

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FIFTY-FIRST DAY

St. Paul, Minnesota, Wednesday, May 7, 2003

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Albert Gallmon, Jr.

The roll was called, and the following Senators answered to their names:

Anderson	Gaither	Langseth	Ortman	Senjem
Bachmann	Hann	Larson	Ourada	Skoe
Bakk	Higgins	LeClair	Pappas	Skoglund
Belanger	Hottinger	Limmer	Pariseau	Solon
Berglin	Johnson, D.E.	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.J.	Marko	Ranum	Stumpf
Chaudhary	Jungbauer	Marty	Reiter	Tomassoni
Cohen	Kelley	McGinn	Rest	Vickerman
Day	Kierlin	Metzen	Robling	Wergin
Dibble	Kiscaden	Michel	Rosen	Wiger
Dille	Kleis	Moua	Ruud	
Fischbach	Knutson	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	
Frederickson	Kubly	Nienow	Scheid	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 941.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2003

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 351: A bill for an act relating to crime prevention; providing that in certain cases authorized representatives of entities possessing a permit to use radio equipment capable of receiving police emergency transmissions may use and possess the equipment without a permit; amending Minnesota Statutes 2002, section 299C.37, subdivisions 1, 3.

Senate File No. 351 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2003

Senator Bakk moved that the Senate do not concur in the amendments by the House to S.F. No. 351, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 351. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Bakk motion.

The roll was called, and there were yeas 32 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Lourey	Rest	Stumpf
Bakk	Foley	Marko	Sams	Tomassoni
Berglin	Higgins	Marty	Saxhaug	Vickerman
Betzold	Hottinger	Metzen	Skoe	Wiger
Chaudhary	Johnson, D.E.	Moua	Skoglund	
Cohen	Kelley	Pappas	Solon	
Dibble	Kubly	Pogemiller	Sparks	

Those who voted in the negative were:

Bachmann	Hann	Koering	Neuville	Reiter
Belanger	Johnson, D.J.	Larson	Nienow	Robling
Day	Jungbauer	LeClair	Ortman	Rosen
Fischbach	Kierlin	Limmer	Ourada	Ruud
Frederickson	Kleis	McGinn	Pariseau	Senjem
Gaither	Knutson	Michel	Ranum	Wergin

The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 980: A bill for an act relating to crime; providing reporting procedures and venue for identity theft; amending Minnesota Statutes 2002, section 609.527, by adding subdivisions.

Senate File No. 980 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2003

Senator Foley moved that the Senate do not concur in the amendments by the House to S.F. No. 980, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 350: A bill for an act relating to insurance; regulating the FAIR plan; amending Minnesota Statutes 2002, sections 65A.29, subdivision 4; 65A.32; 65A.33, subdivisions 4, 6, 9, by adding subdivisions; 65A.34; 65A.35; 65A.36; 65A.37; 65A.375; 65A.38, subdivisions 1, 5; 65A.40; 65A.41; 65A.42; repealing Minnesota Statutes 2002, section 65A.33, subdivision 5.

Senate File No. 350 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2003

CONCURRENCE AND REPASSAGE

Senator Scheid moved that the Senate concur in the amendments by the House to S.F. No. 350 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 350 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kleis	Michel	Ruud
Bachmann	Frederickson	Knutson	Neuville	Sams
Bakk	Gaither	Koering	Nienow	Saxhaug
Belanger	Hann	Kubly	Ortman	Scheid
Berglin	Higgins	Langseth	Ourada	Senjem
Betzold	Hottinger	Larson	Pappas	Skoglund
Chaudhary	Johnson, D.E.	LeClair	Pariseau	Solon
Cohen	Johnson, D.J.	Limmer	Ranum	Sparks
Day	Jungbauer	Lourey	Reiter	Stumpf
Dibble	Kelley	Marko	Rest	Vickerman
Dille	Kierlin	McGinn	Robling	Wergin
Fischbach	Kiscaden	Metzen	Rosen	Wiger

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 779:

H.F. No. 779: A bill for an act relating to state government; appropriating money for environmental, natural resources, agricultural, and rural development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.531, subdivision 1, by adding a subdivision; 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 17.4988; 18.525; 18.78; 18.79, subdivisions 2, 3, 5, 6, 9, 10; 18.81, subdivisions 2, 3; 18.84, subdivision 3; 18.86; 18B.10; 18B.26, subdivision 3; 18B.37, by adding a subdivision; 21.89, subdivision 2; 21.90, subdivision 2; 21.901; 28A.08, subdivision 3; 28A.085, subdivision 1; 28A.09, subdivision 1; 32.394, subdivisions 8, 8b, 8d; 35.155; 38.02, subdivision 1; 41A.09, subdivisions 1, 2a, 3a, by adding subdivisions; 84.027, subdivision 13; 84.029, subdivision 1; 84.085, subdivision 1; 84.091, subdivisions 2, 3; 84.0911; 84.788, subdivisions 2, 3; 84.794, subdivision 2; 84.803, subdivision 2; 84.92, subdivision 8; 84.927, subdivision 2; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 84D.14; 85.015, by adding a subdivision; 85.04; 85.052, subdivision 3; 85.053, subdivision 1; 85.055, subdivision 1; 85A.02, subdivision 17; 88.17, subdivision 1, by adding a subdivision; 97A.015, subdivisions 24, 52; 97A.045, subdivision 7, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivisions 1, 2, 4, by adding a subdivision; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.411, subdivision 2; 97A.441, subdivision 7, by adding a subdivision; 97A.475, subdivisions 2, 3, 4, 5, 10, 15, 26, 27, 28, 29, 30, 38, 39, 40, 42, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; 103B.231, subdivision 3a; 103B.305, subdivision 3, by adding subdivisions; 103B.311, subdivisions 1, 2, 3, 4; 103B.315, subdivisions 4, 5, 6; 103B.321, subdivisions 1, 2; 103B.325, subdivisions 1, 2; 103B.331, subdivisions 1, 2, 3; 103B.3363, subdivision 3; 103B.3369, subdivisions 2, 4, 5, 6; 103B.355; 103D.341, subdivision 2; 103D.345, by adding a subdivision; 103D.405, subdivision 2; 103D.537; 103G.005, subdivision 10e; 103G.222, subdivisions 1, 3; 103G.2242, by adding subdivisions; 103G.271, subdivisions 6, 6a, by adding a subdivision; 103G.611, subdivision 1; 103G.615, subdivision 2; 103I.235, subdivision 1; 115.03, by adding subdivisions; 115.073; 115.56, subdivision 4; 115A.0716, subdivision 3; 115A.54, by adding a subdivision; 115A.545, subdivision 2; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 115D.12, subdivision 2; 116.03, subdivision 2; 116.07, subdivisions 4d, 4h, 7a; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116.994; 116C.834, subdivision 1; 116D.04, subdivisions 2a, 10, 11, 13, by adding a subdivision; 116O.09, subdivisions 1, 1a, 2, 3, 9, 12, 13, by adding subdivisions; 116P.02, subdivision 1; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivisions 1, 2; 297A.94; 297F.10, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivision 1; 473.845, subdivisions 1, 3, 7, 8; 473.846; Laws 2002, chapter 355, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 18; 21; 84; 84B; 97B; 103B; 115C; 116; repealing Minnesota Statutes 2002, sections 1.31; 1.32; 17.110; 18.51; 18.52; 18.53; 18.54; 18.79, subdivisions 1, 7, 11; 18.85; 41A.09, subdivisions 1a, 5a, 6, 7, 8; 84.0887; 84.98; 84.99; 93.2235; 97A.105, subdivisions 3a, 3b; 97A.485, subdivision 12; 97B.731, subdivision 2; 103B.311, subdivisions 5, 6, 7; 103B.315, subdivisions 1, 2, 3, 7; 103B.321, subdivision 3; 103B.3369, subdivision 3; 115B.02, subdivision 1a; 115B.42, subdivision 1; 297H.13, subdivisions 3, 4; 325E.112, subdivisions 2, 3; 325E.113; 473.845, subdivision 4; Minnesota Rules, parts 1510.0281; 9300.0010; 9300.0020; 9300.0030; 9300.0040; 9300.0050; 9300.0060; 9300.0070; 9300.0080; 9300.0090; 9300.0100;

9300.0110; 9300.0120; 9300.0130; 9300.0140; 9300.0150; 9300.0160; 9300.0170; 9300.0180; 9300.0190; 9300.0200; 9300.0210.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Ozment, Harder, Hackbarth, Gunther and Dill have been appointed as such committee on the part of the House.

House File No. 779 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 2003

Senator Sams moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 779, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1404:

H.F. No. 1404: A bill for an act relating to education; providing for kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition, school accounting, other programs, deficiencies, state agencies, and academic content standard; providing for libraries; providing for early childhood and family education including early childhood family support, prevention, and self-sufficiency; requiring a school district primary election in certain circumstances; providing for recitation of the pledge of allegiance; providing for technical amendments to certain education provisions; changing the name of the department of children, families, and learning to the department of education; providing for teacher/school board contract arbitration and post arbitration procedures; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 15.01; 84A.51, subdivision 4; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119A.52; 119B.011, subdivisions 8, 10, 20; 120A.02; 120A.05, subdivisions 4, 7, 9; 120A.24, subdivision 4; 120A.41; 121A.11, by adding subdivisions; 121A.21; 121A.23, subdivision 1, by adding a subdivision; 121A.41, subdivision 10; 121A.50; 121A.55; 121A.64; 122A.09, subdivision 10; 122A.12, subdivisions 1, 2; 122A.18, subdivision 7a; 122A.21; 122A.22; 122A.41, subdivision 2; 122A.414, by adding a subdivision; 122A.415, subdivisions 1, 3; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.02, subdivisions 1, 14; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.51, subdivisions 3, 4; 123B.52, by adding a subdivision; 123B.53, subdivision 4; 123B.57, subdivisions 1, 4, 6; 123B.59, subdivisions 1, 2, 3, 5, by adding a subdivision; 123B.63, subdivisions 1, 2, 3, 4; 123B.72, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3, 9; 123B.93; 124D.03, subdivision 12; 124D.081, by adding a subdivision; 124D.09, subdivisions 3, 9, 10, 13, 16, 20; 124D.10, subdivisions 2a, 3, 4, 8, 13, 16, 20, 23a; 124D.11, subdivisions 1, 2, 4, 6, 9; 124D.118, subdivision 4; 124D.128, subdivisions 3, 6; 124D.13, subdivisions 2, 4, 8, 11; 124D.135, subdivisions 1, 8; 124D.15, subdivision 7; 124D.16, subdivisions 1, 6; 124D.19, subdivision 3; 124D.20, subdivisions 3, 5, by adding subdivisions; 124D.22, subdivision 3; 124D.42, subdivision 6; 124D.454, subdivisions 1, 2, 3, 8, 10, by adding a subdivision; 124D.52, subdivisions 1, 3; 124D.531, subdivisions 1, 2, 4, 7; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.86, subdivisions 1a, 3, 4, 5, 6; 125A.05; 125A.12; 125A.21, subdivision 2; 125A.28; 125A.30; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 6; 125B.21; 126C.05, subdivisions 1, 8, 14, 15, 16, 17, by adding a subdivision; 126C.10, subdivisions 1, 3, 4, 17, 18, 24, 28, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivision 1; 126C.17, subdivisions 1, 2, 5, 7, 7a, 9, 13; 126C.21, subdivision 3; 126C.40, subdivision 1; 126C.42, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.45; 126C.457; 126C.48, subdivision 3; 126C.55, subdivision 5;

126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.05, subdivisions 1, 3, 4; 127A.45, subdivisions 2, 3, 7a, 10, 12, 13, 14, 14a, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.05, by adding a subdivision; 128D.11, subdivision 8; 134.34, subdivision 4; 169.26, subdivision 3; 169.28, subdivision 1; 169.435; 169.449, subdivision 1; 169.4501, subdivisions 3, 4; 169.4503, subdivision 4; 169.454, subdivision 6; 169.973, subdivision 1; 171.321, subdivision 5; 177.42, subdivision 2; 178.02, subdivision 1; 205A.03, subdivisions 1, 3, 4; 205A.06, subdivision 1a; 268.052, subdivisions 2, 4; 273.138, subdivision 6; 298.28, subdivision 4; 475.61, subdivisions 1, 3, 4; Laws 1965, chapter 705, as amended; Laws 2001, First Special Session chapter 6, article 2, section 64; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 123B; 124D; 125A; 126C; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 93.22, subdivision 2; 93.223, subdivision 1; 119A.01, subdivision 1; 120B.23; 121A.49; 122A.60; 122A.61; 122A.62; 122A.64; 122A.65; 123A.73, subdivisions 7, 10, 11; 123B.05; 123B.59, subdivisions 6, 7; 123B.81, subdivision 6; 123B.90, subdivision 1; 124D.09, subdivision 15; 124D.115; 124D.1156; 124D.17; 124D.21; 124D.221; 124D.54; 124D.65, subdivision 4; 124D.84, subdivision 2; 124D.89; 124D.93; 125A.023, subdivision 5; 125A.09; 125A.47; 125A.79, subdivision 2; 125B.11; 126C.01, subdivision 4; 126C.05, subdivision 12; 126C.12; 126C.125; 126C.14; 126C.445; 126C.55, subdivision 5; 127A.41, subdivision 6; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Laws 1993, chapter 224, article 8, section 20, subdivision 2, as amended; Laws 2000, chapter 489, article 2, section 36, as amended; Laws 2001, First Special Session chapter 3, article 4, sections 1, 2; Laws 2001, First Special Session chapter 6, article 2, section 52; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3550.0100.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Seagren, Sykora, Kielkucki, Buesgens and Marquart have been appointed as such committee on the part of the House.

House File No. 1404 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 2003

Senator Kelley moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1404, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 437:

H.F. No. 437: A bill for an act relating to state government; making changes to public assistance programs, health care programs, long-term care, continuing care for persons with disabilities, human services licensing, county initiatives, and children's services; establishing the Community Services Act; changing estate recovery provisions for medical assistance; changing health department provisions; modifying local public health grants; changing child care provisions; making forecast adjustments; appropriating money; amending Minnesota Statutes 2002, sections 16A.724; 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62A.65, subdivision 7; 62D.095, subdivision 2, by adding a subdivision; 62J.692, subdivision 4, by adding a subdivision; 62Q.19, subdivision 1; 62S.22, subdivision 1; 69.021, subdivision 11; 119B.011, subdivisions 5, 6, 15, 19, 21, by adding subdivisions; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.08, subdivision 3; 119B.09, subdivisions 1, 2, 7, by adding subdivisions; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivisions 1, 2, 6, by adding subdivisions; 119B.16, subdivision 2, by adding subdivisions; 119B.19, subdivision 7; 119B.21, subdivision 11; 119B.23,

subdivision 3; 124D.23, subdivision 2; 144.1222, by adding a subdivision; 144.125; 144.128; 144.1483; 144.1488, subdivision 4; 144.1491, subdivision 1; 144.1502, subdivision 4; 144.343, subdivision 1; 144.551, subdivision 1; 144A.04, subdivision 3, by adding a subdivision; 144A.071, subdivision 4a; 144A.10, by adding a subdivision; 144A.4605, subdivision 4; 144E.11, subdivision 6; 145.88; 145.881, subdivision 2; 145.882, subdivisions 1, 2, 3, 7, by adding a subdivision; 145.883, subdivisions 1, 9; 145A.02, subdivisions 5, 6, 7; 145A.06, subdivision 1; 145A.09, subdivisions 2, 4, 7; 145A.10, subdivisions 2, 10, by adding a subdivision; 145A.11, subdivisions 2, 4; 145A.12, subdivisions 1, 2, by adding a subdivision; 145A.13, by adding a subdivision; 145A.14, subdivision 2, by adding a subdivision; 147A.08; 148.5194, subdivisions 1, 2, 3, by adding a subdivision; 148.6445, subdivision 7; 153A.17; 174.30, subdivision 1; 179A.03, subdivision 7; 245.4932, subdivision 1; 245A.035, subdivision 3; 245A.04, subdivisions 3, 3b, 3d; 245A.09, subdivision 7; 245A.10; 245A.11, subdivisions 2a, 2b, by adding a subdivision; 245B.03, subdivision 2, by adding a subdivision; 245B.04, subdivision 2; 245B.06, subdivisions 2, 5, 8; 245B.07, subdivisions 6, 9, 11; 245B.08, subdivision 1; 246.54; 252.27, subdivision 2a; 252.32, subdivisions 1, 1a, 3, 3c; 252.41, subdivision 3; 252.46, subdivision 1; 253B.04, subdivision 1; 253B.05, subdivision 3; 256.01, subdivision 2; 256.012; 256.046, subdivision 1; 256.0471, subdivision 1; 256.476, subdivisions 3, 4, 5; 256.482, subdivision 8; 256.935, subdivision 1; 256.955, subdivisions 2a, 3, by adding subdivisions; 256.9657, subdivisions 1, 4, by adding a subdivision; 256.969, subdivisions 2b, 3a; 256.975, by adding a subdivision; 256.9754, subdivisions 2, 3, 4, 5; 256.98, subdivisions 3, 4, 8; 256.984, subdivision 1; 256B.055, by adding a subdivision; 256B.056, subdivisions 1a, 1c, 6; 256B.057, subdivisions 1, 2, 3b, 9, 10; 256B.0595, subdivisions 1, 2, by adding subdivisions; 256B.06, subdivision 4; 256B.061; 256B.0621, subdivision 4; 256B.0623, subdivisions 2, 4, 5, 6, 8; 256B.0625, subdivisions 5a, 9, 13, 17, 18a, 19c, 20, 23, by adding subdivisions; 256B.0627, subdivisions 1, 4, 9; 256B.0635, subdivisions 1, 2; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 4d; 256B.0913, subdivisions 2, 4, 5, 6, 7, 8, 10, 12; 256B.0915, subdivision 3, by adding a subdivision; 256B.092, subdivisions 1a, 5; 256B.0945, subdivisions 2, 4; 256B.095; 256B.0951, subdivisions 1, 2, 3, 5, 7, 9; 256B.0952, subdivision 1; 256B.0953, subdivision 2; 256B.0955; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256B.19, subdivision 1; 256B.195, subdivisions 4, 5; 256B.31; 256B.32, subdivision 1; 256B.431, subdivisions 2r, 32, 36, by adding subdivisions; 256B.434, subdivisions 4, 10; 256B.47, subdivision 2; 256B.48, subdivision 1; 256B.501, subdivision 1, by adding a subdivision; 256B.5012, by adding a subdivision; 256B.5013, subdivision 4; 256B.5015; 256B.69, subdivisions 2, 4, 5a, 5c, by adding subdivisions; 256B.75; 256B.76; 256B.761; 256B.82; 256D.03, subdivisions 3, 3a, 4; 256D.06, subdivision 2; 256D.44, subdivision 5; 256D.46, subdivisions 1, 3; 256D.48, subdivision 1; 256F.10, subdivision 6; 256F.13, subdivisions 1, 2; 256G.05, subdivision 2; 256I.02; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, 7c; 256J.01, subdivision 5; 256J.02, subdivision 2; 256J.021; 256J.08, subdivisions 35, 65, 82, 85, by adding subdivisions; 256J.09, subdivisions 2, 3, 3a, 3b, 8, 10; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 1, 2; 256J.24, subdivisions 3, 5, 6, 7, 10; 256J.30, subdivision 9; 256J.31, subdivision 4; 256J.32, subdivisions 2, 4, 5a, by adding a subdivision; 256J.37, subdivision 9, by adding subdivisions; 256J.38, subdivisions 3, 4; 256J.40; 256J.42, subdivisions 4, 5, 6; 256J.425, subdivisions 1, 1a, 2, 3, 4, 6, 7; 256J.45, subdivision 2; 256J.46, subdivisions 1, 2, 2a; 256J.49, subdivisions 4, 5, 9, 13, by adding subdivisions; 256J.50, subdivisions 1, 8, 9, 10; 256J.51, subdivisions 1, 2, 3, 4; 256J.53, subdivisions 1, 2, 5; 256J.54, subdivisions 1, 2, 3, 5; 256J.55, subdivisions 1, 2; 256J.56; 256J.57; 256J.62, subdivision 9; 256J.645, subdivision 3; 256J.66, subdivision 2; 256J.67, subdivisions 1, 3; 256J.69, subdivision 2; 256J.75, subdivision 3; 256J.751, subdivisions 1, 2, 5; 256L.02, by adding a subdivision; 256L.03, subdivisions 1, 3, 5; 256L.04, subdivision 1; 256L.05, subdivisions 1, 3, 3a, 3c, 4; 256L.06, subdivision 3; 256L.07, subdivisions 1, 2, 3; 256L.09, subdivision 4; 256L.12, subdivisions 6, 9, by adding subdivisions; 256L.15, subdivisions 1, 2, 3; 256L.17, subdivision 2; 257.05; 259.67, subdivision 4; 260C.141, subdivision 2; 261.035; 261.063; 295.55, subdivision 2; 326.42; 393.07, subdivisions 1, 5, 10; 466.03, subdivision 6d; 514.981, subdivision 6; 518.167, subdivision 1; 518.551, subdivision 7; 518.6111, subdivisions 2, 3, 4, 16; 524.3-805; 626.559, subdivision 5; 641.15, subdivision 2; Laws 1997, chapter 203, article 9, section 21, as amended; proposing coding for new law as Minnesota Statutes, chapter 256M; proposing coding for new law in Minnesota Statutes, chapters 62S; 119B; 144; 144A; 145; 145A; 148C; 256; 256B; 256D; 256I; 256J; 514; repealing Minnesota Statutes 2002, sections 16A.151, subdivision 5; 16A.87; 62J.17; 62J.66; 62J.68; 62J.694; 119B.061; 144.126; 144.1484; 144.1494; 144.1495; 144.1496; 144.1497; 144.395; 144.396; 144.401;

144.9507, subdivision 3; 144A.071, subdivision 5; 144A.35; 144A.36; 144A.38; 145.56, subdivision 2; 145.882, subdivisions 4, 5, 6, 8; 145.883, subdivisions 4, 7; 145.884; 145.885; 145.886; 145.888; 145.889; 145.890; 145.9266, subdivisions 2, 4, 5, 6, 7; 145.928, subdivision 9; 145A.02, subdivisions 9, 10, 11, 12, 13, 14; 145A.09, subdivision 6; 145A.10, subdivisions 5, 6, 8; 145A.11, subdivision 3; 145A.12, subdivisions 3, 4, 5; 145A.14, subdivisions 3, 4; 145A.17, subdivisions 2, 9; 148.5194, subdivision 3a; 148.6445, subdivision 9; 245.4712, subdivision 2; 245.478; 245.4886; 245.4888; 245.496; 245.714; 252.32, subdivision 2; 254A.17; 256.955, subdivision 8; 256.973; 256.9772; 256B.055, subdivision 10a; 256B.056, subdivision 3c; 256B.057, subdivision 1b; 256B.0625, subdivisions 35, 36; 256B.0928; 256B.0945, subdivisions 6, 7, 8, 9, 10; 256B.195, subdivision 5; 256B.437, subdivision 2; 256B.83; 256E.01; 256E.02; 256E.03; 256E.04; 256E.05; 256E.06; 256E.07; 256E.08; 256E.081; 256E.09; 256E.10; 256E.11; 256E.115; 256E.13; 256E.14; 256E.15; 256F.01; 256F.02; 256F.03; 256F.04; 256F.05; 256F.06; 256F.07; 256F.08; 256F.10, subdivision 7; 256F.11; 256F.12; 256F.14; 256J.02, subdivision 3; 256J.08, subdivisions 28, 70; 256J.24, subdivision 8; 256J.30, subdivision 10; 256J.462; 256J.47; 256J.48; 256J.49, subdivisions 1a, 2, 6, 7; 256J.50, subdivisions 2, 3, 3a, 5, 7; 256J.52; 256J.62, subdivisions 1, 2a, 4, 6, 7, 8; 256J.625; 256J.655; 256J.74, subdivision 3; 256J.751, subdivisions 3, 4; 256J.76; 256K.30; 256L.02, subdivision 3; 256L.04, subdivision 9; 257.075; 257.81; 260.152; 626.562; Laws 1998, chapter 407, article 4, section 63; Laws 2000, chapter 488, article 10, section 29; Laws 2001, First Special Session chapter 3, article 1, section 16; Laws 2001, First Special Session chapter 9, article 13, section 24; Laws 2002, chapter 374, article 9, section 8; Minnesota Rules, parts 4705.0100; 4705.0200; 4705.0300; 4705.0400; 4705.0500; 4705.0600; 4705.0700; 4705.0800; 4705.0900; 4705.1000; 4705.1100; 4705.1200; 4705.1300; 4705.1400; 4705.1500; 4705.1600; 4736.0010; 4736.0020; 4736.0030; 4736.0040; 4736.0050; 4736.0060; 4736.0070; 4736.0080; 4736.0090; 4736.0120; 4736.0130; 4763.0100; 4763.0110; 4763.0125; 4763.0135; 4763.0140; 4763.0150; 4763.0160; 4763.0170; 4763.0180; 4763.0190; 4763.0205; 4763.0215; 4763.0220; 4763.0230; 4763.0240; 4763.0250; 4763.0260; 4763.0270; 4763.0285; 4763.0295; 4763.0300; 9505.0324; 9505.0326; 9505.0327; 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700; 9545.2000; 9545.2010; 9545.2020; 9545.2030; 9545.2040; 9550.0010; 9550.0020; 9550.0030; 9550.0040; 9550.0050; 9550.0060; 9550.0070; 9550.0080; 9550.0090; 9550.0091; 9550.0092; 9550.0093.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Bradley, Boudreau, Wilkin, Abeler and Samuelson have been appointed as such committee on the part of the House.

House File No. 437 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 2003

Senator Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 437, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 692, 968, 1140, 673, 837, 946 and 981.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 2003

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred as indicated.

H.F. No. 692: A bill for an act relating to health occupations; modifying the scope of practice for pharmacists; amending Minnesota Statutes 2002, section 151.01, subdivision 27.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 574, now on General Orders.

H.F. No. 968: A bill for an act relating to highways; adding, modifying, vacating, or transferring state highways; amending Minnesota Statutes 2002, sections 161.114, subdivision 2; 161.115, by adding a subdivision; repealing Minnesota Statutes 2002, sections 161.115, subdivisions 197, 204, 233.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1037, now on General Orders.

H.F. No. 1140: A bill for an act relating to health; modifying requirements for an agreement to regulate nuclear materials; amending Minnesota Statutes 2002, section 144.1202, subdivision 4.

Referred to the Committee on Finance.

H.F. No. 673: A bill for an act relating to insurance; permitting the comprehensive health association to offer policies with higher annual deductibles; permitting extension of the writing carrier contract; providing a new category of individuals eligible for coverage; clarifying the effective date of coverage and other matters; amending Minnesota Statutes 2002, sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.13, subdivision 2, by adding a subdivision; 62E.14; 62E.18.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 994, now on General Orders.

H.F. No. 837: A bill for an act relating to natural resources; allowing the Clearwater river watershed district to charge for facilities for disposing sewage, industrial waste, or other wastes.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1054, now on General Orders.

H.F. No. 946: A bill for an act relating to insurance; regulating the insurance guaranty association; regulating the collection and use of certain insurance information; amending Minnesota Statutes 2002, sections 60C.02, subdivision 1; 60C.03, subdivisions 5, 9; 60C.05, subdivision 1; 60C.07, subdivision 2; 60C.09; 60C.11, subdivision 7; 60C.16; 60C.18, subdivision 1; 72A.501, subdivision 2; repealing Minnesota Statutes 2002, section 60C.18, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 776, now on General Orders.

H.F. No. 981: A bill for an act relating to real property; acquiring right-of-way from common interest ownership communities; amending Minnesota Statutes 2002, sections 515B.1-107; 515B.3-102.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 384: A bill for an act relating to elections; limiting certain ballot questions; amending Minnesota Statutes 2002, section 205.10, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

H.F. No. 503: A bill for an act relating to elections; clarifying certain duties; amending Minnesota Statutes 2002, section 204D.04, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 931: A bill for an act relating to campaign finance; clarifying certain terms; requiring assumption of certain obligations; changing certain expenditure, contribution, and reporting requirements; providing additional civil penalties; repealing obsolete and duplicative rules; amending Minnesota Statutes 2002, sections 10A.01, subdivision 18; 10A.08; 10A.20, subdivision 5; 10A.24, subdivision 2; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 6, 7; 10A.323; repealing Minnesota Rules, parts 4501.0300, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, lines 1 to 4, delete the new language and reinstate the stricken language

Page 4, line 18, delete the new language

Page 4, line 19, delete the new language and reinstate the stricken language

Page 4, line 29, delete the new language

Page 4, lines 32 to 35, delete the new language and reinstate the stricken language

Page 5, lines 2 and 3, delete the new language and reinstate the stricken language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 10: A bill for an act relating to campaign finance and public disclosure; increasing the public's right to know; requiring disclosure of economic interests of independent contractors and consultants; changing certain definitions; requiring full disclosure of the total costs of lobbying; requiring certain reports; amending Minnesota Statutes 2002, sections 10A.01, subdivisions 5, 21, 33; and 10A.04, subdivisions 4, 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, delete "\$2,000" and insert "\$5,000"

Page 2, lines 14 and 15, delete the new language

Page 3, after line 21, insert:

"(c) An individual who volunteers personal time to work without pay or other consideration on a lobbying campaign, and who does not spend more than the limit in paragraph (a), clause (2), need not register as a lobbyist.

(d) An individual who provides administrative support to a lobbyist and whose salary and administrative expenses attributable to lobbying activities are reported as lobbying expenses by the lobbyist, but who does not communicate or urge others to communicate with public or local officials, need not register as a lobbyist."

Page 4, line 5, delete the colon

Page 4, line 6, delete everything before "a"

Page 4, line 7, delete "; and" and insert a period

Page 4, delete lines 8 and 9

Page 4, line 10, after "the" insert "unitemized"

Page 4, line 12, before the period, insert ", rounded to the nearest \$10,000"

Amend the title as follows:

Page 1, line 6, delete "full" and delete "total"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

S.F. No. 462: A bill for an act relating to local government; shooting ranges; defining generally accepted operation practices; providing for relation to ordinances, closing and relocation, and nuisance liability; proposing coding for new law as Minnesota Statutes, chapter 87A.

Reports the same back with the recommendation that the report from the Committee on State and Local Government Operations, shown in the Journal for April 10, 2003, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Judiciary". Amendments adopted. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

S.F. No. 426: A bill for an act relating to health; granting an exemption from the hospital construction moratorium for a hospital in Carver county; amending Minnesota Statutes 2002, section 144.551, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for April 9, 2003, be amended to read:

"the bill do pass". Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

S.F. No. 838: A bill for an act relating to the environment; prohibiting the placement in mixed municipal solid waste of electronic products with cathode ray tubes; establishing a process for a list of electronic products complying with certain standards for recovery and recycling; providing immunity for certain anticompetitive conduct for manufacturers that participate in collection and management programs for waste electronic products; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for April 9, 2003, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1244 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1244	1153				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1244 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1244 and insert the language after the enacting clause of S.F. No. 1153, the first engrossment; further, delete the title of H.F. No. 1244 and insert the title of S.F. No. 1153, the first engrossment.

And when so amended H.F. No. 1244 will be identical to S.F. No. 1153, and further recommends that H.F. No. 1244 be given its second reading and substituted for S.F. No. 1153, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 414 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
414	392				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 414 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 414 and insert the language after the enacting clause of S.F. No. 392, the second engrossment; further, delete the title of H.F. No. 414 and insert the title of S.F. No. 392, the second engrossment.

And when so amended H.F. No. 414 will be identical to S.F. No. 392, and further recommends that H.F. No. 414 be given its second reading and substituted for S.F. No. 392, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 988 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
988	1038

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 988 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 988 and insert the language after the enacting clause of S.F. No. 1038; further, delete the title of H.F. No. 988 and insert the title of S.F. No. 1038.

And when so amended H.F. No. 988 will be identical to S.F. No. 1038, and further recommends that H.F. No. 988 be given its second reading and substituted for S.F. No. 1038, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 643 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
643	973

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 643 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 643 and insert the language after the enacting clause of S.F. No. 973, the first engrossment; further, delete the title of H.F. No. 643 and insert the title of S.F. No. 973, the first engrossment.

And when so amended H.F. No. 643 will be identical to S.F. No. 973, and further recommends that H.F. No. 643 be given its second reading and substituted for S.F. No. 973, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 279 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
279	229

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 279 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 279 and insert the language after the enacting clause of S.F. No. 229, the first engrossment; further, delete the title of H.F. No. 279 and insert the title of S.F. No. 229, the first engrossment.

And when so amended H.F. No. 279 will be identical to S.F. No. 229, and further recommends that H.F. No. 279 be given its second reading and substituted for S.F. No. 229, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 1044 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1044	127				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1044 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1044 and insert the language after the enacting clause of S.F. No. 127, the first engrossment; further, delete the title of H.F. No. 1044 and insert the title of S.F. No. 127, the first engrossment.

And when so amended H.F. No. 1044 will be identical to S.F. No. 127, and further recommends that H.F. No. 1044 be given its second reading and substituted for S.F. No. 127, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 384, 931, 10, 426 and 838 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 503, 1244, 414, 988, 643, 279 and 1044 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Vickerman moved that the name of Senator Lourey be added as a co-author to S.F. No. 604. The motion prevailed.

Senator Vickerman moved that the name of Senator Lourey be added as a co-author to S.F. No. 605. The motion prevailed.

Senator Wiger moved that the names of Senators Dibble, Marko, Rest and Moua be added as co-authors to S.F. No. 1415. The motion prevailed.

Senator Ortman moved that H.F. No. 441 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S.F. 426, now on General Orders. The motion prevailed.

Senator Vickerman moved that S.F. No. 141, No. 8 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Hottinger, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 568, 964, 1260, H.F. No. 433, S.F. Nos. 407, 1278, 262, 67, H.F. Nos. 1251 and 770.

SPECIAL ORDER

S.F. No. 568: A bill for an act relating to data practices; providing for the classification of, access to, and sharing of certain data; providing for an award of attorney fees when a government entity does not act in compliance with a commissioner's opinion; clarifying classification of data relating to bids and proposals; requiring notices regarding computer access to data; clarifying provisions dealing with certain data on nonpublic school students; codifying temporary classifications; classifying data on the location of a National Night Out event; authorizing human services and mental health data sharing; classifying certain data received from the federal government; classifying data received by the state lottery for marketing purposes; allowing the sharing of data for programs under the department of economic security; providing for the privacy of financial records; requiring consumer consent for the release of certain records; amending Minnesota Statutes 2002, sections 13.08, subdivision 4; 13.32, by adding a subdivision; 13.37, subdivision 3; 13.46, subdivision 7; 13.643, by adding a subdivision; 13.746, subdivision 3; 16C.06, by adding a subdivision; 16C.10, subdivision 7; 144.335, by adding a subdivision; 268.19, by adding a subdivision; 307.08, by adding a subdivision; 349A.08, subdivision 9; 626.556, by adding a subdivision; 626.557, subdivision 9a; proposing coding for new law in Minnesota Statutes, chapter 13; proposing coding for new law as Minnesota Statutes, chapter 13E; repealing Minnesota Statutes 2002, section 13.6401, subdivision 4; Laws 2001, First Special Session chapter 10, article 2, section 40.

Senator Michel moved to amend S.F. No. 568 as follows:

Page 1, delete lines 35 and 36

Pages 9 to 12, delete article 2

Amend the title accordingly

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 568. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Michel amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Koering	Pariseau	Scheid
Day	Johnson, D.J.	Larson	Reiter	Senjem
Dille	Jungbauer	LeClair	Rest	Sparks
Frederickson	Kierlin	McGinn	Robling	Wergin
Gaither	Kiscaden	Michel	Rosen	
Hann	Knutson	Murphy	Ruud	

Those who voted in the negative were:

Anderson	Chaudhary	Higgins	Langseth	Metzen
Bachmann	Cohen	Hottinger	Limmer	Moua
Bakk	Dibble	Kelley	Lourey	Neuville
Berglin	Fischbach	Kleis	Marko	Nienow
Betzold	Foley	Kubly	Marty	Ortman

Pappas
Pogemiller
Ranum

Sams
Saxhaug

Skoe
Skoglund

Solon
Stumpf

Tomassoni
Vickerman

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

Senator Limmer moved to amend S.F. No. 568 as follows:

Page 5, after line 7, insert:

"Sec. 6. Minnesota Statutes 2002, section 13.43, is amended by adding a subdivision to read:

Subd. 17. [EVALUATION DATA.] (a) Data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to obtain suggestions from employees on ways to decrease costs, make government more efficient, or improve the operation of government are private data on individuals.

(b) Notwithstanding paragraph (a), an employee who is identified in a suggestion has access to all data in the suggestion except for data that identify the employee making the suggestion."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 568 as follows:

Page 4, after line 25, insert:

"Sec. 4. Minnesota Statutes 2002, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers. Notwithstanding paragraphs (b) and (c), data relating to the student's alleged involvement in an offense on school property that would make the student subject to chapter 260B must also be disclosed upon request. For purposes of this subdivision, "school property" has the meaning given in section 609.66, subdivision 1d, paragraph (c), clause (4).

(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):

- (1) use of a controlled substance, alcohol, or tobacco;
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);
- (3) possession or use of weapons or look-alike weapons;
- (4) theft; or
- (5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.

(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the

parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 568 as follows:

Page 12, after line 13, insert:

"ARTICLE 3
INTERNET PRIVACY

Section 1. Minnesota Statutes 2002, section 325M.01, subdivision 5, is amended to read:

Subd. 5. [PERSONALLY IDENTIFIABLE INFORMATION.] (a) "Personally identifiable information" means information that identifies:

- (1) a consumer by physical or electronic address or telephone number;
- (2) a consumer as having requested or obtained specific materials or services from an Internet service provider;
- (3) Internet or online sites visited by a consumer; or
- (4) any of the contents of a consumer's data-storage devices.

(b) Personally identifiable information does not include:

(1) information that is in aggregate or summary form from which the identity of an individual consumer is not ascertainable; or

(2) information from which all information identifying a consumer has been removed and that cannot be combined with other information to identify the consumer.

Sec. 2. Minnesota Statutes 2002, section 325M.03, is amended to read:

325M.03 [WHEN DISCLOSURE OF PERSONAL INFORMATION REQUIRED.]

(a) An Internet service provider shall disclose personally identifiable information concerning a consumer:

- (1) pursuant to a grand jury subpoena;
- (2) to an investigative or law enforcement officer as defined in section 626A.01, subdivision 7, while acting as authorized by law;
- (3) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means;
- (4) to a court in a civil action for conversion commenced by the Internet service provider or in a civil action to enforce collection of unpaid subscription fees or purchase amounts, and then only to the extent necessary to establish the fact of the subscription delinquency or purchase agreement, and with appropriate safeguards against unauthorized disclosure;
- (5) to the consumer who is the subject of the information, upon written or electronic request, reasonable authentication of the consumer's identity, and upon payment of a fee not to exceed the actual cost of retrieving the information;
- (6) pursuant to subpoena, including an administrative subpoena, issued under authority of a law of this state or another state or the United States; ~~or~~
- (7) pursuant to a warrant or court order; or
- (8) as required by United States Code, title 42, section 13032.

(b) This section does not require an Internet service provider to create or retrieve information in a format in which it is not maintained by the Internet service provider at the time of the request for disclosure. This section does not require an Internet service provider to establish or maintain a system for retrieval of personally identifiable information that is retained and temporarily stored, used only for system backup or other technical purposes, and not disclosed to a third party.

Sec. 3. Minnesota Statutes 2002, section 325M.09, is amended to read:

325M.09 [APPLICATION.]

This chapter applies to Internet service providers in the provision of services to consumers in this state. This chapter does not apply to activities of an Internet service provider that are not related to the provision of Internet service provider services and are regulated by other law in a manner that is inconsistent with this chapter. To the extent that a service other than the provision of Internet services is subject to other law that is inconsistent with this chapter, the other law controls.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective retroactive to March 1, 2003."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 568 as follows:

Page 12, delete lines 5 to 7 and insert:

"The public and private remedies available under section 8.31 apply to this chapter."

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 568 as follows:

Page 12, after line 13, insert:

"ARTICLE 3
SOCIAL SECURITY NUMBERS

Section 1. [325E.59] [USE OF SOCIAL SECURITY NUMBERS.]

Subdivision 1. [GENERALLY.] (a) A person or entity, not including a government entity, may not do any of the following:

(1) publicly post or publicly display in any manner an individual's social security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public;

(2) print an individual's social security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted;

(4) require an individual to use the individual's social security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site; or

(5) print a number that the person or entity knows to be an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's social security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's social security number.

(b) Notwithstanding paragraph (a), social security numbers may be included in applications and forms sent by mail, including school transcripts; or documents sent as part of an application or enrollment process; to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the social security number. Nothing in this paragraph authorizes inclusion of a social security number on the outside of a mailing.

(c) Except as provided in subdivision 2, this section applies only to the use of social security numbers on or after July 1, 2005.

Subd. 2. [CONTINUATION OF PRIOR USE.] (a) A person or entity, not including a government entity, that has used, prior to July 1, 2005, an individual's social security number in a manner inconsistent with subdivision 1, may continue using that individual's social security number in that manner on or after July 1, 2005, if all of the conditions in this subdivision are met.

(b) The use of the social security number must be continuous. If the use is stopped for any reason, subdivision 1 applies.

(c) The individual must be provided an annual disclosure, commencing in 2005, that informs the individual that the individual has the right to stop the use of the individual's social security number in a manner prohibited by subdivision 1.

(d) A written request by an individual to stop the use of the individual's social security number in a manner prohibited by subdivision 1 must be implemented within 30 days of receipt of the request. A fee may not be charged for implementing the request.

(e) A person or entity, not including a government entity, must not deny services to an individual because the individual makes a written request pursuant to this subdivision.

Subd. 3. [COORDINATION WITH OTHER LAW.] This section does not prevent the collection, use, or release of a social security number as required by state or federal law or the use of a social security number for internal verification or administrative purposes.

Subd. 4. [PUBLIC RECORDS.] This section does not apply to documents that are recorded or required to be open to the public under chapter 13 or other law.

Subd. 5. [DEFINITIONS.] For purposes of this section, "government entity" has the meaning given in section 13.02, subdivision 7a, but does not include the Minnesota state colleges and universities or the University of Minnesota.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2005."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 568 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Koering	Neuville	Sams
Bachmann	Gaither	Kubly	Nienow	Saxhaug
Bakk	Hann	Langseth	Ortman	Senjem
Berglin	Higgins	Larson	Ourada	Skoe
Betzold	Hottinger	Limmer	Pappas	Skoglund
Chaudhary	Johnson, D.E.	Lourey	Pariseau	Solon
Cohen	Johnson, D.J.	Marko	Pogemiller	Sparks
Day	Kelley	Marty	Ranum	Stumpf
Dibble	Kierlin	McGinn	Rest	Tomassoni
Dille	Kiscaden	Metzen	Robling	Vickerman
Fischbach	Kleis	Moua	Rosen	Wergin
Foley	Knutson	Murphy	Ruud	Wiger

Those who voted in the negative were:

Belanger	Jungbauer	LeClair	Michel	Reiter
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 964: A bill for an act relating to crime prevention; allowing crime victims to have input earlier in the plea agreement process; imposing conditions on the disclosure of videotaped interviews of child abuse victims; clarifying the rape examination law; amending Minnesota Statutes 2002, sections 13.821; 609.35; 611A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A; 634.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Chaudhary	Dibble	Foley
Bachmann	Berglin	Cohen	Dille	Frederickson
Bakk	Betzold	Day	Fischbach	Gaither

Hann	Koering	Metzen	Pogemiller	Skoglund
Higgins	Kubly	Michel	Ranum	Solon
Hottinger	Langseth	Moua	Reiter	Sparks
Johnson, D.E.	Larson	Murphy	Rest	Stumpf
Johnson, D.J.	LeClair	Neuville	Robling	Tomassoni
Jungbauer	Limmer	Nienow	Ruud	Vickerman
Kelley	Lourey	Ortman	Sams	Wergin
Kierlin	Marko	Ourada	Saxhaug	Wiger
Kleis	Marty	Pappas	Senjem	
Knutson	McGinn	Pariseau	Skoe	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1260: A bill for an act relating to public utilities; making changes to the telephone assistance plan; amending Minnesota Statutes 2002, sections 237.70, subdivisions 2, 3, 4a, 5, 6, 7; 237.701, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Neuville	Saxhaug
Bachmann	Hann	Langseth	Nienow	Scheid
Bakk	Higgins	Larson	Ortman	Senjem
Belanger	Hottinger	LeClair	Ourada	Skoe
Berglin	Johnson, D.E.	Limmer	Pappas	Skoglund
Betzold	Johnson, D.J.	Lourey	Pariseau	Solon
Chaudhary	Jungbauer	Marko	Pogemiller	Sparks
Cohen	Kelley	Marty	Ranum	Stumpf
Day	Kierlin	McGinn	Reiter	Tomassoni
Dibble	Kiscaden	Metzen	Rest	Vickerman
Dille	Kleis	Michel	Robling	Wergin
Fischbach	Knutson	Moua	Ruud	Wiger
Foley	Koering	Murphy	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 433: A bill for an act relating to zoning; modifying deadlines for agency actions; amending Minnesota Statutes 2002, section 15.99.

Senator Solon moved that the amendment made to H.F. No. 433 by the Committee on Rules and Administration in the report adopted April 24, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 433 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dibble	Frederickson	Johnson, D.E.
Bachmann	Chaudhary	Dille	Gaither	Johnson, D.J.
Belanger	Cohen	Fischbach	Higgins	Jungbauer
Berglin	Day	Foley	Hottinger	Kelley

Kierlin	Lourey	Nienow	Ruud	Stumpf
Kiscaden	Marko	Ortman	Sams	Tomassoni
Kleis	Marty	Pappas	Saxhaug	Vickerman
Knutson	McGinn	Pariseau	Scheid	Wergin
Koering	Metzen	Pogemiller	Senjem	Wiger
Kubly	Michel	Ranum	Skoe	
Larson	Moua	Reiter	Skoglund	
LeClair	Murphy	Rest	Solon	
Limmer	Neuville	Robling	Sparks	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 407: A bill for an act relating to towns; providing for optional election of certain officers; amending Minnesota Statutes 2002, sections 367.30, subdivisions 2, 4; 367.31, subdivision 4; 367.34; 367.36, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Nienow	Scheid
Bachmann	Gaither	Larson	Ortman	Skoe
Bakk	Higgins	LeClair	Ourada	Skoglund
Belanger	Hottinger	Limmer	Pappas	Solon
Berglin	Johnson, D.E.	Lourey	Pariseau	Sparks
Betzold	Johnson, D.J.	Marko	Pogemiller	Stumpf
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Cohen	Kelley	McGinn	Reiter	Vickerman
Day	Kierlin	Metzen	Robling	Wergin
Dibble	Kiscaden	Michel	Rosen	Wiger
Dille	Kleis	Moua	Ruud	
Fischbach	Knutson	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1278: A bill for an act relating to crime prevention; clarifying the reporting requirements of the predatory offender registration law; amending Minnesota Statutes 2002, section 243.166, subdivisions 3, 4a.

Senator Neuville moved to amend S.F. No. 1278 as follows:

Page 3, after line 26, insert:

"Sec. 3. Minnesota Statutes 2002, section 609.109, subdivision 7, is amended to read:

Subd. 7. [CONDITIONAL RELEASE OF SEX OFFENDERS.] (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court sentences a person to prison for a violation of section 609.342, 609.343, 609.344, or 609.345, the court shall provide that after the person has completed the sentence imposed, the commissioner of corrections shall place the person on conditional release. If the person was convicted for a violation of section 609.342, 609.343, 609.344, or 609.345, the person shall be placed on conditional release for five years, minus the time the person served on supervised release. If the person was convicted for a violation of one of those sections after a previous sex offense conviction as defined in subdivision 5, or the person shall be placed on

conditional release for the remainder of the person's life. If the person was sentenced under subdivision 6 to a mandatory departure, the person shall be placed on conditional release for ten years, minus the time the person served on supervised release.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in prison. Except as provided in paragraph (d), the commissioner shall not dismiss the offender from supervision before the conditional release term expires.

Conditional release under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

(c) The commissioner shall pay the cost of treatment of a person released under this subdivision. This section does not require the commissioner to accept or retain an offender in a treatment program.

(d) The commissioner may dismiss a person placed on conditional release for the remainder of the person's life under paragraph (a) from supervision if:

(1) the person has been on conditional release for at least 20 years; and

(2) the commissioner has determined that the dismissal does not pose a danger to the public or any individual."

Page 3, delete line 27 and insert:

"Sec. 4. [EFFECTIVE DATES.]"

Page 3, line 30, after the period, insert "Section 3 is effective August 1, 2003, and applies to crimes committed on or after that date."

Amend the title accordingly

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 1278. The Sergeant at Arms was instructed to bring in the absent members.

Senator Kiscaden moved to amend the Neuville amendment to S.F. No. 1278 as follows:

Page 2, line 17, delete "2003" and insert "2005"

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

Senator Betzold questioned whether the Neuville amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Neuville amendment.

The roll was called, and there were yeas 33 and nays 30, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Knutson	Neuville	Rosen
Belanger	Hann	Koering	Nienow	Ruud
Chaudhary	Johnson, D.J.	Larson	Ortman	Senjem
Day	Jungbauer	LeClair	Ourada	Wergin
Dille	Kierlin	Limmer	Pariseau	Wiger
Fischbach	Kiscaden	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	

Those who voted in the negative were:

Anderson	Foley	Langseth	Pappas	Skoe
Bakk	Higgins	Lourey	Ranum	Skoglund
Berglin	Hottinger	Marko	Rest	Solon
Betzold	Johnson, D.E.	Marty	Sams	Stumpf
Cohen	Kelley	Metzen	Saxhaug	Tomassoni
Dibble	Kubly	Moua	Scheid	Vickerman

The motion prevailed. So the amendment was adopted.

Senator Berglin moved that S.F. No. 1278 be re-referred to the Committee on Finance.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marko	Ranum	Solon
Bakk	Hottinger	Marty	Rest	Sparks
Berglin	Johnson, D.E.	Metzen	Sams	Stumpf
Betzold	Kelley	Moua	Saxhaug	Tomassoni
Chaudhary	Kubly	Murphy	Scheid	Vickerman
Cohen	Langseth	Pappas	Skoe	Wiger
Dibble	Lourey	Pogemiller	Skoglund	

Those who voted in the negative were:

Bachmann	Gaither	Knutson	Neuville	Rosen
Belanger	Hann	Koering	Nienow	Ruud
Day	Johnson, D.J.	Larson	Ortman	Senjem
Dille	Jungbauer	LeClair	Ourada	Wergin
Fischbach	Kierlin	Limmer	Pariseau	
Foley	Kiscaden	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	

The motion prevailed.

SPECIAL ORDER

S.F. No. 262: A bill for an act relating to motor vehicles; allowing sales to other dealers by limited used vehicle dealers; exempting donations of vehicles to individuals by a licensed limited used vehicle dealer from motor vehicle sales tax; amending Minnesota Statutes 2002, sections 168.27, subdivision 4a; 297B.01, subdivision 7.

Senator Jungbauer moved to amend S.F. No. 262 as follows:

Page 1, line 11, after the headnote, insert "(a)"

Page 2, after line 3, insert:

"(b) A nonprofit charitable organization with a limited used vehicle license shall, within 90 days after a vehicle donation, send a donor a receipt for the donated vehicle which states its model; age; level of use, including, but not limited to, the mileage; its condition, and whether a visual inspection disclosed any readily apparent defects that would materially reduce the value of the property. The receipt must include the date of the donation and must state whether the vehicle was operable or inoperable at the time of the donation."

The motion prevailed. So the amendment was adopted.

S.F. No. 262 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Langseth	Nienow	Scheid
Belanger	Higgins	Larson	Ourada	Senjem
Berglin	Hottinger	LeClair	Pappas	Skoe
Betzold	Johnson, D.E.	Limmer	Pariseau	Skoglund
Chaudhary	Johnson, D.J.	Lourey	Pogemiller	Solon
Cohen	Jungbauer	Marko	Ranum	Sparks
Day	Kelley	Marty	Reiter	Stumpf
Dibble	Kierlin	McGinn	Rest	Tomassoni
Dille	Kiscaden	Metzen	Robling	Vickerman
Fischbach	Kleis	Michel	Rosen	Wergin
Foley	Knutson	Moua	Ruud	Wiger
Frederickson	Koering	Murphy	Sams	
Gaither	Kubly	Neuville	Saxhaug	

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

SPECIAL ORDER

S.F. No. 67: A bill for an act relating to economic development; authorizing the county of Koochiching to establish a port authority; authorizing political subdivisions to apply for foreign trade zone powers; proposing coding for new law in Minnesota Statutes, chapter 469.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Ourada	Skoe
Bachmann	Higgins	LeClair	Pappas	Skoglund
Belanger	Hottinger	Lourey	Pariseau	Solon
Berglin	Johnson, D.E.	Marko	Pogemiller	Sparks
Betzold	Johnson, D.J.	Marty	Ranum	Stumpf
Chaudhary	Jungbauer	McGinn	Reiter	Tomassoni
Cohen	Kelley	Metzen	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Kleis	Murphy	Ruud	
Foley	Knutson	Neuville	Sams	
Frederickson	Koering	Nienow	Saxhaug	
Gaither	Kubly	Ortman	Scheid	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1251: A bill for an act relating to health; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, section 144A.70, subdivision 6.

Senator Kiscaden moved to amend H.F. No. 1251 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 144A.04, subdivision 3, is amended to read:

Subd. 3. [STANDARDS.] (a) The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the commissioner of health with respect to the construction, equipment, maintenance and operation of a nursing home. The commissioner of health may temporarily waive compliance with one or more of the standards if the commissioner determines that:

(a) (1) temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) (2) a controlling person on behalf of all other controlling persons:

(1) (i) has entered into a contract to obtain the materials or labor necessary to meet the standard set by the commissioner of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) (ii) is otherwise making a diligent good faith effort to meet the standard.

The commissioner shall make available to other nursing homes information on facility-specific waivers that are granted. The commissioner shall, upon the request of a facility, extend a waiver granted to a specific facility to other similarly situated facilities, if the commissioner determines that these facilities also satisfy clauses (1) and (2) and any other terms and conditions of the waiver.

The commissioner of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the commissioner if the commissioner determines that the needs of the residents of the home will be adequately met by a lesser amount of nursing care.

(b) A facility is not required to seek a waiver for room furniture or equipment under paragraph (a) when responding to resident-specific requests if the facility has discussed health and safety concerns with the resident and the resident request and discussion of health and safety concerns are documented in the resident's patient record.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 144A.04, is amended by adding a subdivision to read:

Subd. 11. [INCONTINENT RESIDENTS.] Notwithstanding Minnesota Rules, part 4658.0520, an incontinent resident must be checked according to a specific time interval written in the resident's care plan. The resident's attending physician must authorize in writing any interval longer than two hours unless the resident, if competent, or a family member or legally appointed conservator, guardian, or health care agent of a resident who is not competent, agrees in writing to waive physician involvement in determining this interval, and this waiver is documented in the resident's care plan.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

Page 1, after line 21, insert:

"Sec. 4. Minnesota Statutes 2002, section 256B.434, subdivision 10, is amended to read:

Subd. 10. [EXEMPTIONS.] (a) To the extent permitted by federal law, (1) a facility that has entered into a contract under this section is not required to file a cost report, as defined in Minnesota Rules, part 9549.0020, subpart 13, for any year after the base year that is the basis for the calculation of the contract payment rate for the first rate year of the alternative payment demonstration project contract; and (2) a facility under contract is not subject to audits of historical costs or revenues, or paybacks or retroactive adjustments based on these costs or revenues, except audits, paybacks, or adjustments relating to the cost report that is the basis for calculation of the first rate year under the contract.

(b) A facility that is under contract with the commissioner under this section is not subject to the moratorium on licensure or certification of new nursing home beds in section 144A.071, unless the project results in a net increase in bed capacity or involves relocation of beds from one site to another. Contract payment rates must not be adjusted to reflect any additional costs that a nursing facility incurs as a result of a construction project undertaken under this paragraph. In addition, as a condition of entering into a contract under this section, a nursing facility must agree

that any future medical assistance payments for nursing facility services will not reflect any additional costs attributable to the sale of a nursing facility under this section and to construction undertaken under this paragraph that otherwise would not be authorized under the moratorium in section 144A.073. Nothing in this section prevents a nursing facility participating in the alternative payment demonstration project under this section from seeking approval of an exception to the moratorium through the process established in section 144A.073, and if approved the facility's rates shall be adjusted to reflect the cost of the project. Nothing in this section prevents a nursing facility participating in the alternative payment demonstration project from seeking legislative approval of an exception to the moratorium under section 144A.071, and, if enacted, the facility's rates shall be adjusted to reflect the cost of the project.

(c) Notwithstanding section 256B.48, subdivision 6, paragraphs (c), (d), and (e), and pursuant to any terms and conditions contained in the facility's contract, a nursing facility that is under contract with the commissioner under this section is in compliance with section 256B.48, subdivision 6, paragraph (b), if the facility is Medicare certified.

(d) Notwithstanding paragraph (a), if by April 1, 1996, the health care financing administration has not approved a required waiver, or the Centers for Medicare and Medicaid Services otherwise requires cost reports to be filed prior to the waiver's approval, the commissioner shall require a cost report for the rate year.

(e) A facility that is under contract with the commissioner under this section shall be allowed to change therapy arrangements from an unrelated vendor to a related vendor during the term of the contract. The commissioner may develop reasonable requirements designed to prevent an increase in therapy utilization for residents enrolled in the medical assistance program.

(f) A facility that has entered a contract under this section must either participate in the quality improvement program established by the commissioner, or submit information on its own quality improvement process for the commissioner's approval. A nursing facility choosing the latter must report annually on results for at least one key area.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. [IMPOSITION OF FEDERAL CERTIFICATION REMEDIES.]

The commissioner of health shall pursue changes in federal policy that mandate the imposition of federal sanctions without providing an opportunity to correct deficiencies solely as the result of previous deficiencies issued to a facility.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1251 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Jungbauer	Langseth	Metzen
Bachmann	Frederickson	Kelley	Larson	Michel
Belanger	Gaither	Kierlin	LeClair	Moua
Betzold	Hann	Kiscaden	Limmer	Murphy
Cohen	Higgins	Kleis	Lourey	Neuville
Day	Hottinger	Knutson	Marko	Nienow
Dibble	Johnson, D.E.	Koering	Marty	Ortman
Dille	Johnson, D.J.	Kubly	McGinn	Ourada

Pappas	Rest	Saxhaug	Sparks	Wiger
Pariseau	Robling	Scheid	Stumpf	
Pogemiller	Rosen	Skoe	Tomassoni	
Ranum	Ruud	Skoglund	Vickerman	
Reiter	Sams	Solon	Wergin	

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

SPECIAL ORDER

H.F. No. 770: A bill for an act relating to Aitkin county; making the Long Lake conservation center fund a separate county enterprise fund; amending Laws 1965, chapter 616, section 1, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Neuville	Sams
Bachmann	Hann	Langseth	Nienow	Saxhaug
Belanger	Higgins	Larson	Ortman	Scheid
Berglin	Hottinger	LeClair	Ourada	Senjem
Betzold	Johnson, D.E.	Limmer	Pappas	Skoe
Chaudhary	Johnson, D.J.	Lourey	Pariseau	Skoglund
Cohen	Jungbauer	Marko	Pogemiller	Solon
Day	Kelley	Marty	Ranum	Sparks
Dibble	Kierlin	McGinn	Reiter	Stumpf
Dille	Kiscaden	Metzen	Rest	Tomassoni
Fischbach	Kleis	Michel	Robling	Vickerman
Foley	Knutson	Moua	Rosen	Wergin
Frederickson	Koering	Murphy	Ruud	Wiger

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1511: A bill for an act relating to higher education; appropriating money for educational and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation with certain restrictions; making various changes to the state grant program and the college savings plan; providing for purchasing and other administrative changes at MnSCU; authorizing revenue bonds; amending Minnesota Statutes 2002, sections 124D.42, subdivision 3; 135A.14, by adding a subdivision; 136A.08, subdivision 3; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 7, 9, 9a, 13; 136A.125, subdivision 4; 136A.171; 136A.29, subdivision 9; 136A.69; 136F.12; 136F.40, subdivision 2; 136F.45, subdivisions 1, 2; 136F.581,

subdivision 2; 136F.59, subdivision 3; 136F.60, subdivision 3; 136G.01; 136G.03, subdivision 31, by adding subdivisions; 136G.05, subdivisions 4, 5, 10; 136G.09, subdivisions 1, 2, 6, 7, 8, 9; 136G.11, subdivisions 1, 2, 3, 9, 13; 136G.13, subdivisions 1, 3; 137.44; 299A.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; 136G; repealing Minnesota Statutes 2002, sections 124D.95; 136A.1211; 136A.122; 136A.124; 136F.13; 136F.56; 136F.582; 136F.59, subdivision 2; 136G.03, subdivision 25.

There has been appointed as such committee on the part of the House:

Stang; Nornes; Meslow; Nelson, C. and Pelowski.

Senate File No. 1511 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 2003

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 658: A bill for an act relating to elections; requiring distribution of voter registration forms to certain students; amending Minnesota Statutes 2002, section 201.1611, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

Subdivision 1. [FORMS.] All post-secondary institutions that enroll students accepting state or federal financial aid shall provide make available voter registration forms to each student as early as possible in the fall quarter. School districts shall make available voter registration forms each May and September to students registered as students of the school district who will be eligible to vote at the next election. A school district has no obligation to make available voter registration forms to students who participate in a postsecondary education option program or who otherwise reside in the district but do not attend a school operated by the district. A school district fulfills its obligation to a student under this section if it makes available a voter registration form to the student one time. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and school districts may request these forms from the secretary of state. Institutions shall consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students under section 201.061, subdivision 3. School districts must advise students that completion of the voter registration forms is not a school district requirement."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 1035: A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; amending Minnesota Statutes 2002, sections 201.171; 202A.14, subdivision 3; 204B.14, subdivision 2; 204B.16, subdivision 1; 204B.21, subdivision 1; 204B.25, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, subdivision 2;

204C.07, subdivision 4; 204C.19, subdivision 1; 204C.35, by adding a subdivision; 204C.36, by adding a subdivision; 205.10, subdivision 3; 205.13, subdivision 1a; 205.16, subdivision 4; 205A.05, subdivision 1; 205A.06, subdivision 1a; 205A.07, subdivision 3; 206.58, subdivision 1; 211A.02, by adding a subdivision; 447.32, subdivisions 2, 3, 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 5.08, is amended to read:

5.08 [LEGISLATIVE MANUAL.]

Subdivision 1. [PREPARATION.] The secretary of state shall prepare, compile, edit, and distribute for use at each regular legislative session, a convenient manual, properly indexed, and containing: The federal and state constitutions; the acts of Congress relating to the organization of the territory and state; the rules of order and joint rules of the two houses, and lists of their members, committees and employees; the names of all state officials, whether elected or appointed, and of all persons holding office from this state under the national government, ~~including postmasters appointed by the president~~; the places where the said several officials reside, and the annual compensation of each; and statistical and other information of the kind heretofore published in the legislative manuals.

Subd. 2. [DISTRIBUTION.] ~~15,000~~ 10,000 copies of the legislative manual shall be printed and distributed as follows:

- (1) up to ~~25~~ 20 copies shall be available to each member of the legislature on request;
- (2) 50 copies to the state historical society;
- (3) 25 copies to the state university;
- (4) 60 copies to the state library;
- (5) two copies each to the Library of Congress; the Minnesota veterans ~~home~~, homes; the state universities; the state high schools, ~~the public academies~~, seminaries, and colleges of the state; and the free public libraries of the state;
- (6) one copy each to other state institutions, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the court of appeals and the district court, the senators and representatives in Congress from this state, and the county auditors, recorders, and county attorneys;
- (7) one copy to each ~~public~~ school, to be distributed through the superintendent of each school district; and
- (8) the remainder may be disposed of as the secretary of state deems best.

Sec. 2. Minnesota Statutes 2002, section 15.0597, subdivision 2, is amended to read:

Subd. 2. [COLLECTION OF DATA.] The chair of an existing agency or the chair's designee, or the appointing authority for the members of a newly created agency, shall provide the secretary, ~~on forms in an electronic format~~ prepared and distributed by the secretary, with the following data pertaining to that agency:

- (1) the name of the agency, its mailing address, and telephone number;
- (2) the legal authority for the creation of the agency and the name of the person appointing agency members;
- (3) the powers and duties of the agency;

(4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(6) the compensation of members, and appropriations or other funds available to the agency;

(7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

(8) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers; and

(9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack of party preference, race, and national origin of the members.

The secretary may ~~provide for~~ require the submission of data in accordance with this subdivision by electronic means. The publication requirement under clause (8) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, if provided, or any other information that would enable the public to communicate with the member.

Sec. 3. Minnesota Statutes 2002, section 15.0597, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication ~~in the state register on the Web site of the secretary of state~~ of the compiled data from all agencies on or about October 15 of each year. Copies of The compilation must be electronically delivered to the governor and the legislature. Paper copies of the compilation must be made available by the secretary to any interested person at cost, and copies must be available for viewing by interested persons. The chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, is not eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Sec. 4. Minnesota Statutes 2002, section 15.0597, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF VACANCIES.] The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall ~~give written~~ electronic notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall ~~give written~~ electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may provide for require the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly in the State Register on the Web site of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail electronic means copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published in the State Register on the Web site of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 5. Minnesota Statutes 2002, section 15.0597, subdivision 5, is amended to read:

Subd. 5. [NOMINATIONS FOR VACANCIES.] Any person may make a self-nomination for appointment to an agency vacancy by completing an application ~~on a form~~ in an electronic format prepared and distributed by the secretary. The secretary may ~~provide for~~ require the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents ~~in writing~~ on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy ~~in the State Register on the Web site of the secretary of state~~ pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 6. Minnesota Statutes 2002, section 15.0597, subdivision 6, is amended to read:

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary ~~in writing~~ by electronic means of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

Sec. 7. Minnesota Statutes 2002, section 15.0597, subdivision 7, is amended to read:

Subd. 7. [REPORT.] Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report in electronic format containing the following information:

- (1) the number of vacancies occurring in the preceding year;
- (2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, status with regard to disability, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

Sec. 8. Minnesota Statutes 2002, section 15.0599, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION; INFORMATION REQUIRED.] (a) The appointing authority of a newly established agency or the authority's designee shall provide the secretary with the following information:

- (1) the name, mailing address, electronic mail address, and telephone number of the agency;
- (2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;
- (3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);
- (4) the number of authorized members, together with any prescribed restrictions on eligibility;
- (5) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers;
- (6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);
- (7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, status with regard to disability, race, and national origin of those members;
- (8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;
- (9) the compensation of members and appropriations or other money available to the agency;
- (10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;
- (11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and
- (12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

The publication requirement under clause (5) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, or any other information that would enable the public to communicate with the member.

(b) The chair of an existing agency or the chair's designee shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair or designee shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide electronic forms for the reporting of information required by this subdivision and may ~~provide for~~ require reporting by electronic means.

Sec. 9. Minnesota Statutes 2002, section 126C.17, subdivision 9, is amended to read:

Subd. 9. [REFERENDUM REVENUE.] (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board or shall be called by the board upon written petition of qualified voters of the district. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first

Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per resident marginal cost pupil unit, the estimated referendum tax rate as a percentage of referendum market value in the first year it is to be levied, and that the revenue must be used to finance school operations. The ballot may state a schedule, determined by the board, of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized. If the ballot contains a schedule showing different amounts, it must also indicate the estimated referendum tax rate as a percent of referendum market value for the amount specified for the first year and for the maximum amount specified in the schedule. The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies. The notice required under section 275.60 may be modified to read, in cases of renewing existing levies:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY BE VOTING FOR A PROPERTY TAX INCREASE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of, School District No. .., be approved?"

If approved, an amount equal to the approved revenue per resident marginal cost pupil unit times the resident marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. The notice is not an official ballot.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum may result in an increase in your property taxes."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board and shall be called by the board upon the written petition of qualified voters of the district. A referendum to revoke or reduce the levy amount must be based upon the dollar amount, local tax rate, or amount per resident marginal cost pupil unit, that was stated to be the basis for the initial authorization. Revenue approved by the voters of the district pursuant to paragraph (a) must be received at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) A petition authorized by paragraph (a) or (c) is effective if signed by a number of qualified voters in excess of 15 percent of the registered voters of the district on the day the petition is filed with the board. A referendum invoked by petition must be held on the date specified in paragraph (a).

(e) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(f) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

Sec. 10. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any document approved by the secretary of state as proper identification;

(3) showing a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct;

(4) showing one of the following:

(i) a current valid student identification card from a post-secondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card;

(4) (5) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; or

(5) (6) for tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Sec. 11. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an

individual to correct a registration card if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality must not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.

A registration card is not deficient for lack of a telephone number.

Sec. 12. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 [DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.]

The department of public safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards. The forms must contain spaces for ~~the all information required in section 201.071, subdivision 1, and applicable rules of~~ collected by voter registration cards prescribed by the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 13. Minnesota Statutes 2002, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six eight weeks after the state general election and six weeks after every other election, the county auditor shall post the voting history for every person who voted in the election. If a second election is called before the normal deadline for posting voting history from the first election, the county auditor must post the voting history of every person who voted in the first election and is registered to vote in the second election at least 20 days before the second election.

After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive." Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 14. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The polling place roster must be used

to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. ~~The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.~~ In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election.

Sec. 15. Minnesota Statutes 2002, section 202A.14, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus, and shall deliver the same information to the municipal clerk and county auditor at least 20 days before the precinct caucus. The county auditor shall make this information available at least ten days before the date of the caucuses to persons who request it.

Sec. 16. Minnesota Statutes 2002, section 203B.085, is amended to read:

203B.085 [COUNTY AUDITOR'S OFFICE AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on ~~Monday~~ the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 17. Minnesota Statutes 2002, section 203B.125, is amended to read:

203B.125 [SECRETARY OF STATE TO MAKE RULES.]

Subdivision 1. [AUTHORIZED RULEMAKING.] The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 203B.12.

Subd. 2. [EMERGENCY PROCEDURES.] The secretary of state may designate alternate methods for handling absentee ballots during periods of declared national or state emergency. This authority is exempt from the requirements of chapter 14.

Sec. 18. Minnesota Statutes 2002, section 203B.13, subdivision 1, is amended to read:

~~Subdivision 1. [ESTABLISHMENT.] The governing body of any county that has established a counting center as provided in section 206.85, subdivision 2, any municipality, or any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.~~

Sec. 19. Minnesota Statutes 2002, section 203B.13, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The absentee ballot board may do any of the following:

(a) (1) receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(2) if the governing body of a municipality or the school board of a school district has authorized the board to examine any return absentee ballot envelopes and accept or reject absentee ballots in the manner provided in section 203B.12, the board may receive from voters residing in each precinct in the municipality or school district any absentee ballots and the board must then forward the accepted absentee ballots to the precinct for counting, tabulating, and reporting;

~~(b) (3) open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; or~~

~~(e) (4) report the vote totals tabulated for each precinct.~~

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot. The secretary of state shall provide samples of the replacement ballot and return envelope for use by the county auditor.

Sec. 20. Minnesota Statutes 2002, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. [FORM OF AFFIDAVIT.] (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington county, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

~~(b) This subdivision does not apply to a candidate~~ Candidates for president or vice-president of the United States are not required to file an affidavit of candidacy for office and this subdivision does not apply to those candidates.

Sec. 21. Minnesota Statutes 2002, section 204B.07, subdivision 2, is amended to read:

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other presidential electors are nominated by petition pursuant to this section. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.

Sec. 22. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 23. Minnesota Statutes 2002, section 204B.09, subdivision 3, is amended to read:

Subd. 3. [WRITE-IN CANDIDATES.] (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the fifth day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 24. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

- (1) each city ward; and
- (2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than June 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that if either of them has fewer than 100 registered voters or if they have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 473.121, subdivision 2, that are contained in the same county.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A

municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 25. Minnesota Statutes 2002, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 473.121 shall be located within the boundaries of the precinct or within 3,000 feet of one of those boundaries unless a single accessible polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 473.121, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 26. Minnesota Statutes 2002, section 204B.16, subdivision 3, is amended to read:

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election, including school district elections or referenda, and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Sec. 27. Minnesota Statutes 2002, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. [BOOTHES.] Each polling place must contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. ~~The booth shall be provided with a door or curtains.~~ Each accessible polling place must have at least one accessible voting booth or other accessible voting station. All booths or stations must be constructed so that a voter is free from observation while marking ballots. In all other polling places every effort must be made to provide at least one accessible voting booth or other accessible voting station. During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. If needed, a chair must be provided for elderly and handicapped voters to use while voting. All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

Sec. 28. Minnesota Statutes 2002, section 204B.19, subdivision 1, is amended to read:

Subdivision 1. [INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.] Except as provided in subdivision 6, any individual who is eligible to vote in an election precinct this state is qualified to be appointed as an election judge for that precinct ~~subject to this section. If the files of~~

~~the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality, or for school district elections, in the same school district, whether or not the precinct where they reside is in the same county as the precinct where they will serve. If there are not sufficient voters within the municipality or school district who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.~~

Sec. 29. Minnesota Statutes 2002, section 204B.19, subdivision 6, is amended to read:

Subd. 6. [HIGH SCHOOL STUDENTS.] Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a home-school in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a without party affiliation trainee election judge in the county in which the student resides. The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance ~~and the requirement that the student must have completed or be enrolled in a course of study in government at the time of service as a trainee election judge.~~

Sec. 30. Minnesota Statutes 2002, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] On July May 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters who have stated in writing an interest in seeking appointment to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By July May 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 31. Minnesota Statutes 2002, section 204B.21, subdivision 2, is amended to read:

Subd. 2. [APPOINTING AUTHORITY; POWERS AND DUTIES.] Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint any other individual, whether or not affiliated with a major political party, to serve as an election judge ~~subject to the same requirements and qualifications.~~ The appointments shall be made at least 25 days before the election at which the election judges will serve.

Sec. 32. Minnesota Statutes 2002, section 204B.22, is amended by adding a subdivision to read:

Subd. 4. [ELECTION JUDGE TRAINEES NOT COUNTED TOWARD MINIMUM

NUMBER OF ELECTION JUDGES.] The presence or participation of election judge trainees must not be counted toward satisfying any of the required numbers of election judges in this chapter.

Sec. 33. Minnesota Statutes 2002, section 204B.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of the court of appeals or of a district court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the ~~name of each justice or judge whose successor is to be nominated or elected~~ seat number assigned to each office.

Sec. 34. Minnesota Statutes 2002, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"Chief justice ~~–supreme court~~";

"Associate justice (number) ~~–supreme court~~"

(b) In the case of the court of appeals:

"Judge (number) ~~–court of appeals~~"; or

(c) In the case of the district court:

"Judge (number) ~~–(number) district court.~~"

Sec. 35. Minnesota Statutes 2002, section 204B.41, is amended to read:

204B.41 [VACANCY IN NOMINATION; CHANGING BALLOTS.]

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the three calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. ~~Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.~~ Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.

Sec. 36. Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR NEWS MEDIA.] The county auditor or municipal or school district clerk, or their designee, may, by written authorization, permit news media representatives to enter polling places for up to 15 minutes during voting hours to observe the voting process. A media representative must present written authorization and a photo identification to the head election judge upon arrival at the polling place and must not otherwise:

- (1) approach within six feet of an election judge or voter;
- (2) converse with a voter while in the polling place;
- (3) make a list of persons voting or not voting;
- (4) interview a voter within the polling place; or
- (5) photograph a voter who has not provided a signed release to the media representative.

Sec. 37. Minnesota Statutes 2002, section 204C.07, subdivision 4, is amended to read:

Subd. 4. [RESTRICTIONS ON CONDUCT.] The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No challenger shall handle or inspect registration cards, files, or lists. Challengers shall not prepare in any manner any list of individuals who have or have not voted or the number of persons who have or have not voted. They shall not attempt to influence voting in any manner. They must remain in the area designated by the head election judge and shall not converse with a voter except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.

Sec. 38. Minnesota Statutes 2002, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies maintains residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both." A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth. After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 39. Minnesota Statutes 2002, section 204C.12, subdivision 4, is amended to read:

Subd. 4. [REFUSAL TO ANSWER QUESTIONS OR SIGN A POLLING PLACE ROSTER; CONSEQUENCES OF SUCCESSFUL CHALLENGE.] A challenged individual who is found to be ineligible to vote in that precinct or who refuses to answer questions or sign a polling place roster as required by this section must not be allowed to vote and the county auditor must reclassify as inactive the record of the challenged individual within 14 days following the challenge. A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster must not be allowed to vote.

Sec. 40. Minnesota Statutes 2002, section 204C.19, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] When the hours for voting have ended and all voting has concluded, the election judges shall immediately count the votes cast at the election. The count

shall be held at the polling place and shall be public. It shall be continued without intermission until it is completed and the results are declared, except that the election judges may recess for meals or other necessary purposes. No one may approach within six feet of the election judges or converse with the election judges while ballots are being counted. During the count no one except the election judges shall handle the ballots. Any other individual who touches or interferes with ballots during the counting or any election judge who permits such touching or interference is guilty of a misdemeanor.

Sec. 41. Minnesota Statutes 2002, section 204C.20, subdivision 2, is amended to read:

Subd. 2. [EXCESS BALLOTS.] If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted and must not be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 42. Minnesota Statutes 2002, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION REQUIREMENTS.] Precinct summary statements shall be submitted by the election judges in every precinct. For state elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) the number of votes each candidate received, including write-in candidates for state or federal office who have requested under section 204B.09 that votes for those candidates be tallied, or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially defective ballots with respect to each office or question;

(b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) the number of individuals who voted at the election in the precinct;

(d) the number of voters registering on election day in that precinct; and

(e) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 43. Minnesota Statutes 2002, section 204C.35, is amended by adding a subdivision to read:

Subd. 3. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 44. Minnesota Statutes 2002, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. ~~[REQUIRED AUTOMATIC RECOUNTS.]~~ (a) ~~Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.~~

~~(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district. If the difference between the votes cast for the candidates for nomination to a county, municipal, or school district office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that nomination;
or~~

~~(2) is ten votes or less and the total number of votes cast for that nomination is 400 votes or less,~~

~~and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office must recount the vote.~~

~~(b) In a general election, if the difference between the votes of a candidate who would otherwise be declared elected to a county, municipal, or school district office and the votes of any other candidate for that office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that office; or~~

~~(2) is ten votes or less if the total number of votes cast for that office is 400 votes or less,
the canvassing board must recount the votes.~~

~~(c) In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(d) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.~~

~~(e) Time for notice of a contest for an office which is recounted under this section begins to run on certification of the results of the recount by the canvassing board.~~

(f) A losing candidate may waive a recount required under this section by filing a written notice of waiver with the canvassing board.

(g) The county auditor must recount the votes for a county office at the expense of the county, the governing body of the municipality must recount the votes for a municipal office at the expense of the municipality, and the school board of the school district must recount the votes for a school district office at the expense of the school district.

Sec. 45. Minnesota Statutes 2002, section 204C.36, subdivision 3, is amended to read:

Subd. 3. ~~[DISCRETIONARY BALLOT QUESTION RECOUNTS.]~~ (a) A recount ~~may~~ must be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. The expenses for the recount must be paid for by the political subdivision placing the question on the ballot.

(b) In other cases, a recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, The person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 46. Minnesota Statutes 2002, section 204C.36, is amended by adding a subdivision to read:

Subd. 6. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 47. Minnesota Statutes 2002, section 204C.361, is amended to read:

204C.361 [RULES FOR RECOUNTS.]

(a) The secretary of state shall adopt rules according to the Administrative Procedure Act establishing uniform recount procedures. All recounts provided for by sections 204C.35, 204C.36, and 206.88, shall be conducted in accordance with these rules.

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

Sec. 48. Minnesota Statutes 2002, section 204D.14, is amended by adding a subdivision to read:

Subd. 3. [UNCONTESTED JUDICIAL OFFICES.] Judicial offices for which there is only one candidate filed must appear after all judicial offices on the canary ballot.

Sec. 49. [204D.169] [EXAMPLE SUPPLEMENTAL BALLOT.]

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official

supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.

Sec. 50. Minnesota Statutes 2002, section 204D.27, subdivision 11, is amended to read:

Subd. 11. [CERTIFICATE OF LEGISLATIVE ELECTION.] A certificate of election in a special election for state senator or state representative shall be issued by ~~the county auditor or the~~ secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the appropriate canvassing board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 51. Minnesota Statutes 2002, section 205.02, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA ELECTION LAW.] Except as expressly provided ~~in this chapter by law,~~ the provisions of the Minnesota Election Law apply to municipal elections, ~~so far as practicable.~~

Sec. 52. Minnesota Statutes 2002, section 205.075, is amended by adding a subdivision to read:

Subd. 3. [MORE THAN ONE SEAT TO BE FILLED AT ANY ELECTION.] A candidate filing for town supervisor when more than one seat is to be filled at an election held under subdivision 2 must designate when filing the specific seat which the candidate is seeking.

Sec. 53. Minnesota Statutes 2002, section 205.16, subdivision 4, is amended to read:

Subd. 4. [NOTICE TO AUDITOR.] At least 49 ~~53~~ days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.

Sec. 54. Minnesota Statutes 2002, section 205.16, is amended by adding a subdivision to read:

Subd. 5. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 55. Minnesota Statutes 2002, section 205.185, subdivision 2, is amended to read:

Subd. 2. [ELECTION, CONDUCT.] A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, ~~so far as practicable~~ except as expressly provided by law.

Sec. 56. Minnesota Statutes 2002, section 205.185, subdivision 3, is amended to read:

Subd. 3. [CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.] (a) Within seven days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the ~~governing body~~ canvassing board having jurisdiction over the

municipality shall determine the result by lot. The clerk canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 57. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as expressly provided in this chapter by law, the Minnesota Election Law applies to school district elections, as far as practicable. Elections in common school districts shall be governed by section 123B.94.

Sec. 58. Minnesota Statutes 2002, section 205A.07, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO AUDITOR.] At least 49 53 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of children, families, and learning and prior to actual initiation of the election.

Sec. 59. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

Subd. 3a. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 60. Minnesota Statutes 2002, section 206.58, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITIES.] The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate information to the public about the use of a new voting system at least ~~60~~ 30 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the ~~six weeks~~ 30 days immediately prior to the first election at which the new voting system will be used.

No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

Sec. 61. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may license an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must license one or more touch-sensitive direct recording electronic voting systems for experimental use at an election before their approval for general use and may impose restrictions on their use. At least one voting system licensed under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately. The secretary of state may experimentally use the systems at any election held at the same time as the state primary or general election or at any municipal election.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 62. Minnesota Statutes 2002, section 206.90, subdivision 6, is amended to read:

Subd. 6. [BALLOTS.] In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots.

Sec. 63. Minnesota Statutes 2002, section 211A.02, is amended by adding a subdivision to read:

Subd. 5. [ELECTRONIC REPORTING.] The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Sec. 64. Minnesota Statutes 2002, section 351.01, subdivision 4, is amended to read:

Subd. 4. [WITHDRAWAL OF RESIGNATION.] A prospective resignation permitted by subdivision 3 may only be withdrawn by a written statement signed by the officer and submitted in the same manner as the resignation, and may only be withdrawn before it has been accepted by resolution of the body or board or before a written acceptance of the resignation by an officer authorized to receive it.

Sec. 65. Minnesota Statutes 2002, section 365.51, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; OTHER BUSINESS.] An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected and to consider ballot questions, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Sec. 66. Minnesota Statutes 2002, section 367.12, is amended to read:

367.12 [DEPUTY CLERK.]

Each town clerk may appoint a deputy, for whose acts the clerk shall be responsible, and who, in the clerk's absence or disability, shall perform the clerk's duties. If a town clerk has not

appointed a deputy, the town treasurer shall perform the duties of the clerk relating to receiving candidate filings when the clerk is absent.

Sec. 67. Minnesota Statutes 2002, section 414.041, subdivision 1, is amended to read:

Subdivision 1. [INITIATING THE PROCEEDING.] (a) Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities.

(b) The proceeding shall be initiated in one of the following ways:

- (1) submitting to the director a resolution of the city council of each affected municipality;
- (2) submitting to the director a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or
- (3) by the director.

(c) The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09.

(d) The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Sec. 68. Minnesota Statutes 2002, section 447.32, subdivision 3, is amended to read:

Subd. 3. [ELECTION NOTICES.] At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least 53 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.

At least 46 days prior to every hospital district election for which a notice is provided to the county auditor under this subdivision, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ten days before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 69. Minnesota Statutes 2002, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the Tuesday after the second Monday in September of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by

filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 70. [EFFECTIVE DATE.]

This act is effective August 1, 2003, except that sections 53, 54, 58, 59, and 68 are effective January 1, 2004."

Delete the title and insert:

"A bill for an act relating to elections; changing certain requirements and procedures; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 9; 201.061, subdivision 3; 201.071, subdivision 3; 201.161; 201.171; 201.221, subdivision 3; 202A.14, subdivision 3; 203B.085; 203B.125; 203B.13, subdivisions 1, 2; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivisions 1, 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6; 204B.21, subdivisions 1, 2; 204B.22, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, by adding a subdivision; 204C.07, subdivision 4; 204C.10; 204C.12, subdivision 4; 204C.19, subdivision 1; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, subdivision 3, by adding a subdivision; 206.58, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 414.041, subdivision 1; 447.32, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapter 204D."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 304: A bill for an act relating to professions; establishing the board of licensed professional counseling; requiring professional counselors to be licensed; abolishing the office of unlicensed mental health practitioners; requiring rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 116J.70, subdivision 2a; 148A.01, subdivision 5; 214.01, subdivision 2; 214.04, subdivision 3; 214.10, subdivision 9; 609.341, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 2002, sections 148B.60; 148B.61; 148B.63; 148B.64; 148B.65; 148B.66; 148B.67; 148B.68; 148B.69; 148B.70; 148B.71.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 26, delete "This"

Page 8, delete line 27

Page 14, line 19, delete "or" and insert "and"

Page 17, delete lines 32 to 35 and insert:

"\$175,000 is appropriated in fiscal year 2004 and \$145,000 in fiscal year 2005 from the state government special revenue fund to the board of licensed professional counseling for the purposes of Minnesota Statutes, sections 148B.50 to 148B.593."

Page 18, line 5, before "Minnesota" insert "(a)"

Page 18, after line 7, insert:

"(b) Minnesota Statutes 2002, section 148B.53, subdivision 2, is repealed."

Page 18, delete line 9 and insert:

"Sections 1 to 23 and 24, paragraph (a), are effective July 1, 2003. Section 24, paragraph (b), is effective July 1, 2005."

Amend the title as follows:

Page 1, line 12, after "sections" insert "148B.53, subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 935: A bill for an act relating to natural resources; providing for certain state land acquisition; establishing Greenleaf Lake State Park; modifying the Mississippi whitewater trail; modifying provisions of the outdoor recreation system; establishing a mineral coordinating committee; modifying a 2001 appropriation for goose management; adding to and deleting from state parks, state recreation areas, state forests, and wildlife management areas; authorizing sales of certain surplus state land in Beltrami, St. Louis, and Scott counties; providing for the reconveyance of land to Cook county free of a reversionary clause; requiring a land exchange in Lake of the Woods and St. Louis counties; authorizing conveyance of certain surplus state land bordering public water; authorizing private sale of certain tax-forfeited land in Aitkin, Crow Wing, Itasca, Koochiching, Lake, Norman, and St. Louis counties; providing for the first offer of tax-forfeited land within the Fond du Lac Indian Reservation to the Fond du Lac Band of Chippewa Indians; appropriating money; amending Minnesota Statutes 2002, sections 85.013, subdivision 1; 85.0156, subdivision 1; 86A.04; Laws 2001, First Special Session chapter 2, section 14, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 93.

Reports the same back with the recommendation that the bill be amended as follows:

Page 30, after line 2, insert:

"Sec. 31. [FLOOD HAZARD MITIGATION GRANTS; PARTIAL COMPLETION OF PROJECTS.]

The commissioner of natural resources may allocate money for the flood hazard mitigation grants from the appropriation in Laws 2002, chapter 393, section 7, subdivision 20, as amended by Laws 2002, First Special Session chapter 1, section 12, for partial construction of projects, notwithstanding that the projects will not be completed until an additional appropriation is made, and notwithstanding Minnesota Statutes, section 16B.31, subdivision 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 22, after the first semicolon, insert "authorizing use of flood hazard mitigation grants for partial completion of certain projects;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

H.F. No. 326: A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

H.F. No. 195: A bill for an act relating to elections; establishing the voting integrity and voter access account; providing for funding and use of that account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [5.30] [HELP AMERICA VOTE ACT ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] The Help America Vote Act account is established as an account in the state treasury. Money received from the federal government under the Help America Vote Act, Public Law 107-252, must be deposited in the state treasury and credited to the account. Money appropriated from the general fund to meet the matching requirement of section 253(b)(5) of the Help America Vote Act must be transferred to the account. Money earned from investing the assets of the account must be credited to the account. Money in the account does not cancel but remains available until expended. The account is subject to the requirements of section 254(b) of the Help America Vote Act.

Subd. 2. [APPROPRIATION.] Notwithstanding section 4.07, money in the Help America Vote Act account may be spent only pursuant to direct appropriations enacted from time to time by law. Money in the account must be spent to improve administration of elections in accordance with the Help America Vote Act, the state plan certified by the governor under the act, and for reporting and administrative requirements under the act and plan. Money in the account must be used in a manner that is consistent with the maintenance of effort requirements of section 254(a)(7) of the Help America Vote Act, Public Law 107-252, based on the level of state expenditures for the fiscal year ending June 30, 2000.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective retroactively to the full extent permitted by the Help America Vote Act, Public Law 107-252."

Delete the title and insert:

"A bill for an act relating to elections; establishing the Help America Vote Act account; providing for funding and use of that account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 5."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 666: A bill for an act relating to lawful gambling; providing for linked bingo games; amending Minnesota Statutes 2002, sections 349.12, subdivisions 4, 18, by adding subdivisions; 349.151, subdivision 4; 349.153; 349.155, subdivision 3; 349.163, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivision 6; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.18, subdivision 1; 349.19, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211,

subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 216: A bill for an act relating to health; providing for psychologist emeritus registration; proposing coding for new law in Minnesota Statutes, chapter 148.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 21, insert:

"Sec. 2. [APPROPRIATION.]

\$1,000 is appropriated for each fiscal year of the biennium ending June 30, 2005, from the state government special revenue fund to the board of psychology for the purpose of administering section 1."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 1437: A bill for an act relating to elections; changing the precinct caucus date; changing the date of the state party nominating election and primary; changing requirements for names appearing on the state party nominating election ballot; changing certain terminology; amending Minnesota Statutes 2002, sections 202A.14, subdivision 1; 204B.03; 204B.06, subdivision 7; 204B.08, subdivisions 1, 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3, 4; 204B.11; 204B.12, subdivision 1; 204B.33; 204D.03, subdivision 1; 204D.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 10A.31, subdivision 6, is amended to read:

Subd. 6. [DISTRIBUTION OF PARTY ACCOUNTS.] As soon as the board has obtained from the secretary of state the results of the primary state party nominating election, but no later than one week after certification by the state canvassing board of the results of the primary that election, the board must distribute the available money in each party account, as certified by the commissioner of revenue on September 1 one week before the state party nominating election, to the candidates of that party who have signed a spending limit agreement under section 10A.322 and filed the affidavit of contributions required by section 10A.323, who were opposed in either the primary election or the general election, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party account may not be paid in an amount greater than the expenditure limit of the candidate or the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. If a candidate files the affidavit required by section 10A.323 after September 1 of the general election year later than one week before the state party nominating election, the board must pay the candidate's allocation to the candidate at the next regular payment date for public subsidies for that election cycle that occurs at least 15 days after the candidate files the affidavit.

Sec. 2. Minnesota Statutes 2002, section 10A.321, subdivision 1, is amended to read:

Subdivision 1. [CALCULATION AND CERTIFICATION OF ESTIMATES.] The commissioner of revenue must calculate and certify to the board one week before July 1 the first day for filing for office in each election year an estimate of the total amount in the state general account of the state elections campaign fund and the amount of money each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the candidate's party account in the state elections campaign fund. This estimate must be based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any necessary vote totals provided by the secretary of state to apply the formulas in section 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after 100 percent of the tax returns have been processed.

Sec. 3. Minnesota Statutes 2002, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a condition of receiving a public subsidy, a candidate must sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision 10; 10A.31, subdivision 7, paragraph (c); and 10A.324.

(b) Before the first day of filing for office, the board must forward agreement forms to all filing officers. The board must also provide agreement forms to candidates on request at any time. The candidate must file the agreement with the board by September 1 preceding the candidate's general election or a special election held at the general no later than one week before the candidate's state party nominating election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board must notify the commissioner of revenue of any agreement signed under this subdivision.

(d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office.

Sec. 4. Minnesota Statutes 2002, section 10A.323, is amended to read:

10A.323 [AFFIDAVIT OF CONTRIBUTIONS.]

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by September 1 of the general election year no later than one week before the state party nominating election.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit required by this section to the board within five days after filing the affidavit of candidacy.

Sec. 5. Minnesota Statutes 2002, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING; POSTPONEMENT.] At 7:00 p.m. on the first third Tuesday in March February in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 6. Minnesota Statutes 2002, section 204B.03, is amended to read:

204B.03 [MANNER OF NOMINATION.]

Subdivision 1. [CANDIDATES FOR NONPARTISAN OFFICE.] ~~Candidates of a major political party for any partisan office except presidential elector and~~ All candidates for nonpartisan office shall apply for a place on the primary ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.

Subd. 2. [MAJOR POLITICAL PARTY CANDIDATES FOR CONGRESSIONAL, STATE CONSTITUTIONAL, AND LEGISLATIVE OFFICES.] Major political party candidates endorsed for congressional, state constitutional, and legislative office must appear on the state party nominating ballot by party certification under section 204B.051, subdivision 2, and by filing an affidavit of candidacy as provided in section 204B.06. Major political party candidates for congressional, state constitutional, and legislative office who are not endorsed must apply for a place on the state party nominating ballot by party notification as a qualified candidate under section 204B.051, subdivision 4, and by filing an affidavit of candidacy as provided in section 204B.06; or by filing an affidavit of candidacy and a petition under section 204B.051, subdivisions 6 and 7.

Subd. 3. [CANDIDATES NOT SEEKING NOMINATION OF A MAJOR POLITICAL PARTY.] ~~Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in sections 204B.07 and 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy as provided in section 204B.06.~~

Sec. 7. [204B.051] [FILING FOR PRIMARY; MAJOR PARTY CANDIDATES FOR PARTISAN OFFICE.]

Subdivision 1. [NOTICE OF PARTISAN OFFICES TO BE ELECTED.] By February 15 of each even-numbered year, the secretary of state shall send the state chair of each major political party a notice of the congressional, state constitutional, and legislative offices to be elected at the state general election.

Subd. 2. [CERTIFICATION OF ENDORSED CANDIDATES.] No later than 56 days before the state party nominating election, the state chair of each major political party shall certify to the secretary of state or appropriate county auditor the name of the person endorsed as a candidate for a congressional, state constitutional, or legislative office at the appropriate party endorsing convention according to the party rules.

Subd. 3. [FORM OF CERTIFICATION.] The certification of endorsed candidates must include the name of the candidate as it is to appear on the ballot and the name of the office sought. The

certification must also include a statement that each candidate meets the qualifications for the office sought. The certification must be prepared by the party chair in the manner provided by the secretary of state.

Subd. 4. [NOTIFICATION OF CANDIDATES.] No later than 56 days before the state party nominating election, the state chair of each major political party shall certify to the secretary of state or appropriate county auditor the name of each person who received at least 30 percent of the votes on any ballot at the appropriate party endorsing convention for a congressional, state constitutional, or legislative office according to the party rules. The state party chair must send a copy of the certification to each affected candidate by the same deadline. The certification must include a statement that the candidate meets the qualifications for the office sought. The certification must be prepared by the state party chair in the manner required by the secretary of state.

Subd. 5. [ELIGIBILITY OF CANDIDATES.] A candidate must not be certified by a major political party if the candidate does not meet the constitutional and statutory requirements for the office sought.

Subd. 6. [PARTY QUALIFYING PETITION.] A candidate whose name is not certified by a major political party as provided in subdivision 2 or 4 may apply for a place on the state party nominating ballot for a congressional, state constitutional, or legislative office by filing an affidavit of candidacy and a party qualifying petition.

The petition must include the signatures in a number equal to at least ten percent of the number of persons voting for the nomination of the office sought at the last regularly scheduled state party nominating election for that office. By February 15 of each even-numbered year, the secretary of state shall determine the minimum number of signatures required for persons submitting petitions as provided in this subdivision.

Subd. 7. [FORM OF PETITION.] The party qualifying petition required by subdivision 6 must include the following information: candidate's name, candidate's address, party name, and office sought. The petition must include the following oath or affirmation of the signers: "Under penalty of perjury, I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I am eligible to vote for the candidate named on this petition, that I either participated in the most recent precinct caucus for the party listed on the petition or intend to vote for a majority of that party's candidates at the next state general election, and that I signed this petition of my own free will."

Petitions submitted under this subdivision must be in the form specified by the secretary of state, who shall prepare samples of the form.

An individual who, in signing a petition, makes a false oath is guilty of perjury.

Sec. 8. Minnesota Statutes 2002, section 204B.06, subdivision 7, is amended to read:

Subd. 7. [GOVERNOR AND LIEUTENANT GOVERNOR.] An individual who is certified by a major political party or who files as a candidate for governor or lieutenant governor shall be certified as a team or file the affidavit of candidacy jointly with the affidavit of another individual who seeks nomination as a candidate for the other office.

Sec. 9. Minnesota Statutes 2002, section 204B.08, subdivision 1, is amended to read:

Subdivision 1. [TIME FOR SIGNING.] Nominating petitions shall be signed during the period when petitions may be filed as provided in section 204B.09. Party qualifying petitions authorized by section 204B.051, subdivision 6, may be signed no earlier than 98 days before the state party nominating election and no later than 56 days before the state party nominating election.

Sec. 10. Minnesota Statutes 2002, section 204B.08, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS OF SIGNERS.] A nominating petition or party qualifying petition may be signed only by individuals who are eligible to vote for the candidate who is

~~nominated~~ named on the petition. No individual may sign more than one nominating petition or party qualifying petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.

Sec. 11. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy ~~and~~, nominating petitions, and party qualifying petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state ~~primary~~ party nominating election. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 12. Minnesota Statutes 2002, section 204B.10, subdivision 2, is amended to read:

Subd. 2. [NOMINATING PETITIONS; PARTY QUALIFYING PETITIONS; ACKNOWLEDGMENT; NUMBERING.] On the day a nominating petition or party qualifying petition is filed, the election official shall deliver or mail an acknowledgment of the petition to the individual who files it and to the candidate who is to be nominated. The election official shall also number the petitions in the order received. The petitions shall be retained as provided in section 204B.40, and shall be available for public inspection during that period.

Sec. 13. Minnesota Statutes 2002, section 204B.10, subdivision 3, is amended to read:

Subd. 3. [INSPECTION.] The official with whom nominating petitions or party qualifying petitions are filed shall inspect the petitions in the order filed to verify that there are a sufficient number of signatures of individuals whose residence address as shown on the petition is in the district where the candidate is to be nominated.

Sec. 14. Minnesota Statutes 2002, section 204B.11, is amended to read:

204B.11 [CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.]

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, \$300;

(b) for the office of senator in Congress, \$400;

(c) for the office of senator or representative in the legislature, \$100;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

~~When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, The filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 604.113. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.~~

Subd. 2. [PETITION IN PLACE OF FILING FEE.] ~~At the time of filing an affidavit of candidacy,~~ A candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, or a petition submitted to the secretary of state as provided in section 204B.051, subdivision 6, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition used solely in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county or legislative office, or for the office of district judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 15. [204B.115] [VERIFYING SIGNATURES ON PETITIONS.]

The secretary of state shall use a random sampling technique to verify that the persons signing a party qualifying petition, a nominating petition, or a petition in place of a filing fee are eligible voters. The secretary of state must complete the verification within ten working days after the petition is filed.

(a) If a candidate for senator or representative in the legislature is named on the petition, the sample size must be 40 percent of the required number of signatures.

(b) If a candidate for senator or representative in Congress, governor, lieutenant governor, secretary of state, state auditor, or attorney general, or for judge of the supreme court, court of appeals, or district court is named on the petition, the sample size must be 2,000 signatures.

(c) The secretary of state shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random numbers generated constitute the sample for the verification process.

(d) The secretary of state shall verify that the address given by each signatory in the sample is in the district from which the candidate named on the petition is to be elected and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary of state to be ineligible to vote must not be counted.

(e) The secretary of state shall determine what percentage of the signatories in the sample are eligible voters.

(f) The secretary of state shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

(g) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the time for filing has expired during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(h) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the time for filing has not expired during the verification process, the secretary of state shall notify the petitioners:

(1) that the petition has not been signed by the required number of eligible voters;

(2) of the number of additional signatures needed;

(3) that the time for filing has not expired;

(4) of the number of days left to file; and

(5) that the petitioners may provide the secretary of state with the required number of additional signatures before the close of filing.

If the petitioners do not provide the secretary of state with additional signatures before the close of filing, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary of state with additional signatures, the secretary of state shall reverify the signatures using the procedure described in this section.

Sec. 16. Minnesota Statutes 2002, section 204B.12, subdivision 1, is amended to read:

Subdivision 1. [BEFORE PRIMARY.] A candidate may withdraw from the primary ballot by filing an affidavit of withdrawal with the same official who received the party certification or affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than ~~two days~~ the day after the last day for filing for the office.

Sec. 17. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than ~~June~~ March 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 473.121, subdivision 2, that are contained in the same county.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 18. Minnesota Statutes 2002, section 204B.14, subdivision 4, is amended to read:

Subd. 4. [BOUNDARY CHANGE PROCEDURE.] Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election and, for the state primary and general election, no later than ~~June~~ March 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 19. Minnesota Statutes 2002, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] On ~~July~~ March 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~July~~ March 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 20. Minnesota Statutes 2002, section 204B.27, subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW AND INSTRUCTIONS.] The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before ~~July~~ April 1 of every even numbered year the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this volume so that each county auditor and municipal clerk will have at least one copy. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 21. Minnesota Statutes 2002, section 204B.33, is amended to read:

204B.33 [NOTICE OF FILING.]

(a) ~~Between June 1 and July 1 in each even-numbered year~~ No later than 15 weeks before the state party nominating election, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 22. Minnesota Statutes 2002, section 204C.26, subdivision 3, is amended to read:

Subd. 3. [SECRETARY OF STATE.] On or before ~~July~~ April 1 of each even-numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state primary and state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal or school district clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the partisan primary ballot and a separate part for the nonpartisan primary ballot.

Sec. 23. Minnesota Statutes 2002, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. [STATE PARTY NOMINATING ELECTION AND PRIMARY.] The state party nominating election and primary shall be held on the first Tuesday after the ~~second~~ third Monday in ~~September~~ June in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 24. Minnesota Statutes 2002, section 204D.08, subdivision 4, is amended to read:

Subd. 4. [STATE PARTISAN PRIMARY PARTY NOMINATING ELECTION BALLOT; PARTY COLUMNS.] The state ~~partisan primary party nominating election ballot~~ shall be headed by the words "State ~~Partisan Primary Party Nominating Election Ballot~~." The ballot shall be printed on white paper. There must be at least three vertical columns on the ballot and each major political party shall have a separate column headed by the words "..... Party," giving the party name. Above the party names, the following statement shall be printed.

"Minnesota Election Law permits you to vote for the candidates of only one political party in a state ~~partisan primary party nominating election~~."

If there are only two major political parties to be listed on the ballot, one party must occupy the left-hand column, the other party must occupy the right-hand column, and the center column must contain the following statement:

"Do not vote for candidates of more than one party."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. The name of a candidate who was endorsed by a major political party must be followed by the term "endorsed," unless the candidate files with the affidavit of candidacy an affidavit requesting that the candidate's name not be followed by the term "endorsed." If only one

individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in Congress shall be listed first, candidates for representative in Congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

The party columns shall be substantially the same in width, type, and appearance. The columns shall be separated by a 12-point solid line.

Sec. 25. Minnesota Statutes 2002, section 204D.09, subdivision 1, is amended to read:

Subdivision 1. [EXAMPLE BALLOT.] (a) No later than ~~June~~ March 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year.

(b) The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Sec. 26. Minnesota Statutes 2002, section 205.065, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHING PRIMARY.] A municipal primary for the purpose of nominating elective officers may be held in any city on the first Tuesday after the third Monday in June or on the first Tuesday after the second Monday in September of any year in which a municipal general election is to be held for the purpose of electing officers.

Sec. 27. Minnesota Statutes 2002, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than 56 days before the ~~first Tuesday after the second Monday in September preceding the municipal general election~~ primary. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 28. Minnesota Statutes 2002, section 205.13, subdivision 6, is amended to read:

Subd. 6. [WITHDRAWAL.] A candidate for a municipal elective office may withdraw from the election by filing an affidavit of withdrawal with the municipal clerk no later than 5:00 p.m. ~~two days the day~~ after the last day for filing affidavits of candidacy. Thereafter, no candidate may file an affidavit of withdrawal.

Sec. 29. Minnesota Statutes 2002, section 205A.03, subdivision 2, is amended to read:

Subd. 2. [DATE.] The school district primary must be held on the first Tuesday after the third Monday in June or on the first Tuesday after the second Monday in September in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07.

Sec. 30. Minnesota Statutes 2002, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] In school districts nominating candidates at a school district primary, affidavits of candidacy may be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the ~~first Tuesday after the second Monday in September in the year when the school district general election is held~~ primary. In all other school districts, affidavits of candidacy must be filed not more than 70 days and not less than 56 days before the school district general election.

Sec. 31. Minnesota Statutes 2002, section 205A.06, subdivision 5, is amended to read:

Subd. 5. [WITHDRAWAL.] A candidate for a school district elective office may withdraw from the election by filing an affidavit of withdrawal with the school district clerk no later than 5:00 p.m. ~~two days~~ the day after the last day for filing affidavits of candidacy. After that date, no candidate may file an affidavit of withdrawal.

Sec. 32. Minnesota Statutes 2002, section 206.82, subdivision 2, is amended to read:

Subd. 2. [PLAN.] The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to ~~July~~ April 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the department of administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

Sec. 33. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall change the terms in column A to the corresponding terms in column B wherever they appear in Minnesota Statutes or Minnesota Rules.

<u>Column A</u>	<u>Column B</u>
<u>state primary</u>	<u>state party nominating</u>
	<u>election and primary</u>
<u>state partisan primary</u>	<u>state party nominating</u>
	<u>election "</u>

Delete the title and insert:

"A bill for an act relating to elections; changing the precinct caucus date; changing the date of the state party nominating election and primary and altering certain deadlines to conform to the change; changing requirements for names appearing on the state party nominating election ballot; changing certain terminology; authorizing cities and school districts to change the date of their primary; amending Minnesota Statutes 2002, sections 10A.31, subdivision 6; 10A.321, subdivision 1; 10A.322, subdivision 1; 10A.323; 202A.14, subdivision 1; 204B.03; 204B.06, subdivision 7; 204B.08, subdivisions 1, 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3; 204B.11; 204B.12, subdivision 1; 204B.14, subdivisions 2, 4; 204B.21, subdivision 1; 204B.27, subdivision 2; 204B.33; 204C.26, subdivision 3; 204D.03, subdivision 1; 204D.08, subdivision 4; 204D.09, subdivision 1; 205.065, subdivision 1; 205.13, subdivisions 1a, 6; 205A.03, subdivision 2; 205A.06, subdivisions 1a, 5; 206.82, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204B."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 658, 1035, 304, 935, 666, 216 and 1437 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 326 and 195 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED**Senators Hottinger and Day introduced--**

Senate Resolution No. 73: A Senate resolution commemorating Roger Moe's service to Minnesota.

WHEREAS, Roger D. Moe served the people of Minnesota in the state Senate for 32 years; and

WHEREAS, he was the longest serving majority leader in the state's history; and

WHEREAS, the Senate was led in a manner consistent with its honored traditions of order and civility; and

WHEREAS, he is a natural practitioner of the art of politics who is sincere, open, honest, optimistic, and has strong beliefs that are expressed without belligerence; and

WHEREAS, he successfully steered the Senate through numerous state crises with calmness and strength; and

WHEREAS, he served with 247 Senators, two Senate Majority Leaders, seven Senate Minority Leaders, 11 Speakers of the House, six Governors, and six Chief Justices; and

WHEREAS, he has left a positive and indelible mark on the course of Minnesota state history; and

WHEREAS, numerous national organizations have recognized his contributions to democratic government, including the Council of State Governments, National Council of State Legislatures, Eagleton Institute of Politics, and State Legislative Leaders Foundation; and

WHEREAS, all Minnesotans have been well-served by his consistent efforts; and

WHEREAS, his strong sense of duty, system of values, and civic virtues exemplify the spirit of our great state; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it honors the public service of its esteemed leader, Senator Roger D. Moe.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to Senator Roger D. Moe.

Senator Hottinger moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 779: Senators Sams, Marty, Scheid, Frederickson and Dille.

H.F. No. 437: Senators Berglin, Lourey, Higgins, Foley and Kiscaden.

H.F. No. 1404: Senators Kelley, Skoe, Bakk, Skoglund and Anderson.

Senator Hottinger moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Olson was excused from the Session of today. Senator Ruud was excused from the Session of today from 12:30 to 12:50 p.m. Senator Wiger was excused from the Session of today from 1:00 to 1:05 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 8, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, May 7, 2003

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
350	1791	437	1794	
351	1790	673	1796	1797
941	1790	692	1796	1797
980	1791	779	1792	
1511	1816	837	1796	1797
		946	1796	1797
		968	1796	1797
		981	1796	1797
		1140	1796	1797
		1404	1793	

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
350	1791		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
10	1798	1802	195	1841	1853
216	1842	1852	279	1801	1802
304	1839	1852	326	1841	1853
384	1798	1802	414	1800	1802
426	1799	1802	503	1798	1802
462	1799		643	1801	1802
658	1817	1852	988	1800	1802
666	1841	1852	1044	1802	1802
838	1799	1802	1244	1800	1802
931	1798	1802			
935	1840	1852			
1035	1817	1852			
1437	1842	1852			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
141	1802	441	1802
604	1802		
605	1802		

1415	.....	1802
Sen. Res.		
No . 73	.....	1853

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
		437	..... 1854
		779	..... 1854
		1404	..... 1854

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
67	433	..... 1809
262	770	..... 1816
407	1251	..... 1813
568		
964		
1260		
1278		