Erhardt	Johnson, J.	Olson	Smith	
Cornish	Erickson	Klinzing	Ozment	Soderstrom	
Cox	Finstad	Knoblach	Paulsen	Sykora	
Cybart	Garofalo	Kohls	Penas	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Fritz	Johnson, R.	Lillie	Pelowski	Solberg
Atkins	Goodwin	Johnson, S.	Loeffler	Peterson, A.	Thao
Bernardy	Greiling	Juhnke	Mahoney	Peterson, S.	Thissen
Carlson	Hansen	Kahn	Mariani	Poppe	Wagenius
Clark	Hausman	Kelliher	Marquart	Rukavina	Walker
Davnie	Hilstrom	Koenen	Moe	Ruud	Walti
Dill	Hilty	Larson	Mullery	Sailer	
Dittrich	Hornstein	Latz	Murphy	Scalze	
Dorn	Hortman	Lenczewski	Nelson, M.	Sertich	
Eken	Hosch	Lesch	Opatz	Sieben	
Ellison	Huntley	Liebling	Otremba	Simon	
Entenza	Jaros	Lieder	Paymar	Slawik	

The motion prevailed and House Resolution No. 8, as amended, was adopted.

There being no objection, the order of business reverted to Reports of Standing Committees.

### REPORTS OF STANDING COMMITTEES

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 1732, A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; paying for town road repairs; appropriating money; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 174.52, subdivisions 4, 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 5

Page 5, line 18, delete "Minnesota Department of Agriculture" and insert "appropriate state agency, as needed"

Page 5, line 29, after "efforts" insert ", including livestock and other agricultural operations permitted after the effective date of this section"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "road repairs;"

Page 1, line 7, delete "subdivisions 4," and insert "subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, April 14, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, April 14, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives