

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2001

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 TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 29, 2001

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor John Tenjack, Grace Alliance Church, Forest Lake, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dorman	Holberg	Leppik	Osthoff	Swapinski
Abrams	Dorn	Holsten	Lieder	Ozment	Swenson
Anderson, B.	Eastlund	Howes	Lindner	Paulsen	Sykora
Anderson, I.	Entenza	Huntley	Lipman	Pawlentz	Thompson
Bakk	Erhardt	Jacobson	Luther	Paymar	Tingelstad
Bernardy	Erickson	Jaros	Mahoney	Pelowski	Tuma
Biernat	Evans	Jennings	Mares	Penas	Vandevveer
Bishop	Finseth	Johnson, J.	Mariani	Peterson	Wagenius
Boudreau	Fuller	Johnson, R.	Marko	Pugh	Walker
Bradley	Gerlach	Johnson, S.	Marquart	Rhodes	Walz
Buesgens	Gleason	Juhnke	McElroy	Rifenberg	Wasiluk
Carlson	Goodno	Kalis	McGuire	Ruth	Wenzel
Cassell	Goodwin	Kelliher	Milbert	Schumacher	Westerberg
Clark, J.	Gray	Kielkucki	Molnau	Seagren	Westrom
Clark, K.	Greiling	Knoblach	Mulder	Seifert	Wilkin
Daggett	Gunther	Koskinen	Mullery	Sertich	Winter
Davids	Haas	Krinkie	Murphy	Skoe	Wolf
Davnie	Hackbarth	Kubly	Ness	Skoglund	Workman
Dawkins	Harder	Kuisle	Nornes	Slawik	Spk. Sviggum
Dehler	Hausman	Larson	Olson	Smith	
Dempsey	Hilstrom	Leighton	Opatz	Stanek	
Dibble	Hilty	Lenczewski	Osskopp	Stang	

A quorum was present.

Folliard, Kahn, Otremba and Rukavina were excused.

Solberg was excused until 3:45 p.m.

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

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 58, A bill for an act relating to alcoholic beverages; requiring the commissioner of public safety to prescribe standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and to record the identification number of each beer keg sold; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 340A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [340A.513] [SALE OF BEER KEGS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Beer keg" means any brewery-sealed, single container that contains not less than seven gallons of malt liquor.

(b) "Off-sale retailer" means a holder of a license under this chapter to sell alcoholic beverages at off-sale or a municipal liquor store.

Subd. 2. [STANDARDS.] No off-sale retailer shall sell beer kegs unless that retailer affixes an identification label or tag to each beer keg. An identification label or tag shall consist of paper, plastic, metal, or another durable material that is not easily damaged or destroyed. Identification labels used may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attachment of the tag to the beer keg. The identification information contained on the label or tag shall include the licensed off-sale retailer's name, address, and telephone number; a unique beer keg number assigned by the retailer; and a prominently visible warning that intentional removal or defacement of the label or tag is a criminal offense. Upon return of a beer keg to the off-sale retailer that sold the beer keg and attached the identification label or tag, the off-sale retailer shall be responsible for the complete and thorough removal of the entire identification label or tag, and any adhesive or attachment devices of the label or tag.

Subd. 3. [IDENTIFICATION REQUIRED.] An off-sale retailer may not sell a beer keg unless the beer keg has attached an identification tag complying with the standards established under subdivision 2.

Subd. 4. [RETAILERS TO KEEP RECORDS.] (a) An off-sale retailer who sells a beer keg must at the time of the sale record:

(1) the number of the purchaser's driver's license, Minnesota identification card, military identification card, or valid United States or foreign passport;

(2) the date and time of the purchase;

(3) the beer keg identification number required under subdivision 3; and

(4) the purchaser's signature.

(b) The record must be retained for not less than 90 days after the date of the sale.

Subd. 5. [ACCESS TO RECORDS.] An off-sale retailer required to retain records under subdivision 4 must make the records available during regular business hours for inspection by a peace officer, the commissioner, or an agent of the commissioner.

Subd. 6. [VIOLATIONS.] (a) A person required to record information under subdivision 4 may not knowingly make a materially false entry in the book or register required under subdivision 4. In a prosecution under this subdivision, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon the identification provided by the purchaser of a beer keg.

(b) No person other than an off-sale retailer, a licensed wholesaler of malt beverages, a peace officer, the commissioner, or an agent of the commissioner may intentionally remove identification placed on a beer keg in compliance with subdivision 3. No person may intentionally deface or damage the identification on a beer keg to make it unreadable."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "standards" and insert "prescribing"

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 388, A bill for an act relating to public safety; providing for health coverage continuation for peace officers and firefighters disabled before July 1, 1997; amending Minnesota Statutes 2000, section 299A.465, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Judiciary Finance without further recommendation.

The report was adopted.

Wolf from the Committee on Regulated Industries to which was referred:

H. F. No. 429, A bill for an act relating to telecommunications; authorizing state agencies to allow commercial wireless equipment to be placed on state-owned lands, buildings, and other structures; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the following amendments:

Page 1, delete line 10 and insert:

"(a) The"

Page 1, line 12, after "providers" insert "and other tower owners" and after "any" insert "towers on"

Page 1, line 22, after the period, insert "At such time when the state determines that space is available, and no less than annually, the commissioner shall publish a list of state-owned tower sites that are available to commercial wireless service providers and other tower owners for installation of their equipment. The commissioner shall select a provider based on competitive bids or proposals. The commissioner shall ensure that notice to submit a bid or proposal is provided to interested parties by publishing notice of the opportunity in the State Register at least 15 calendar days before bids or proposals are due. In cases of agreements in lieu of site use fees, the commissioner shall select the proposal based upon the best interests of the state, considering the value to the state of the alternative compensation package offered and the equitable distribution of available state property to providers and other tower owners."

Page 1, delete lines 23 and 24 and insert:

"(c) Fees collected under paragraph (b) are appropriated and allocated to the commissioner of administration for technology investments.

(d) This section does not apply to state property that is (1) trunk highway right-of-way, (2) state land, buildings, or structures under the jurisdiction of the commissioner of transportation, or (3) property administered by the commissioner of natural resources.

(e) The commissioner of administration and the commissioner of natural resources shall enter into agreements to designate a portion of lease fees for wireless communications equipment on state property for technology investments. When agreements are executed, no less than 20 percent of the lease fees must be transferred and annually appropriated to the commissioner of administration for technology investments.

Sec. 2. [STATE PROPERTY UNDER JURISDICTION OF COMMISSIONER OF TRANSPORTATION.]

Sections 2 to 5 apply to state property that is trunk highway right-of-way and to state land, buildings, or structures under the jurisdiction of the commissioner of transportation.

Sec. 3. Minnesota Statutes 2000, section 174.70, subdivision 2, is amended to read:

Subd. 2. [IMPLEMENTATION.] In order to facilitate construction and maintenance of the initial backbone of the state's communications system described in subdivision 1 ~~systems and to reduce the proliferation of communications towers,~~ the commissioner ~~shall~~ may, by purchase, lease, gift, exchange, or other means, obtain sites for the erection of towers and the location of equipment and ~~shall~~ may construct buildings and structures needed for developing the system state's communications systems. The commissioner may negotiate with commercial wireless service providers and other tower owners to obtain sites, towers, and equipment. Notwithstanding sections 161.433, 161.434, 161.45, and 161.46, the commissioner may by agreement lease, allow, or permit commercial wireless service providers or other tower owners to install privately owned equipment on state-owned lands, buildings, and other structures under the jurisdiction of the commissioner when it is practical and feasible to do so. The commissioner shall annually publish a list of state-owned towers that are available to commercial wireless service providers and other tower owners for installation of their equipment. The commissioner shall charge a site use fee for the value of the real property or structure made available. In lieu of a site use fee, the commissioner may make agreements with commercial wireless service providers or other tower owners to place state equipment on privately owned towers and may accept (1) improvements to ~~state-owned public safety~~ the state's communications systems facilities or real or personal property, or (2) services provided by a commercial wireless service provider or other tower owner.

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

Sec. 4. Minnesota Statutes 2000, section 174.70, subdivision 3, is amended to read:

Subd. 3. [DEPOSIT OF FEES; APPROPRIATION.] Fees collected under subdivision 2 must be deposited in the ~~trunk highway~~ department of transportation electronic communication account in the special revenue fund. The fees so collected are appropriated to the commissioner of transportation to pay for ~~the commissioner's share and state~~

patrol's share of the costs of constructing, developing and maintaining the communication system sites, communications systems that serve state agencies, except that 20 percent of the fees each year must be transferred and appropriated to the commissioner of administration for technology investments.

Sec. 5. Laws 1999, chapter 238, article 1, section 2, subdivision 7, is amended to read:

Subd. 7. State Roads	912,625,000	923,769,000
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Summary by Fund

General	59,000	9,000
Trunk Highway	912,566,000	923,760,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

516,684,000	521,707,000
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It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

275,000,000	275,000,000
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Highway User Taxes

241,684,000	246,707,000
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The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation finance committee of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the trunk highway revolving loan account.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(b) Highway Debt Service

13,949,000	13,175,000
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\$3,949,000 the first year and \$3,175,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment Management

12,450,000	12,597,000
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\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$216,000 the first year and \$216,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$25,000 the second year are for transportation planning relating to the 2000 census. This appropriation may not be added to the agency's budget base.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(d) Central Engineering Services

68,563,000	70,940,000
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(e) Design and Construction Engineering

80,592,000	83,246,000
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\$1,000,000 the first year and \$500,000 the second year are for transportation planning relating to the 2000 census. This appropriation may not be added to the agency's budget base.

## (f) State Road Operations

214,703,000	216,561,000
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\$1,000,000 each year are for enhancements to the freeway operations program in the metropolitan area.

\$1,000,000 the first year and \$1,000,000 the second year are for maintenance services including rest area maintenance, vehicle insurance, ditch assessments, and tort claims.

\$3,000,000 the first year and \$1,000,000 the second year are for improved highway striping.

\$500,000 the first year and \$500,000 the second year are for safety technology applications.

\$150,000 the first year and \$150,000 the second year are for statewide asset preservation and repair.

\$750,000 the first year and \$750,000 the second year are for the implementation of the transportation worker concept.

The commissioner shall establish a task force to study seasonal road restrictions and report to the legislature its findings and any recommendations for legislative action. The commissioner shall appoint members representing:

- (1) aggregate and ready-mix producers;
- (2) solid waste haulers;
- (3) liquid waste haulers;
- (4) the logging industry;
- (5) the construction industry; and
- (6) agricultural interests.

The task force shall report to the legislature by February 1, 2000, on its findings and recommendations.

## (g) Electronic Communications

5,684,000	5,543,000
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## Summary by Fund

General	59,000	9,000
Trunk Highway	5,625,000	5,534,000

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

\$50,000 the first year from the general fund is for purchase of equipment for the 800 MHz public safety radio system.

\$200,000 the first year is from the trunk highway fund for costs resulting from the termination of agreements made under article 2, sections 31 and 89, and Minnesota Statutes, section 174.70, subdivision 2. This appropriation does not cancel but is available until spent.

In each year of the biennium the commissioner shall request the commissioner of administration to request bids for the purchase of digital mobile and portable radios to be used on the metropolitan regional public safety radio communications system.

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

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money; amending Minnesota Statutes 2000, section 174.70, subdivisions 2, 3; Laws 1999, chapter 238, article 1, section 2, subdivision 7;"

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

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

H. F. No. 551, A bill for an act relating to agriculture; providing a second-generation, targeted ethanol development program; appropriating money; amending Minnesota Statutes 2000, section 41A.09, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 41A.

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

The report was adopted.

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

H. F. No. 659, A bill for an act relating to energy; enacting the Minnesota Energy Security and Reliability Act; requiring an energy security blueprint and a state reliability plan; providing for essential energy infrastructure; eliminating the requirement for individual utility plans; creating an independent reliability administrator; modifying provisions for siting, routing, and determining the need for large electric power facilities; regulating conservation expenditures by energy utilities and eliminating state pre-approval of conservation plans by public utilities; encouraging regulatory flexibility in supplying and obtaining energy; regulating interconnection of distributed utility resources; providing for safety and service standards from distribution utilities; clarifying the state cold weather disconnection requirements; making technical, conforming, and clarifying changes; amending

Minnesota Statutes 2000, sections 116.07, subdivision 4a; 116C.52, subdivision 4; 116C.53, subdivision 3; 116C.57, subdivisions 1, 2, 4, by adding subdivisions; 116C.58; 116C.59, subdivision 1; 116C.60; 116C.61, subdivision 1; 116C.62; 116C.64; 116C.645; 116C.65; 116C.66; 116C.69; 216A.03, subdivision 3a; 216B.03; 216B.095; 216B.097, subdivision 1; 216B.16, subdivisions 1, 6b, 6c, 7, by adding a subdivision; 216B.162, subdivision 8; 216B.1621, subdivision 2; 216B.164, subdivision 4; 216B.241, subdivisions 1, 1a, 1b, 2, 2a, by adding subdivisions; 216B.2421, subdivision 2, by adding a subdivision; 216B.2423, subdivision 2; 216B.243, subdivisions 2, 3, 4, by adding a subdivision; 216B.42, subdivision 1; 216C.17, subdivision 3; 216C.41; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2000, sections 116C.55; 116C.57, subdivisions 3, 5, 5a; 116C.67; 216B.241, subdivision 1c; 216B.2422, subdivisions 2, 6; 216C.18.

Reported the same back with the following amendments:

Page 2, line 10, delete "create" and insert "appoint"

Page 2, line 15, delete "jointly"

Page 2, line 16, delete everything after "commissioner"

Page 2, delete line 17

Page 3, line 2, after "that" insert ", based on the utility's most recent forecast or consistent with the transmission expansion plan of a federally approved regional transmission organization or regional reliability entity, may"

Page 5, line 28, delete "draft"

Page 6, line 4, delete "reliability entity" and insert "transmission organization"

Page 6, line 22, after "a" insert "draft"

Page 6, line 25, delete "administrator" and insert "commissioner"

Page 7, line 32, before the semicolon, insert "utilizing Minnesota's resources"

Page 9, line 2, delete "list" and insert "recommend"

Page 9, line 19, delete "and the administrator shall jointly" and insert "shall"

Page 10, line 9, after the period, insert "The commission shall also request comments on and approve, or approve as modified, each group's organizational, administrative, planning, and voting structures."

Page 10, line 18, after "basis" insert ", not less than twice a year,"

Page 11, line 4, after the period, insert "A regional planning group may satisfy the requirement to issue an initial report under this section by submitting the portion of the Mid-Continent Area Power Pool transmission plan that affects the region, with any analysis, comment, or narrative that the group deems important."

Page 11, line 6, after "that" insert ", based on the utility's most recent forecast or consistent with the transmission expansion plan of a federally approved regional transmission organization or regional reliability entity, may"

Page 12, line 6, delete "the"

Page 12, delete line 7

Page 12, line 8, delete "(5)"

Page 12, line 9, delete "(6)" and insert "(5)"

Page 12, line 12, after the period, insert "The commissioner, rather than the agency, may issue, continue in effect, or deny permits, under conditions it may prescribe for the prevention of pollution, for the emissions of air contaminants from electric generation stations."

Page 21, line 23, delete "parallel or"

Page 25, line 31, after "may" insert ", for distributed generation facilities of no more than ten megawatts of interconnected capacity,"

Page 25, delete line 34 and insert "facilities fueled by natural gas or a renewable fuel, or another similarly clean fuel or combination of fuels, and such facilities may include, but are not limited to, fuel cells, microturbines, wind turbines, or solar modules;"

Page 25, delete lines 35 and 36

Page 26, delete lines 1 to 3

Page 26, line 13, delete everything after "can" and insert "be assured of the reliable, safe, and efficient operation of the interconnected equipment."

Page 26, delete line 14

Page 27, line 33, delete "plant" and insert "facility of 500 megawatts or less"

Page 28, after line 1, insert:

"(c) The commission may not issue a certificate of need for a generation facility with coal as its primary fuel, unless the commission finds that the facility implements the most stringent technology and processes technically achievable, to ensure the least impact on the state's environment from the facility."

Page 28, line 21, after "that" insert ", based on the utility's most recent forecast or consistent with the transmission expansion plan of a federally approved regional transmission organization or regional reliability entity, may"

Page 35, line 23, delete "seven-year" and insert "ten-year simple"

Page 38, line 9, delete the new language

Page 38, delete lines 10 to 12

Page 38, line 13, delete the new language

Pages 41 and 42, delete section 7

Page 43, line 33, delete "peak"

Pages 45 to 47, delete sections 11 and 12 and insert:

"Sec. 11. [452.25] [JOINT VENTURE.]

Subdivision 1. [APPLICABILITY.] This section applies to all home rule charter and statutory cities.

Subd. 2. [DEFINITIONS.] These phrases have the meanings given them in this section.

(a) "Municipal utility" means the operations of a city with respect to any public utilities.

(b) "Municipal power agency" means any organization created under sections 453.51 to 453.62.

(c) "Governing body" means, with respect to each city that operates a municipal utility, the city council, or if another board, commission, or body is empowered by law or city charter or by ordinance or resolution of the city council to control and operate the municipal utility, the board, commission, or body is the governing body.

(d) "Cooperative association" means a distribution cooperative association organized under chapter 308A and engaged primarily in retail public utilities operations.

(e) "Public utility" or "utility" means electric, water, or telecommunications services or other similar or related operations authorized by law or charter.

(f) "Investor-owned utility" means an entity that provides utility services to the public and that is owned by private persons, including utilities governed by chapters 216B and 237.

Subd. 3. [AUTHORIZATION.] (a) Municipal utilities may enter into joint ventures with other municipal utilities, municipal power agencies, cooperative associations, or investor- owned utilities, to provide utility services. Retail electric utility services provided by a joint venture must be within the boundaries of each utility's exclusive electric service territory as shown on the map of service territories maintained by the department of commerce. The terms and conditions of the joint venture are subject to ratification by the governing bodies of the respective utilities and may include the formation of a corporate or other separate legal entity with an administrative and governance structure independent of the respective utilities.

(b) A corporate or other separate legal entity, if formed:

(1) has the authority and legal capacity, and in the exercise of joint venture powers, privileges, responsibilities, and duties authorized by this section, is subject to the law applicable to the organization, internal governance, and activities of the entity;

(2) may exercise in connection with its property and affairs, and in connection with property within its control, any and all powers that may be exercised by a natural person or a private corporation or other private legal entity in connection with similar property and affairs; and

(3) is not a public body or authority, government entity, municipal corporation, or political subdivision, except that, regardless of its form of organization, a joint venture, including any separate legal entity, if formed between municipal utilities, municipal power agencies, and cooperative associations, may elect to be deemed a municipal utility or a cooperative association for purposes of chapter 216B or other federal or state law regulating utility operations.

Subd. 4. [RETAIL CUSTOMERS.] The retail electric customers of the joint venture may elect to become subject to electric rate regulation by the public utilities commission as now provided in sections 216B.03 to 216B.23. The election must be subject to and carried out according to the procedures in section 216B.026 and for such purposes, each retail electric customer of the joint venture must be deemed a member or stockholder as referred to in section 261B.026.

Subd. 5. [POWERS.] (a) A joint venture under this section has those powers, privileges, responsibilities, and duties of the separate utilities entering into the joint venture as the joint venture agreement may provide, including the powers under paragraph (b), except that (1) with respect to retail electric utility services, neither the joint venture nor any member municipal utility may enlarge or extend the service territory served by the joint venture and (2) the joint venture shall not extend service to an existing connected load of 2,000 kilowatts or more, pursuant

to section 216B.42, if the load is outside of the assigned service area of the joint venture, or of the electric utilities party to the joint venture, unless the load is already being served by one of the electric utilities party to the joint venture. A public utility, as defined in section 216B.02, may not extend service to any existing connected load of 2,000 kilowatts or more pursuant to section 216B.42 if the load is located within the assigned service territory of a joint venture or of the electric utilities that are members of the joint venture, unless the load is already being served by that privately owned utility. The limitations of clauses (1) and (2) shall not apply if written consent is obtained from the electric utility assigned to and serving the affected service territory or connected load. This subdivision does not limit the authority of a joint venture to exercise rights of eminent domain for utility purposes other than those described in this subdivision, to the same extent as the members of the joint venture.

(b) Joint venture powers include, but are not limited to, the authority to:

(1) finance, own, acquire, construct, and operate facilities necessary to provide utility services to retail customers of the joint venture, including generation, transmission, and distribution facilities, and like facilities used in other utility services;

(2) combine assigned service territories, in whole or in part, upon notice to, hearing by, and approval of the public utilities commission;

(3) serve customers in the utilities' service territories or in the combined service territory;

(4) combine, share, or employ administrative, managerial, operational, or other staff if combining or sharing will not degrade safety, reliability, or customer service standards;

(5) provide for joint administrative functions, such as meter reading and billings;

(6) purchase or sell utility services at wholesale for resale to customers;

(7) provide conservation programs, other utility programs, and public interest programs, such as cold weather shut-off protection and conservation spending programs, as required by law and rule; and

(8) participate as the parties deem necessary in providing utility services with other municipal utilities, cooperative utilities, investor-owned utilities, or other entities, public or private.

(c) Notwithstanding any contrary provision within this section, a joint venture formed under this section may engage in wholesale utility services unless the municipal utility, the municipal power agency, the cooperative association, or the investor-owned utility party to the joint venture is prohibited under current law to conduct that activity. However, the joint venture may provide wholesale services to a municipal utility, a cooperative association, or an investor-owned utility that is a member of the joint venture.

Subd. 6. [CONSTRUCTION.] (a) This section must be construed liberally to effect its legislative intent and purpose, as complete and independent authority for the performance of each and every act and thing authorized by this section. All authority granted must be broadly interpreted to effect this intent and purpose and not as a limit of powers. The powers conferred by this section are in addition to the powers conferred by other law or charter. A joint venture under this section, and a municipal utility with respect to any joint venture under this section, has the powers, privileges, responsibilities, and duties necessary or appropriate to effect the intent and purpose of this section, including, but not limited to, the expenditure of public funds and the transfer of real or personal property in accordance with the terms and conditions of the joint venture and the joint venture agreement. This section is complete in itself with respect to the formation and operation of a joint venture under this section and with respect to a municipal utility, a cooperative association, or an investor-owned utility party to a joint venture related to their creation of and dealings with the joint venture, without regard to other laws or city charter provisions that do not specifically address or refer to this section or a joint venture created under this section.

(b) This section must not be construed to supersede or modify:

(1) the power of a city council conferred by charter to overrule or override any action of a governing body other than the actions of the joint venture;

(2) chapter 216B, except as specifically provided in this section;

(3) any referendum requirements applicable to the creation of a new electric utility by a municipality under section 216B.46 or 216B.465 or establishment of a telephone exchange by a municipality under section 237.19;

(4) any powers, privileges, or authority or any duties or obligations of a municipal utility, a municipal power agency, or a cooperative association acting as a separate legal entity without reference to a joint venture created under this section."

Page 47, line 34, after "programs" insert "and shall specify the actual energy and capacity savings within the service territory or association that is the result of conservation improvement programs using a list of uniform baseline energy and capacity savings assumptions developed by the department of commerce"

Page 48, line 18, after "(b)" insert "Municipal utilities and cooperative electric associations must consult with the department of commerce in preparing this report."

Page 49, line 11, delete "20" and insert "ten"

Page 49, line 19, delete "20" and insert "ten" in both places

Page 70, line 8, after "~~entered~~" insert "who, at any time,"

Page 70, line 36, delete "or a different"

Page 71, delete line 1

Page 71, line 2, delete "utility"

Page 71, after line 18, insert:

"Sec. 5. Minnesota Statutes 2000, section 216B.16, subdivision 15, is amended to read:

Subd. 15. [LOW-INCOME RATE PROGRAMS; REPORT.] (a) The commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential ratepayers in order to ensure affordable, reliable, and continuous service to low-income utility customers. ~~The commission shall order a pilot program for at least one utility. In ordering pilot programs, the commission shall consider the following:~~

~~(1) the potential for low-income programs to provide savings to the utility for all collection costs including but not limited to: costs of disconnecting and reconnecting residential ratepayers' service, all activities related to the utilities' attempt to collect past due bills, utility working capital costs, and any other administrative costs related to inability to pay programs and initiatives;~~

~~(2) the potential for leveraging federal low-income energy dollars to the state; and~~

~~(3) the impact of energy costs as a percentage of the total income of a low-income residential customer.~~

~~(b) In determining the structure of the pilot utility program, the commission shall:~~

~~(1) consult with advocates for and representatives of low-income utility customers, administrators of energy assistance and conservation programs, and utility representatives;~~

~~(2) coordinate eligibility for the program with the state and federal energy assistance program and low-income residential energy programs, including weatherization programs; and~~

~~(3) evaluate comprehensive low-income programs offered by utilities in other states.~~

~~(c) The commission shall implement at least one pilot project by January 1, 1995, and shall allow a utility required to implement a pilot project to recover the net costs of the project in the utility's rates.~~

~~(d) The commission, in conjunction with the commissioner of the department of public service and the commissioner of economic security, shall review low-income rate programs and shall report to the legislature by January 1, 1998. The report must include:~~

~~(1) the increase in federal energy assistance money leveraged by the state as a result of this program;~~

~~(2) the effect of the program on low-income customer's ability to pay energy costs;~~

~~(3) the effect of the program on utility customer bad debt and arrearages;~~

~~(4) the effect of the program on the costs and numbers of utility disconnections and reconnections and other costs incurred by the utility in association with inability to pay programs;~~

~~(5) the ability of the utility to recover the costs of the low-income program without a general rate change;~~

~~(6) how other ratepayers have been affected by this program;~~

~~(7) recommendations for continuing, eliminating, or expanding the low-income pilot program; and~~

~~(8) how general revenue funds may be utilized in conjunction with low-income programs.~~

~~(b) The purpose of the low-income programs is to lower the percentage of income that low-income households devote to energy bills, to increase customer payments, and to lower utility costs associated with customer account collection activities. In ordering low-income programs, the commission may require utilities to file program evaluations, including the effect of the program on participant household energy burdens, the coordination of other available low-income bill payment and conservation resources, the effect of the program on service disconnections, and the effect of the program on customer payment behavior, utility collection costs, arrearages, and bad debt.~~

Page 71, line 28, after "to" insert "provide incentive and" and delete "such" and insert "new energy infrastructure facility"

Page 72, line 17, after "owned" insert "or operated, in whole or in part, but in no event less than 51 percent" and strike "a" and insert "one or more" and strike "business" and insert "businesses"

Page 74, line 8, delete "July 1, 2001," and insert "January 1, 2002,"

Page 78, line 31, delete "6,000" and insert "10,000"

Page 79, line 17, delete "6,000" and insert "10,000"

Page 81, line 14, delete "6,000" and insert "10,000"

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 17, after the semicolon, insert "authorizing municipal utilities, municipal power agencies, cooperative utilities, and investor-owned utilities to form joint ventures to provide utility services;"

Page 1, line 26, before "by" insert "15,"

Page 1, line 29, delete "2a,"

Page 1, line 33, delete "216B.42, subdivision 1;"

Page 1, line 35, after the second semicolon, insert "452;"

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

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 675, A bill for an act relating to environment; providing funding for the St. George community wastewater treatment system in Nicollet county; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Jobs and Economic Development Finance without further recommendation.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 829, A bill for an act relating to local building officials; authorizing the creation of local building department professional activity funds; authorizing the commissioner of administration to grant funds to municipalities for professional activity funds; amending Minnesota Statutes 2000, section 16B.70, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

The report was adopted.

Sykora from the Committee on Family and Early Childhood Education Finance to which was referred:

H. F. No. 835, A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for a library for the city of Crosslake.

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

The report was adopted.

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

H. F. No. 873, A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited land in Hubbard county free of the tax-forfeited trust.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 282.04, is amended by adding a subdivision to read:

Subd. 4a. [PRIVATE EASEMENTS.] (a) A county board may convey a road easement across unsold tax-forfeited land to an individual requesting an easement for access to private property owned by the individual if:

(1) there are no reasonable alternatives to obtain access to the individual's property; and

(2) exercising the easement will not cause significant adverse environmental or natural resource management impacts.

(b) The county auditor shall require an individual applying for an easement under paragraph (a) to pay the appraised value of the easement. The conveyance must provide that the easement reverts to the state in trust for the taxing district in the event of nonuse.

Sec. 2. Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended by Laws 1999, chapter 180, section 1, and Laws 2000, chapter 488, article 3, section 31, is amended to read:

Subd. 2. [EXCHANGE OF COUNTY LAKESHORE LAND FOR LEASED LAKESHORE LOTS.] (a) For the purposes of this section:

(1) "county land" includes, but is not limited to, tax-forfeited land administered by any county;

(2) "leased lakeshore lots" means lands leased by the state, including lots for which leases have been canceled, pursuant to Minnesota Statutes, section 92.46, subdivision 1; and

(3) "plan for exchange" means a listing of parcels proposed for exchange with legal descriptions, county estimates of values, and maps and acreage for each parcel. By July 1, 1999, counties shall include exchange plans for all lakeshore lease lots that are in substantial compliance with official controls. The plan shall also include a timeline that provides for the completion of the exchange of all remaining lakeshore lease lots by December 31, 2000.

(b) By July 1, 1999, a county board with leased lakeshore lots must petition the land exchange board with a plan for an exchange of county land for leased lakeshore lots in the county that are not listed by the commissioner pursuant to subdivision 1. Notwithstanding Minnesota Statutes, section 94.342, the land proposed for the exchange must be land bordering on or adjacent to meandered or other public waters. A county board proposing an exchange under this section may include tax-forfeited or fee land administered by another county in the proposal with the consent of that county board.

(c) In determining the value of the leased lakeshore lots for purposes of the exchange, the land exchange board must review an appraisal of each lot prepared by an appraiser licensed by the commissioner of commerce. The selection of the appraiser must be agreed to by the commissioner of natural resources and the county board of the county containing the leased lakeshore lot. The commissioner of natural resources must pay the costs of appraisal and may recover these costs as provided in this section. The commissioner must submit appraisals under this paragraph to the land exchange board by June 1, 1999.

(d) The land exchange board must determine whether the land offered for exchange by a county under this section is lakeshore of substantially equal value to the leased lakeshore lots included in the county's petition. In making this determination, the land exchange board must review an appraisal of the land offered for exchange prepared by an appraiser licensed by the commissioner of commerce. The selection of the appraiser must be agreed to by the commissioner of natural resources and the county board of the county containing the leased lakeshore lots. The county must pay the costs of this appraisal and may recover those costs as provided in this section.

(e) Before the proposed exchange may be submitted to the land exchange board, the commissioner of natural resources must ensure that, whenever possible, state lands are added to the leased lakeshore lots when necessary to provide conformance with zoning official controls. The lands added to the leased lakeshore lots must be included in the appraised value of the lots. If the commissioner is unable to add the necessary land to a lot, the lot shall be treated as if purchased at the time the state first leased the site, for the purposes of local zoning and other ordinances at the time of sale of the lot by the county.

(f) Additional state or county lands, including state riparian land leased for a commercial use, may be added to the exchanges if mutually agreed upon by the commissioner and the affected county board to meet county zoning standards or other regulatory needs for the lots, for use of the land by the county or state, or to avoid leaving unmanageable parcels of land in state or county ownership after an exchange, or to dispose of state commercial riparian leases. The additional county land may include nonriparian land, if the land is adjacent to county land exchanged under this section and is beneficial to or enhances the value of the school trust land. Notwithstanding Minnesota Statutes, chapter 282, or any other law to the contrary, a county board may sell all or part of any additional land to an owner of a lakeshore lot sold by the county under this section, or sold by the state at a lakeshore lot sale, or to the lessee of a commercial lease.

(g) In the event that commercial leased state land is proposed for exchange, the state and county must submit to the land exchange board prior to exchanges, without regard to the dates provided in this section, the reports, appraisals, and plan for exchange required by this section. The county is not required to sell the commercially leased lands it receives from the state within the times stated in this section.

(h) The land exchange board must determine whether the lots are of substantially equal value and may approve the exchange, notwithstanding the requirements of Minnesota Statutes, sections 94.342 to 94.347, relating to the approval process. If the board approves the exchange, the commissioner must exchange the leased lakeshore lots for the county lands, together with any additional state land provided for under this section, subject to the requirements of the Minnesota Constitution, article XI, section 10, relating to the reservation of mineral and water power rights.

(i) The deeds between the state and counties for land exchanges under this section are exempt from the deed tax imposed by Minnesota Statutes, section 287.21.

(j) The deeds issued by the state and counties for the land exchanges and sales to a lessee made pursuant to this section are exempt from the requirements imposed for well disclosure by Minnesota Statutes, section 103I.235, well sealing by Minnesota Statutes, section 103I.311, and individual sewage treatment system disclosure by Minnesota Statutes, section 115.55, subdivision 6.

Sec. 3. Laws 1998, chapter 389, article 16, section 31, subdivision 4, as amended by Laws 1999, chapter 180, section 3, is amended to read:

Subd. 4. [COUNTY ENVIRONMENTAL TRUST FUND.] Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, and except as otherwise provided in this section, a county board must deposit the money received from the sale of land under subdivision 3 into an environmental trust fund established by the county under this subdivision. The following may be withheld by a county board and are not required to be deposited into an environmental trust fund: the costs of appraisal, abstracts, and surveys; money received from a sale which is attributable to land owned by a county in fee; amounts paid to lessees for improvements; amounts paid to acquire land which is included in a county plan for

exchange and is conveyed to the state in the exchange, including the purchase price, appraisal, abstract, survey, and closing costs; and the costs of sale to lessees or other parties, including the costs of advertising, realtors, and closing services. If the proceeds from the sale of tax-forfeited land in a county is \$250,000 or more, the principal from the sale of the land may not be expended, and the county board may spend interest earned on the principal only for purposes related to the improvement of natural resources. To the extent money received from the sale is attributable to tax-forfeited land from another county, the money must be deposited in an environmental trust fund established under this section by that county board.

Sec. 4. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; AITKIN COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Aitkin county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Aitkin county and is described as:

An undivided 1/43 interest in Lot 19, Block 1 in the Plat of Waukenabo Addition.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 5. [PRIVATE SALE OF TAX-FORFEITED LAND WITHIN A CONSOLIDATED CONSERVATION AREA; AITKIN COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 84A.27, or other law to the contrary, Aitkin county may sell certain tax-forfeited land within a consolidated conservation area to adjoining landowners under the alternative sale provisions of Minnesota Statutes, section 282.01, subdivision 7.

(b) The land to be sold is located in Aitkin county and is described as:

That part of Government Lot 1 lying South of Highway 18 and North of the plats of Pleasant View Ridge 1st Addition and Pleasant View Ridge 2nd Addition lying West of the extended west line of Lot 1 of the Plat of Pleasant View Ridge 1st Addition and lying East of the extended west line of Lot 1 of the Plat of Pleasant View Ridge 2nd Addition, all in Section 25, Township 45 North, Range 27 West.

(c) The county has determined that the sale would eliminate a substandard parcel and that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 6. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Cook county may sell by private sale the land bordering public water that is described in paragraph (d) under the remaining provisions of Minnesota Statutes, chapter 282, if acquired by the county as tax-forfeited land pursuant to a land exchange by the United States of America, United States Forest Service, under the authority of Minnesota Statutes, section 94.344.

(b) The sale must be in the form approved by the attorney general. The conveyance must reserve a perpetual easement, if necessary, over and across roads and roadways required for access to Lot 1, Hungry Jack Lake Summer Home Group.

(c) The land to be sold by private sale must be sold for the appraised value to the present United States Forest Service special use permittee occupying the resort property.

(d) The land to be sold is located in Cook county and is described as:

That part of Government Lots Ten (10) and Eleven (11), Section 4, Township 64 North, Range 1 West, Fourth Principal Meridian, county of Cook, Minnesota described as follows:

Beginning at the Meander Corner to Sections 3 and 4 near a north shore of Hungry Jack Lake, also being near the southwest corner of Lot 1, Hungry Jack Lake Summer Home Group; thence North 13 degrees 11 minutes 55 seconds West 10.40 feet to said southwest corner of said Lot 1; thence along the west line of said Lot 1, North 08 degrees 11 minutes 46 seconds West 264.00 feet to the northwest corner of Lot 1; thence along the north line of Lot 1, North 64 degrees 36 minutes 18 seconds East 48.82 feet; thence North 650.79 feet to a point near the centerline of County Road 65; thence along the approximate centerline of County Road 65, North 87 degrees 45 minutes 51 seconds West 236.35 feet, more or less, to the line between Government Lots 10 and 11; thence continuing along the approximate centerline of County Road 65 the following six (6) courses and distances:

North 87 degrees 45 minutes 51 seconds West 68.29 feet;

South 87 degrees 46 minutes 40 seconds West 108.81 feet;

South 79 degrees 57 minutes 59 seconds West 224.26 feet;

North 85 degrees 25 minutes 26 seconds West 112.89 feet;

North 85 degrees 25 minutes 26 seconds West 73.14 feet;

South 77 degrees 53 minutes 11 seconds West 68.19 feet;

thence South 12 degrees 06 minutes 49 seconds East 56.08 feet; thence South 13 degrees 53 minutes 24 seconds West 115.50 feet; thence South 09 degrees 02 minutes 24 seconds West 110.00 feet; thence continuing South 09 degrees 02 minutes 24 seconds West 20 feet, more or less, to the north shore of Hungry Jack Lake; thence southeast, east, and northeast to a point lying South 13 degrees 11 minutes 55 seconds East of the point of beginning; thence North 13 degrees 11 minutes 55 seconds West 1.0 foot; more or less to the point of beginning and there terminating.

Being 15.56 acres, more or less.

(e) The county has determined that the county's land management interest would best be served if the land was returned to private ownership.

Sec. 7. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Cook county may sell the land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282, if acquired by the county as tax-forfeited land pursuant to a land exchange by the United States of America, United States Forest Service, under the authority of Minnesota Statutes, section 94.344.

(b) The sale must be in the form approved by the attorney general.

(c) The land to be sold is located in Cook county and is described as:

That part of Government Lots Ten (10) and Eleven (11), Section 4, Township 64 North, Range 1 West, Fourth Principal Meridian, county of Cook, Minnesota described as follows:

Commencing at the Meander Corner to Sections 3 and 4 near a north shore of Hungry Jack Lake, also being near the southwest corner of Lot 1, Hungry Jack Lake Summer Home Group; thence North 13 degrees 11 minutes 55 seconds West 10.40 feet to said southwest corner of Lot 1; thence along the west line of said Lot 1, North 08

degrees 11 minutes 46 seconds West 264.00 feet to the northwest corner of Lot 1; thence continuing North 08 degrees 11 minutes 46 seconds West 198.00 feet; thence North 71 degrees 28 minutes 50 seconds West 288.06 feet, more or less, to the line to Government Lots 10 and 11; thence North 71 degrees 28 minutes 50 seconds West 586.94 feet; thence South 09 degrees 02 minutes 24 seconds West 110.00 feet to the POINT OF BEGINNING; thence returning over the last described line North 09 degrees 02 minutes 24 seconds East 110.00 feet; thence North 13 degrees 53 minutes 24 seconds East 115.50 feet; thence North 12 degrees 06 minutes 49 seconds West 56.08 feet to a point near the centerline of County Road 65; thence along the approximate centerline of County Road 65 the following two (2) courses and distances:

South 77 degrees 53 minutes 11 seconds West 398.72 feet;

South 70 degrees 29 minutes 18 seconds West 232.89 feet, more or less

to the north-south quarter line of Section 4; thence along said quarter line South 04 degrees 18 minutes 35 seconds West 99 feet, more or less, to the north shore of Hungry Jack Lake; thence southeast, southwest, southeast, northeast, and southeast to a point lying South 09 degrees 02 minutes 24 seconds West of the point of beginning; thence North 09 degrees 02 minutes 24 seconds East 20 feet, more or less, to the point of beginning, and there terminating.

Being 3.26 acres, more or less.

Together with a perpetual easement over and across all roads and roadways abutting the property above described.

(d) The county has determined that the county's land management interest would best be served if the lands were returned to private ownership.

Sec. 8. [CONVEYANCE OF TAX-FORFEITED LAND; HUBBARD COUNTY.]

(a) If the city of Park Rapids conveys the land described in paragraph (c) to the state according to Minnesota Statutes, section 282.01, subdivision 1d, then, notwithstanding any other provision of Minnesota Statutes, chapter 282, the commissioner of revenue shall reconvey the land described in paragraph (c) to the city of Park Rapids for no consideration.

(b) The conveyance must be in a form approved by the attorney general. Notwithstanding Minnesota Statutes, chapter 282, the city of Park Rapids may use the land for other than a public use and may sell the land free of the tax-forfeited trust if the proceeds of the sale are used for a public purpose.

(c) The land to be conveyed is in Hubbard county and is described as: Lot 32, Auditor's Plat #4, city of Park Rapids.

Sec. 9. [PRIVATE SALE OF TAX-FORFEITED LAND; LAKE COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Lake county may sell by private sale the tax-forfeited land that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for a consideration of \$1 and relinquishment of a four-acre parcel of land that Lake county has used for road relocation.

(c) The land to be sold is located in Lake county and is described as: the West Half of the Northwest Quarter of the Southwest Quarter, Section 17, Township 55 North, Range 11 West.

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership.

## Sec. 10. [PRIVATE SALE OF TAX-FORFEITED LAND; LAKE COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Lake county may sell by private sale the tax-forfeited land that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Lake county and is described as: the easterly 200 feet of the Northeast Quarter of the Northeast Quarter, Section 32, Township 57 North, Range 11 West.

(d) The county has determined that the county's land management interests would best be served if the land was sold to adjoining landowners to resolve boundary issues.

## Sec. 11. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MEEKER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Meeker county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Meeker county and is described as:

Lot 1, Section 12, Township 121 North, Range 32 West, Union Grove township.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

## Sec. 12. [TAX-FORFEITED LAND IN RAMSEY COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Ramsey county may sell by private sale the tax-forfeited land that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The sale must be in a form approved by the attorney general.

(c) The land to be sold is located in Ramsey county and is described as:

(Except the East 910 feet), the North 356 feet of the Northeast Quarter of the Southeast Quarter (subject to roads), in Section 3, Township 29, Range 22.

(d) The county has determined that the county's land management interests would best be served if the land was sold to Ramsey county to be used for library purposes.

## Sec. 13. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; RAMSEY COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivisions 1 and 2, and the public sale provisions of Minnesota Statutes, chapter 282, the commissioner of revenue shall convey to Ramsey county for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if Ramsey county stops using the land for park purposes. The conveyance must provide that no landscape changes, stormwater discharge, or watercourse alterations that affect the hydrology and vegetative characteristics of the land are allowed beyond those conditions that exist at the time of the conveyance in order that the wetland characteristics and resulting wildlife habitats are maintained in perpetuity.

(c) The land to be conveyed is located in Ramsey county and is described as: that part northeasterly of the railway right-of-way and the East 400 feet of the Northeast Quarter of the Southwest Quarter, Section 17, Township 30 North, Range 23 West (P.I.N. 17-30-23-31-0016-9).

(d) The county has determined that the county's land management interests would best be served if the land was used for park purposes.

Sec. 14. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell by private sale to the adjacent land owner the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(c) The land to be sold is located in St. Louis county on Hinsdale Island, Lake Vermilion, and is described as: Plat of NE-PAH-WIN, Lot 13 (387-282-130), Township 63 North, Range 17 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 15. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in St. Louis county and is described as: the NE1/4-SW1/4 of Section 20, Township 61 North, Range 19 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 16. [PRIVATE SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Washington county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(c) The land to be sold is located in Washington county and is described as: Parcel number 2903021310185, city of Willernie.

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership.

Sec. 17. [CONVEYANCE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Forest Lake for no consideration the tax-forfeited land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Forest Lake stops using the land for the public purpose described in paragraph (d).

(c) The land to be conveyed is located in Washington county and is described as: Lot 4, Block 1, Knob Hill, Forest Lake township (parcel no. 12.032.21.22.0004).

(d) The county has determined that the land is needed by the city of Forest Lake to straighten a road.

Sec. 18. [CONVEYANCE OR PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to New Scandia township for no consideration the tax-forfeited land bordering public water that is described in paragraph (d).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if New Scandia township stops using the land for a public purpose.

(c) If Washington county does not convey the land according to paragraph (a), then notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Washington county may sell by public sale the tax-forfeited land bordering public water that is described in paragraph (d) under the remaining provisions of Minnesota Statutes, chapter 282. The conveyance must be in a form approved by the attorney general.

(d) The land to be conveyed or sold is located in Washington county and is described as:

(1) Lot 16, Block 1, Holiday Beach, New Scandia township (parcel no. 31.032.20.11.0066), subject to an easement; and

(2) Lot 17, Block 1, Holiday Beach, New Scandia township (parcel no. 31.032.20.11.0067), subject to an easement.

(e) The county has determined that the county's land management interests would best be served if the lands were removed from the tax-forfeited roll.

Sec. 19. [CONVEYANCE OR PUBLIC OR PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Marine on St. Croix for no consideration the tax-forfeited land bordering public water that is described in paragraph (e).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Marine on St. Croix stops using the land for a public purpose.

(c) If Washington county does not convey the land according to paragraph (a), then notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may sell by public or private sale the tax-forfeited land bordering public water that is described in paragraph (e), under the remaining provisions of Minnesota Statutes, chapter 282.

(d) If sold by private sale, the conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(e) The land to be conveyed or sold is located in Washington county and is described as: Lot 15, Butternut Falls, Marine on St. Croix (parcel no. 07.031.19.34.0020).

(f) The county has determined that the county's land management interests would best be served if the land was removed from the tax-forfeited roll.

Sec. 20. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING WETLANDS; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivisions 1 and 2, Washington county may sell the tax-forfeited land bordering wetlands that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in the city of Oakdale, Washington county, and is described as:

(1) Lot 2, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0010);

(2) Lot 3, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0011);

(3) Lot 6, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0014);

(4) Lot 7, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0015);

(5) Lot 8, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0016); and

(6) Lot 9, Block 2, Sun Meadows First Addition (parcel no. 17.029.21.22.0017).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 21. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING WETLANDS; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivisions 1 and 2, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Oakdale for no consideration the tax-forfeited land bordering wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Oakdale stops using the land for the public purpose described in paragraph (d).

(c) The land to be conveyed is located in Washington county and is described as:

Outlot B, Oakdale Hills 2nd Addition, except that part platted as Charter Oaks 3rd Addition (parcel no. 30.029.21.31.0139).

(d) The county has determined that the land is needed by the city of Oakdale for drainage.

Sec. 22. [CONVEYANCE OR PUBLIC OR PRIVATE SALE OF TAX-FORFEITED LAND BORDERING WETLANDS; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivisions 1 and 2, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Oakdale for no consideration the tax-forfeited land bordering wetlands that is described in paragraph (e).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Oakdale stops using the land for drainage.

(c) If Washington county does not convey the land according to paragraph (a), then notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivisions 1 and 2, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may sell by public or private sale the tax-forfeited land bordering wetlands that is described in paragraph (e), under the remaining provisions of Minnesota Statutes, chapter 282.

(d) If sold by private sale, the conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(e) The land to be conveyed or sold is located in Washington county and is described as:

(1) Lot 1, Block 1, Sun Meadows First Addition (parcel no. 17.029.21.22.0005); and

(2) Lot 2, Block 1, Sun Meadows First Addition (parcel no. 17.029.21.22.0006).

(f) The county has determined that the county's land management interests would best be served if the lands were removed from the tax-forfeited roll.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 and 8 are effective the day following final enactment. Section 12 is effective the day after the governing body of Ramsey county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to state lands; allowing private easements across tax-forfeited land; changing certain exchange requirements; authorizing public and private sales and conveyances of certain tax-forfeited lands in Aitkin, Cook, Hubbard, Lake, Meeker, Ramsey, St. Louis, and Washington counties; amending Minnesota Statutes 2000, section 282.04, by adding a subdivision; Laws 1998, chapter 389, article 16, section 31, subdivisions 2, as amended, and 4, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 917, A bill for an act relating to health occupations; establishing the council of health boards; amending Minnesota Statutes 2000, sections 214.001, by adding a subdivision; and 214.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, delete "legislature may obtain" and insert "chair of a standing committee in either house of the legislature may request"

Page 1, after line 12, insert:

"Sec. 2. Minnesota Statutes 2000, section 214.002, subdivision 1, is amended to read:

Subdivision 1. [WRITTEN REPORT.] Within 15 days of the introduction of a bill proposing new or expanded regulation of an occupation, the proponents of the new or expanded regulation shall submit a written report to the chair of the standing committee in each house of the legislature to which the bill was referred and to the council of health boards setting out the information required by this section. If a committee chair requests that the report be submitted earlier, but no fewer than five days from introduction of the bill, the proponents shall comply with the request."

Page 1, after line 17, insert:

"Sec. 4. [214.025] [COUNCIL OF HEALTH BOARDS.]

The health-related licensing boards may establish a council of health boards consisting of representatives of the health-related licensing boards and the emergency medical services regulatory board. When reviewing legislation or legislative proposals relating to the regulation of health occupations, the council shall include the commissioner of health or a designee."

Reorder the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for its review of bills and proposals relating to health occupation regulation;"

Page 1, line 4, after the semicolon, insert "214.002, subdivision 1;"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 214"

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

The report was adopted.

Daids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 932, A bill for an act relating to appropriations; appropriating money for a regional sludge management demonstration project.

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 986, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for stage II of the reconstruction of the state-owned storm sewer system from the prison pond in Bayport to the St. Croix river.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 994, A bill for an act relating to health; establishing procedure for requesting a variance or waiver for rules regarding the operation, construction, and equipment of hospitals; proposing coding for new law in Minnesota Statutes, chapter 144.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1025, A bill for an act relating to state government; requiring members of the state board of investment to disclose certain arrangements; amending Minnesota Statutes 2000, section 11A.075.

Reported the same back with the following amendments:

Page 2, line 17, strike "this section" and insert "paragraph (a)"

Page 2, delete section 2

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

The report was adopted.

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

H. F. No. 1044, A bill for an act relating to health; modifying reimbursement provisions for volunteer ambulance attendant training; providing for grants to volunteer ambulance services; requiring a study; appropriating money; amending Minnesota Statutes 2000, sections 144E.35, subdivision 1; 144E.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144E.

Reported the same back with the following amendments:

Page 4, line 35, delete "service" and insert "services"

Page 5, line 33, before "board" insert "emergency medical services regulatory board for a grant to the"

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1104, A bill for an act relating to real estate; providing for the electronic filing of real estate documents; implementing the work plan of the task force; providing support; appropriating money.

Reported the same back with the following amendments:

Page 2, line 14, delete "shall" and insert "may"

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1157, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for municipal water and wastewater systems in St. Stephen.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Jobs and Economic Development Finance without further recommendation.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1192, A bill for an act relating to education; permitting applicants for a temporary limited teaching license or a personnel variance to submit their application by July 1 in any year; directing the board of teaching to amend its rules to conform with the July 1 date; amending Minnesota Statutes 2000, section 122A.18, by adding a subdivision.

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

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1293, A bill for an act relating to state government; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; providing for inspection of light capacity scales; transferring the administration and enforcement of the Unfair Cigarette Sales Act from the commissioner of revenue to the commissioner of commerce; appropriating money; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815,

subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.011, subdivision 1; 45.012; 103F.325, subdivisions 2 and 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, and 5; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, and 8; 216B.16, subdivisions 1, 2, 6b, and 15; 216B.162, subdivisions 7 and 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, and 2b; 216C.01, subdivisions 1, 2, and 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 237.02; 237.075, subdivisions 2 and 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, and 5a; 237.52, subdivisions 2, 4, and 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 270.06; 297F.04, subdivision 1; 297F.13, subdivision 4; 325D.33, subdivision 8, and by adding a subdivision; 325D.405; 325D.415; 325E.11; 325E.115, subdivision 2; 326.243; and 484.50; repealing Minnesota Statutes 2000, sections 216A.06; 237.69, subdivision 3; and 325D.33, subdivision 5.

Reported the same back with the following amendments:

Page 64, line 25, after the period, insert "An equal amount will be reduced from the general fund appropriation to the department of revenue."

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1310, A bill for an act relating to construction; giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement; requiring municipalities to submit annual reports on construction-related fees; regulating construction-related fees; prohibiting municipalities from requiring waivers of rights as a condition for issuance of a construction-related permit; amending Minnesota Statutes 2000, sections 15.99, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.67; 326.90, subdivision 1; and 462.353, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 462; and 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION OF CODE.] Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 16B.75. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

Sec. 2. Minnesota Statutes 2000, section 16B.62, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPAL ENFORCEMENT.] The State Building Code applies statewide and supersedes the building code of any municipality. A municipality must not by ordinance or through development agreement require building code provisions regulating components or systems of any residential structure that are more restrictive than any provision of the State Building Code. The State Building Code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 103F.141, 216C.19, subdivision 8, and 326.244. All municipalities shall adopt and enforce the State Building Code with respect to new construction within their respective jurisdictions.

If a city has adopted or is enforcing the State Building Code on June 3, 1977, or determines by ordinance after that date to undertake enforcement, it shall enforce the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction. Where two or more noncontiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. After the extension, the city may enforce the code in the designated area to the same extent as if the property were situated within its corporate limits.

A city which, on June 3, 1977, had not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city outside of its jurisdiction commences on the first day of January in the year following the notice and hearing.

Municipalities may provide for the issuance of permits, inspection, and enforcement within their jurisdictions by means which are convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, the commissioner shall train and designate individuals available to carry out inspection and enforcement on a fee basis. Nothing in this section prohibits a municipality from adopting ordinances relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision of the State Building Code that regulates components or systems of any residential structure.

Sec. 3. Minnesota Statutes 2000, section 16B.63, is amended by adding a subdivision to read:

Subd. 5. [INTERPRETATIVE AUTHORITY.] To achieve uniform and consistent application of the State Building Code, the state building official has final interpretative authority applicable to all codes adopted as part of the State Building Code except for the plumbing code and the electrical code when enforced by the state board of electricity. A final interpretative committee composed of seven members, consisting of five building officials and two construction industry representatives, shall review requests for final interpretations relating to that field. A request for final interpretation must come from a local or state level building code board of appeals. The state building official must establish procedures for membership of the interpretative committees. The appropriate committee shall review the request and make a recommendation to the state building official for the final interpretation within 30 days of the request. The state building official must issue an interpretation within ten business days from the recommendation from the review committee. A final interpretation may be appealed within 30 days of its issuance to the commissioner under section 16B.67. The final interpretation must be published within

ten business days of its issuance and made available to the public. Municipal building officials shall administer all final interpretations issued by the state building official until the final interpretations are considered for adoption as part of the State Building Code.

Sec. 4. [16B.685] [ANNUAL REPORT.]

Beginning with the first report filed by April 1, 2003, each municipality shall annually report by April 1 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors. The report must include:

(1) the number and valuation of units for which fees were paid;

(2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and

(3) the expenses associated with the municipal activities for which fees were collected.

Sec. 5. Minnesota Statutes 2000, section 326.90, subdivision 1, is amended to read:

Subdivision 1. [LOCAL LICENSE PROHIBITED.] Except as provided in sections ~~326.991~~ and 326.90, subdivision 2, and 326.991, a political subdivision may not require a person licensed under sections 326.83 to 326.991 to also be licensed or pay a registration or other fee related to licensure under any ordinance, law, rule, or regulation of the political subdivision. This section does not prohibit charges for building permits or other charges not directly related to licensure.

Sec. 6. Minnesota Statutes 2000, section 462.353, subdivision 4, is amended to read:

Subd. 4. [FEES.] A municipality may prescribe fees sufficient to defray the costs incurred by it in reviewing, investigating, and administering an application for an amendment to an official control established pursuant to sections 462.351 to 462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed ~~shall~~ must be by ordinance and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed. A municipality shall adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected.

If a dispute arises over a specific fee imposed by a municipality related to a specific application, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal under section 462.361. An approved application may proceed as if the fee had been paid, pending a decision on the appeal.

Sec. 7. [462.3531] [WAIVER OF RIGHTS.]

Any waiver of rights of appeal under section 429.081 is effective only for the amount of assessment estimated or for the assessment amount agreed to in the development agreement. An effective waiver of rights of appeal under section 429.081 may contain additional conditions providing for increases in assessments that will not be subject to appeal if:

(1) the increases are a result of requests made by the developer or property owner; or

(2) the increases are otherwise approved by the developer or property owner in a subsequent separate written document."

Delete the title and insert:

"A bill for an act relating to construction; giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement; requiring municipalities to submit annual reports on construction-related fees; regulating construction-related fees; prohibiting municipalities from requiring waivers of rights as a condition for issuance of a construction-related permit; amending Minnesota Statutes 2000, sections 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 326.90, subdivision 1; 462.353, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 16B; 462."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

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

H. F. No. 1323, A bill for an act relating to energy; authorizing creation of electric generation parks emphasizing use of clean, efficient energy sources; establishing Minnesota energy reliability trust fund to be managed by independent reliability administrator and funded by electricity-consumption surcharge; providing credits and incentives for generation facility construction; establishing center for energy security in the Humphrey Institute for Public Affairs; providing for demonstration projects for burying transmission lines; providing tax incentives and sales tax exemption; appropriating money; amending Minnesota Statutes 2000, sections 116C.52, by adding a subdivision; 116C.57, by adding a subdivision; 272.027, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 7, line 17, delete everything after the second "of"

Page 7, delete line 18

Page 8, line 26, delete "budget" and insert "use a portion"

Page 8, line 27, delete "up to five percent"

Page 9, line 8, delete "up to five percent" and insert "a portion"

Page 13, line 11, after "2001" insert "and that complies with the requirements of section 177.43"

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1354, A bill for an act relating to the environment; modifying provisions relating to petroleum tank release cleanup; amending Minnesota Statutes 2000, sections 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, and 3h; 115C.093; 115C.112; and 115C.13; repealing Minnesota Statutes 2000, sections 115C.02, subdivisions 11a and 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; and 115C.092.

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

The report was adopted.

Wolf from the Committee on Regulated Industries to which was referred:

H. F. No. 1367, A bill for an act relating to energy; allowing owner-occupied residential housing to be served by an existing energy loan program.

Reported the same back with the following amendments:

Page 1, line 12, after the period, insert "The restrictions of the eligibility for loans under this program to the metropolitan area is eliminated. Loans may be provided in any area of the state."

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1392, A bill for an act relating to economic development; modifying provisions of the Minnesota investment fund; amending Minnesota Statutes 2000, section 116J.8731, subdivision 2.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1410, A bill for an act relating to rural economic development; allowing staff of the rural policy and development center to participate in state insurance, retirement, and other plans that apply to state employees; amending Minnesota Statutes 2000, section 116J.421, subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 20 and 21, delete ", retirement, deferred compensation,"

Page 1, line 22, delete everything after "employees" and insert a period

Page 1, delete line 23

Amend the title as follows:

Page 1, line 4, delete ", retirement,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1486, A bill for an act relating to public safety; mental illness; authorizing model policing program pilot projects; creating a community mental health peace officer advisory board; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 2, line 36, after the period, insert "The board expires June 30, 2003."

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1489, A bill for an act relating to economic development; creating Northern Technology Initiative, Inc.; proposing coding for new law as Minnesota Statutes, chapter 116T.

Reported the same back with the following amendments:

Page 1, line 19, after "counties," insert "townships,"

Page 2, line 5, after "county," insert "township,"

Page 3, line 35, before the period, insert ", except the corporation, not the state, is responsible for paying for any tort liability"

Page 4, line 15, after the second comma, insert "employees"

With the recommendation that when so amended the bill pass.

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1658, A bill for an act relating to human services; amending and initiating provisions for long-term care; requiring certain studies; establishing a pilot project for senior services; establishing a long-term care revolving fund; establishing a loan forgiveness program; requiring nursing services agency registration; initiating provisions relating to long-term care insurance; appropriating money; amending Minnesota Statutes 2000, sections 62A.48, subdivision 4, by adding subdivisions; 62S.01, by adding subdivisions; 62S.26; 116L.11, subdivision 4; 116L.12, subdivisions 4, 5; 116L.13, subdivision 1; 144.057; 144.1464; 144.1496, subdivision 3; 144A.071, subdivisions 1, 1a, 2, 4a; 144A.073, subdivisions 2, 4, by adding a subdivision; 144A.16; 144A.62, subdivisions 1, 2, 3, 4; 245A.04, subdivisions 3, 3a, 3b, 3d; 256.975, by adding subdivisions; 256B.056, subdivision 4; 256B.0911, subdivisions 1, 3, 5, 6, 7, by adding subdivisions; 256B.0913, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 256B.0915, subdivisions 1d, 3, 5; 256B.431, subdivisions 2e, 17, by adding subdivisions; 256B.434, subdivisions 4, 10; 256B.48, subdivision 1; 256B.501, by adding a subdivision; 256D.35, by adding subdivisions; 256D.44, subdivision 5; Laws 1999, chapter 245, article 3, section 45, as amended; proposing coding for new law in Minnesota Statutes, chapters 16A; 62S; 116L; 144; 144A; 256; 256B; repealing Minnesota Statutes

2000, sections 116L.10; 116L.12, subdivisions 2, 7; 256B.0911, subdivisions 2, 2a, 4, 8, 9; 256B.0913, subdivisions 3, 15a, 15b, 15c, 16; 256B.0915, subdivisions 3a, 3b, 3c; Minnesota Rules, parts 9505.2390, 9505.2395, 9505.2396, 9505.2400, 9505.2405, 9505.2410, 9505.2413, 9505.2415, 9505.2420, 9505.2425, 9505.2426, 9505.2430, 9505.2435, 9505.2440, 9505.2445, 9505.2450, 9505.2455, 9505.2458, 9505.2460, 9505.2465, 9505.2470, 9505.2473, 9505.2475, 9505.2480, 9505.2485, 9505.2486, 9505.2490, 9505.2495, 9505.2496; 9505.2500.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance without further recommendation.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1672, A bill for an act relating to public safety; authorizing appropriation of money from 911 fees to provide assistance for certain emergency telephone service costs in the metropolitan area; amending Minnesota Statutes 2000, section 473.901, subdivision 1.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1683, A bill for an act relating to technology business; identifying and defining technology business and activity; providing for regulation of technology business with the department of administration; amending Minnesota Statutes 2000, section 16B.61, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State Government Finance without further recommendation.

The report was adopted.

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

H. F. No. 1697, A bill for an act relating to crimes; authorizing dismissal of a charge of nonsupport of spouse or child under certain circumstances; amending Minnesota Statutes 2000, section 609.375, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1748, A bill for an act relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by rural ambulance services; amending Minnesota Statutes 2000, section 144E.101, subdivision 6.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1765, A bill for an act relating to elections; providing for more accurate election results; authorizing and financing certain equipment upgrades; eliminating certain obsolete language; providing for translation of voting instructions; appropriating money; amending Minnesota Statutes 2000, sections 204B.22, subdivision 3; 204B.27, by adding a subdivision; and 206.81; proposing coding for new law in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 2000, section 204C.15, subdivision 2a.

Reported the same back with the following amendments:

Page 1, line 27, delete "on request by local election officials"

Page 2, after line 29, insert:

"Sec. 5. [206.91] [VOTING EQUIPMENT DECENNIAL REPORT.]

By December 31 in each year ending in one, the secretary of state shall file a report with the legislature regarding the voting equipment used in Minnesota. This report must:

(1) identify the voting equipment used in each precinct, as reported to the secretary of state by each county auditor; and

(2) include any recommendations from the secretary regarding improvements in voting system technology that may require the modification or replacement of voting systems currently used in Minnesota."

Page 2, line 30, delete "5" and insert "6"

Page 3, line 6, delete "6" and insert "7"

Page 3, after line 8, insert:

"Sec. 8. [EFFECTIVE DATE.]

Section 5 is effective January 1, 2002."

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "requiring a report;"

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1781, A bill for an act relating to corrections; continuing a task force on agency purchases from correctional industries; amending Minnesota Statutes 2000, section 16B.181, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 24, delete "does not expire" and insert "expires June 30, 2003"

With the recommendation that when so amended the bill pass.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1806, A bill for an act relating to taxes; sales and use tax; allowing the cities of St. Cloud, Sartell, Sauk Rapids, Waite Park, St. Joseph, and St. Augusta to impose local sales and use taxes to fund certain projects.

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

The report was adopted.

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

H. F. No. 1829, A bill for an act relating to human services; expanding medical assistance to cover intensive early intervention behavior therapy for autistic children; amending Minnesota Statutes 2000, section 256B.0625, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, before the period, insert "within a six-month period"

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

The report was adopted.

Knoblach from the Committee on Capital Investment to which was referred:

H. F. No. 1855, A bill for an act relating to public administration; providing for design-build contracts; providing for exempt rules; amending Minnesota Statutes 2000, section 16B.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16C.

Reported the same back with the following amendments:

Page 2, line 33, delete "8 and 9" and insert "7 and 8"

Page 3, delete lines 11 to 14 and insert:

"(d) If the project is within the capitol area, as defined in section 15.50, the capitol area architectural and planning board shall serve as the selection team under subdivision 6, and the project must comply with section 15.50."

Page 3, delete lines 29 to 34

Page 3, line 35, delete "exempt"

Page 3, line 36, delete "under section 14.386"

Page 4, after line 21, insert:

"The initial rules may be adopted under section 14.386, which provides for adoption of exempt rules that are effective for two years. After adoption of the initial rules, the commissioner shall adopt permanent rules under chapter 14. Any costs of rulemaking must be paid out of the agency's budget."

Page 4, line 36, delete "8" and insert "7"

Page 5, after line 23, insert:

"(b) Notice of request for proposals must be advertised in the same manner in which bids are solicited under section 16C.06, subdivision 2, paragraph (a)."

Page 5, line 24, delete "Subd. 7." and insert "Subd. 6." and delete "(a)"

Page 5, line 25, delete "of at"

Page 5, delete lines 26 to 31

Page 5, line 32, delete everything before the period

Page 5, line 35, after the period, insert "If the project is within the capitol area, as defined in section 15.50, the capitol area architectural and planning board shall serve as the selection team."

Page 5, delete line 36

Page 6, delete lines 1 and 2

Page 6, line 3, delete "Subd. 8." and insert "Subd. 7."

Page 6, line 33, delete "Subd. 9." and insert "Subd. 8."

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1859, A bill for an act relating to state government; creating the department of economic and workforce development; transferring certain duties of the departments of trade and economic development, economic security, and labor and industry; providing for a transition team; appropriating money; amending Minnesota Statutes 2000, section 15.01.

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

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1886, A bill for an act relating to employment; regulating the use of genetic testing in employment; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 2, delete lines 8 to 19

Amend the title as follows:

Page 1, line 3, delete "providing penalties;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1887, A bill for an act relating to special education; establishing regional centers on autism-related disorders; proposing coding for new law in Minnesota Statutes, chapter 125A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [INTERAGENCY AUTISM COORDINATING COMMITTEE.]

(a) The commissioner of children, families, and learning shall establish an interagency committee to coordinate state efforts related to serving children with autism. The committee shall include representatives of the departments of children, families, and learning and human services, parents or guardians of children with autism, pediatricians, local public health officials, and representatives of private or nonprofit organizations that advocate on behalf of children with autism.

(b) The interagency autism coordinating committee shall study and recommend by December 1, 2001, to the committees in the legislature charged with early childhood through grade 12 education policy and finance matters a plan for improving efforts at early assessment and identification of autism in young children. The plan must consider:

(1) all existing assessment program options;

(2) public and private funding sources including programmatic funding for early and periodic screening, diagnosis, and treatment; and

(3) current, research-based best practice models.

The plan must be designed to make optimal use of existing public resources.

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

Delete the title and insert:

"A bill for an act relating to special education; establishing an interagency committee to coordinate state efforts to serve children with autism."

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1904, A bill for an act relating to the city of St. Paul; changing the membership and appointment process of the citizen review panel for neighborhood investments from the city's part of the sales tax; amending Laws 1998, chapter 389, article 8, section 37, subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 15 to 19, delete the new language

Amend the title as follows:

Page 1, line 3, delete "and appointment process"

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1940, A bill for an act relating to economic development; modifying the capital access program; amending Minnesota Statutes 2000, sections 116J.876, by adding a subdivision; 116J.8761; and 116J.8762, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1941, A bill for an act relating to economic development; clarifying provisions in the job skills partnership program; amending Minnesota Statutes 2000, sections 116L.02; 116L.04, subdivision 1a; and 116L.06, subdivision 5.

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

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 1944, A bill for an act relating to taxation; providing for the creation of special taxing districts to capture incremental property to finance operating costs of light rail transit; proposing coding for new law in Minnesota Statutes, chapter 473.

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

The report was adopted.

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

H. F. No. 1956, A bill for an act relating to human services; providing program options for certain persons with developmental disabilities; appropriating money.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2006, A bill for an act relating to state employees; providing the same protection from genetic discrimination that is provided to federal employees; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2047, A bill for an act relating to the environment; providing direction to public entities for developing bid specifications and procurement of commodities and services to promote recycled materials; amending Minnesota Statutes 2000, sections 16B.121; 16B.122, subdivision 3.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 2 and insert:

"Sec. 2. [16C.126] [ENVIRONMENTAL REQUIREMENTS.]

(a) All requests for bids for computers and other electronic products must specify that the vendor will take back the product once the useful life of the product has been reached. The commissioner shall develop a list of electronic and other products appropriate for this requirement in consultation with the office of environmental assistance.

(b) Product leasing instead of purchasing may be used for products to meet the requirements of paragraph (a) if the lease requires that the product be returned to the vendor for recycling or reuse at the end of its useful life."

Amend the title as follows:

Page 1, delete line 6 and insert "section 16B.121; proposing coding for new law in Minnesota Statutes, chapter 16C."

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2061, A bill for an act relating to counties; repealing the sunset of county capital improvement bonding authority; repealing Minnesota Statutes 2000, section 373.40, subdivision 7.

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

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2070, A bill for an act relating to economic security; modifying and repealing various statutory provisions in the area of economic security; amending Minnesota Statutes 2000, sections 119A.46, subdivision 3; 268.0111, subdivision 4; 268.0122, subdivision 3; 268.665, subdivision 3; 268.871, subdivisions 1, 1a; repealing Minnesota Statutes 2000, sections 268.0111, subdivision 9; 268.6715; 268.672; 268.673; 268.6751; 268.677; 268.681; 268.6811; 268.682; 268.85; 268.86, subdivision 8; 268.871, subdivisions 2, 4; 268.88; 268.90; 268.971.

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

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2130, A bill for an act relating to insurance; regulating the life and health guaranty association; modifying coverages; assessments; rights and duties; amending Minnesota Statutes 2000, sections 61B.19, subdivisions 2, 3, 4, 5; 61B.20, subdivisions 1, 14, 15, 16, 17, 18, by adding subdivisions; 61B.22, subdivision 3; 61B.23, subdivisions 3, 4, 11, 12, 13, by adding subdivisions; 61B.24, subdivisions 4, 5, by adding subdivisions; 61B.26; 61B.27; 61B.28, subdivisions 1, 3, by adding a subdivision; 61B.29.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2131, A bill for an act relating to local government; permitting retired employees to enroll in health coverage under the public employees insurance program during an annual open enrollment period; amending Minnesota Statutes 2000, section 43A.316, subdivision 8.

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2173, A bill for an act relating to the city of Park Rapids; extending the time period for certain activities in a tax increment financing district in the city.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2187, A bill for an act relating to real property; property surrounding the Coldwater Springs area in the city of Minneapolis; authorizing acquisition and requiring transfer by the metropolitan airports commission of the property; amending Minnesota Statutes 2000, section 473.608, by adding a subdivision.

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

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2205, A bill for an act relating to the legislature; providing for even-year sessions convened by the legislature; limiting the agenda; amending Minnesota Statutes 2000, section 3.011.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [3.013] [ODD-NUMBERED YEAR ORGANIZATIONAL SESSION; EXTRAORDINARY OCCASIONS.]

In the odd-numbered year the legislature shall meet in an organizational session for not exceeding 14 days. The legislature shall convene in the even-numbered year on the Tuesday after the first Monday in January. The legislature may reconvene on extraordinary occasions in the odd-numbered year if authorized by written agreement of the speaker of the house and the senate majority leader or by petition signed by a majority of the members of each house.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective commencing with the legislature convening in January 2003, and thereafter."

Delete the title and insert:

"A bill for an act relating to the legislature; limiting the odd-numbered year session; providing for reconvention on extraordinary occasions; proposing coding for new law in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2225, A bill for an act relating to workers' compensation; making technical changes; requiring interest earned on revenue collected by the special compensation fund to be deposited into the fund; extending a pilot program; providing for payment of various penalties to the commissioner of labor and industry; amending Minnesota Statutes 2000, sections 176.042, subdivision 2; 176.102, subdivisions 3a, 11, 14; 176.103, subdivision 3; 176.129, subdivisions 10, 13, by adding a subdivision; 176.1351, subdivision 5; 176.138; 176.1812, subdivision 6; 176.191, subdivision 1a; 176.194, subdivision 4; 176.221, subdivisions 1, 3, 3a, 6; 176.231, subdivisions 2, 6, 10; 176.238, subdivision 10; repealing Minnesota Statutes 2000, section 176.445.

Reported the same back with the following amendments:

Page 16, line 34, after "insurer" insert "or self-insured employer"

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 873, 994, 1192, 1367, 1392, 1410, 1489, 1748, 1781, 1886, 1940, 1941, 2006, 2070, 2130, 2131 and 2205 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Knoblach; Rhodes; Clark, K., and Paymar introduced:

H. F. No. 2320, A bill for an act relating to economic development; authorizing grants to employers that hire graduates of certain job training programs; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Erickson introduced:

H. F. No. 2321, A bill for an act relating to taxation; sales and use; exempting the purchase of construction materials and supplies used in a street reconstruction project in the city of Milaca; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

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

Penas introduced:

H. F. No. 2322, A bill for an act relating to agriculture; providing funding for a reimbursement program for animal loss due to anthrax; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Penas introduced:

H. F. No. 2323, A bill for an act relating to taxation; allowing partial refund of fuel tax for commercial owners of recreational fishing launches; making technical and clarifying changes; transferring money from the general fund to the water recreation account in the special revenue fund; amending Minnesota Statutes 2000, sections 296A.16, subdivision 2; 296A.18, by adding a subdivision; 297A.68, subdivision 19.

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

Kuisle and Marko introduced:

H. F. No. 2324, A bill for an act relating to transportation; regulating professional and technical services contracts for state transportation projects; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Pugh introduced:

H. F. No. 2325, A bill for an act relating to local government; allowing West St. Paul to implement an ordinance amortizing certain signs.

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

Milbert and Pugh introduced:

H. F. No. 2326, A bill for an act relating to education; providing for a grant to independent school district No. 199, Inver Grove, for a pilot project to develop and implement a library of computer on-line courses for student use; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Evans introduced:

H. F. No. 2327, A bill for an act relating to natural resources; appropriating money for replacement of park shelter structures in the city of Mounds View.

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

Walz introduced:

H. F. No. 2328, A bill for an act relating to natural resources; appropriating money for a woodland education publication.

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

Jennings and Hilty introduced:

H. F. No. 2329, A bill for an act relating to taxes; sales and use taxes; exempting construction materials used for a government center and jail in Pine county; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

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

Howes and Rukavina introduced:

H. F. No. 2330, A bill for an act relating to taxation; requiring payment equivalent to property tax by the commissioner of natural resources on certain state land in counties having a reduced tax base due to acreage in state ownership; amending Minnesota Statutes 2000, section 477A.12; proposing coding for new law in Minnesota Statutes, chapter 84.

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

McElroy introduced:

H. F. No. 2331, A bill for an act relating to economic development; providing that a portion of the capital gain realized on certain investments in high technology businesses is exempt from taxation; providing that the credit for increased research and development activities is refundable; creating a high technology seed capital fund; promoting industry clusters in rural Minnesota; waiving out-of-state tuition for certain nonresidents; establishing a lifetime learning grant program; establishing the North Star Research Coalition and creating an endowment fund; appropriating money; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 290.01, subdivision 19b; and 290.068, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 11A; 116J; 136A; and 137; repealing Minnesota Statutes 2000, section 290.068, subdivision 3.

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

Stanek introduced:

H. F. No. 2332, A bill for an act relating to crime prevention; exempting government agencies from certain court fees; amending Minnesota Statutes 2000, section 357.021, subdivision 2.

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

Dawkins introduced:

H. F. No. 2333, A bill for an act relating to taxation; authorizing creation of a housing tax increment financing district in the city of St. Paul.

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

Thompson introduced:

H. F. No. 2334, A bill for an act relating to taxes; sales and use; exempting certain items sold from vending machines; amending Minnesota Statutes 2000, sections 297A.61, subdivision 3; 297A.67, by adding a subdivision.

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

Carlson; Leppik; Daggett; Dorman; Anderson, I.; Hilstrom; Stang and Cassell introduced:

H. F. No. 2335, A bill for an act relating to taxation; individual income; allowing a credit for certain higher education expenses; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Harder introduced:

H. F. No. 2336, A bill for an act relating to family and early childhood education; modifying child care assistance employment eligibility; amending Minnesota Statutes 2000, section 119B.10, subdivision 1.

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

Greiling introduced:

H. F. No. 2337, A bill for an act relating to education; modifying a teacher grant program to promote professional teaching standards; providing for a school district grant program to promote professional teaching standards; appropriating money; amending Laws 1997, First Special Session chapter 4, article 5, section 22, as amended.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Osthoff introduced:

H. F. No. 2338, A bill for an act relating to appropriations; appropriating money to the St. Paul port authority for its customized job training program.

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

McElroy, Abrams, Milbert, Dempsey, Wolf, Jennings, Holsten, Pugh, Bakk, Pawlenty, Sviggum, Solberg and Ozment introduced:

H. F. No. 2339, A bill for an act relating to taxation; property; exempting current value of utility generation personal property from the general education levy; reducing the class rate on utility generation personal property; exempting certain new increased capacity and increased efficiency utility personal property from property tax;

requiring the public utilities commissioner to adjust utility rates for reduced utility property taxes; establishing an electric utility generation attached machinery personal property tax replacement trust fund; providing for a rebate if an electric generation facility shuts down; authorizing the issuance of bonds; providing a state guarantee on certain local bonds; appropriating money; amending Minnesota Statutes 2000, sections 16A.67, subdivision 1; 126C.01, subdivision 2; 126C.13, subdivision 1; 127A.48, by adding a subdivision; 272.02, subdivision 9; 273.13, subdivision 24; 275.08, subdivision 1b; 276A.01, subdivision 3; 473F.02, subdivision 3; 473F.05; 473F.06; 477A.011, subdivision 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 216B; 272; 475A.

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

Penas introduced:

H. F. No. 2340, A bill for an act relating to taxes; sales and use tax; exempting construction materials and equipment for a mixed municipal solid waste transfer station in Roseau county; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

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

Davnie introduced:

H. F. No. 2341, A bill for an act relating to education; according school district flexibility in determining eligible students' level of performance; amending Minnesota Statutes 2000, section 125A.08.

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

Osthoff and Mares introduced:

H. F. No. 2342, A bill for an act relating to appropriations; appropriating money for compensation for remediation of the Empire Builder property; providing claim priority.

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

Jennings, Ozment and Workman introduced:

H. F. No. 2343, A bill for an act relating to natural resources; appropriating money for implementing the management plan under the Lower St. Croix Wild and Scenic River Act.

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

Goodno, Daggett, Dorman, Davids and Nornes introduced:

H. F. No. 2344, A bill for an act relating to taxation; exempting a portion of homestead value from taxation; reducing property tax class rates; providing a tax credit for business property; increasing debt service and operating referendum equalization revenues; providing that the general education levy is a state levy and decreasing the amount of the levy; increasing aids to local governments and modifying the formula for their distribution; providing for assumption by the state of the cost of court administration and out-of-home placements; eliminating the sales tax on purchases by local units of government; appropriating money; amending Minnesota Statutes 2000, sections 97A.065, subdivision 2; 123B.53, subdivisions 4, 5; 123B.54; 126C.13, subdivisions 1, 4; 126C.17, subdivisions 5, 6, 7, 8; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 256.01, subdivision 2; 260.765,

by adding a subdivision; 260.771, subdivision 4; 260B.331, subdivisions 1, 2; 260C.331, subdivisions 1, 2; 272.02, by adding a subdivision; 273.13, subdivisions 22, 23, 24, 25, 31, by adding a subdivision; 273.1319; 273.1382, subdivisions 1, 1b, 2; 273.1398, subdivisions 1, 4a, by adding subdivisions; 273.166, subdivision 1; 275.02; 275.065, subdivision 1; 297A.70, subdivisions 1, 2, 3; 297A.991, subdivision 2; 299D.03, subdivision 5; 357.021, subdivision 1a; 477A.011, subdivisions 27, 34, by adding subdivisions; 477A.013, subdivisions 8, 9; 477A.03, subdivision 2, by adding a subdivision; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 2000, sections 126C.13, subdivisions 1, 2, 3; 273.13, subdivision 24a; 273.1382, subdivision 3; 477A.011, subdivisions 36, 37; 477A.03, subdivision 4.

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

Abeler and Kubly introduced:

H. F. No. 2345, A bill for an act relating to insurance; requiring coverage for oral language interpreter services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Daggett, Rifenberg, Harder, Bernardy, Walker and Lenczewski introduced:

H. F. No. 2346, A bill for an act relating to taxation; individual income; providing a subtraction for health insurance premiums; amending Minnesota Statutes 2000, section 290.01, subdivision 19b.

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

Evans, Koskinen, Hilty, Greiling and McGuire introduced:

H. F. No. 2347, A bill for an act relating to housing; providing funding for existing and new housing programs; creating housing programs; appropriating money; amending Minnesota Statutes 2000, section 462A.201, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Mulder introduced:

H. F. No. 2348, A bill for an act relating to taxation; modifying the exemption for property used in a small scale wind energy conversion system; amending Minnesota Statutes 2000, section 272.02, subdivision 22.

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

Davnie, Kelliher, Skoglund and Gleason introduced:

H. F. No. 2349, A bill for an act relating to taxation; exempting projects at the Fort Snelling upper bluff area from sales and use tax on construction materials; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

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

Lenczewski, Kelliher, Erhardt, Gunther, Abrams and Rhodes introduced:

H. F. No. 2350, A bill for an act relating to local government; specifying means of financing multijurisdictional programs in Hennepin county; amending Minnesota Statutes 2000, section 383B.79, by adding a subdivision.

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

Carlson, Seifert, Opatz, Pelowski and Gleason introduced:

H. F. No. 2351, A bill for an act relating to higher education; grants; modifying calculation of grant stipends; amending Minnesota Statutes 2000, section 136A.121, subdivision 5; repealing Minnesota Statutes 2000, section 136A.1211.

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

Bishop, Kuisle, Bradley, Solberg and Kalis introduced:

H. F. No. 2352, A bill for an act relating to amateur sports; appropriating money to the Minnesota amateur sports commission for a grant to the national volleyball center in Rochester; requiring matching in-kind grants.

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

Seagren, Mares, Greiling, Biernat and Buesgens introduced:

H. F. No. 2353, A bill for an act relating to education finance; creating a statewide system to enhance student performance through alternative teacher compensation programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 120B.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

### **MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 883.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 883, A bill for an act relating to health; establishing procedure for requesting a variance or waiver for rules regarding the operation, construction, and equipment of hospitals; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time.

Dorn moved that S. F. No. 883 and H. F. No. 994, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

**CONSENT CALENDAR**

H. F. No. 1391 was reported to the House.

Pugh moved that H. F. No. 1391 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 901 was reported to the House.

Anderson, B., moved that H. F. No. 901 be removed from the Consent Calendar and be placed on the General Register. The motion prevailed.

**REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION**

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day, immediately preceding the remaining bills on the Calendar for the Day, for Thursday, March 29, 2001:

H. F. No. 369.

**CALENDAR FOR THE DAY**

H. F. No. 369 was reported to the House.

Pugh moved that H. F. No. 369 be re-referred to the Committee on Health and Human Services Finance.

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Pugh motion and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Jaros	Lieder	Osthoff	Swapinski
Bakk	Evans	Jennings	Luther	Paymar	Wagenius
Bernardy	Gleason	Johnson, R.	Mahoney	Pelowski	Walker
Biernat	Goodwin	Johnson, S.	Mariani	Peterson	Wasiluk
Carlson	Gray	Juhnke	Marko	Pugh	Wenzel
Clark, K.	Greiling	Kalis	Marquart	Sertich	Winter
Davnie	Hausman	Kelliher	McGuire	Skoe	
Dawkins	Hilstrom	Koskinen	Milbert	Skoglund	
Dibble	Hilty	Kubly	Mullery	Slawik	
Dorn	Huntley	Leighton	Murphy	Solberg	

Those who voted in the negative were:

Abeler	Dorman	Holsten	Mares	Rhodes	Vandever
Abrams	Eastlund	Howes	McElroy	Rifenberg	Walz
Anderson, B.	Erhardt	Jacobson	Molnau	Ruth	Westerberg
Bishop	Erickson	Johnson, J.	Mulder	Schumacher	Westrom
Boudreau	Finseth	Kielkucki	Ness	Seagren	Wilkin
Bradley	Fuller	Knoblach	Nornes	Seifert	Wolf
Buesgens	Gerlach	Krinkie	Olson	Smith	Workman
Cassell	Goodno	Kuisle	Opatz	Stanek	Spk. Sviggum
Clark, J.	Gunther	Larson	Osskopp	Stang	
Daggett	Haas	Lenczewski	Ozment	Swenson	
Davids	Hackbarth	Leppik	Paulsen	Sykora	
Dehler	Harder	Lindner	Pawlenty	Thompson	
Dempsey	Holberg	Lipman	Penas	Tingelstad	

The motion did not prevail.

Opatz, Biernat, Marquart, Lenczewski, Schumacher and Thompson moved to amend H. F. No. 369 as follows:

Page 1, line 13, delete "50" and insert "40"

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE

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

Abeler	Bishop	Clark, K.	Dibble	Evans	Gray
Abrams	Boudreau	Daggett	Dorman	Finseth	Greiling
Anderson, B.	Bradley	Davids	Dorn	Fuller	Gunther
Anderson, I.	Buesgens	Davnie	Eastlund	Gerlach	Haas
Bakk	Carlson	Dawkins	Entenza	Gleason	Hackbarth
Bernardy	Cassell	Dehler	Erhardt	Goodno	Harder
Biernat	Clark, J.	Dempsey	Erickson	Goodwin	Hausman

Hilstrom	Kielkucki	Mares	Osskopp	Seifert	Vandever
Hilty	Knoblach	Mariani	Osthoff	Sertich	Wagenius
Holberg	Koskinen	Marko	Ozment	Skoe	Walz
Holsten	Krinkie	Marquart	Paulsen	Skoglund	Wasiluk
Howes	Kubly	McElroy	Pawlenty	Slawik	Wenzel
Huntley	Kuisle	McGuire	Paymar	Smith	Westerberg
Jacobson	Larson	Milbert	Pelowski	Solberg	Westrom
Jaros	Leighton	Molnau	Penas	Stanek	Wilkin
Jennings	Lenczewski	Mulder	Peterson	Stang	Winter
Johnson, J.	Leppik	Mullery	Pugh	Swapinski	Wolf
Johnson, R.	Lieder	Murphy	Rhodes	Swenson	Workman
Johnson, S.	Lindner	Ness	Rifenberg	Sykora	Spk. Sviggum
Juhnke	Lipman	Nornes	Ruth	Thompson	
Kalis	Luther	Olsen	Schumacher	Tingelstad	
Kelliher	Mahoney	Opatz	Seagren	Tuma	

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

Pugh moved to amend H. F. No. 369, as amended, as follows:

Page 1, delete Section 1

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 18D.115, subdivision 2, is amended to read:

Subd. 2. [CONTRIBUTION.] If a responsible party is held liable under this chapter and establishes a proportionate share of the aggregate liability, the provisions of section 604.02, subdivisions 1 and 2, shall apply with respect to contribution and reallocation of any uncollectible amounts, except that an administrative law judge may also perform the functions of a court identified in section 604.02, subdivision ~~2~~ 4.

Sec. 2. Minnesota Statutes 2000, section 115B.08, subdivision 2, is amended to read:

Subd. 2. [CONTRIBUTION.] If a person is held jointly and severally liable under section 115B.04 and establishes a proportionate share of the aggregate liability, the provisions of section 604.02, subdivisions 1 ~~and 2, shall~~ to 4, apply with respect to contribution and reallocation of any uncollectible amounts.

Sec. 3. Minnesota Statutes 2000, section 115B.09, is amended to read:

115B.09 [LIABILITY UNDER SECTION 115B.05; COMPARATIVE FAULT AND CONTRIBUTION.]

The provisions of sections 604.01 and 604.02, subdivisions 1 ~~and 2~~ to 4, apply to any action for damages under section 115B.05.

Sec. 4. Minnesota Statutes 2000, section 604.01, subdivision 1, is amended to read:

Subdivision 1. [~~SCOPE OF APPLICATION~~ EFFECT OF CONTRIBUTORY FAULT.] ~~Contributory fault does not bar recovery in an action by any person or the person's legal representative to recover damages for fault resulting in death, in injury to person or property, or in economic loss, if the contributory fault was not greater than the fault of the person against whom recovery is sought, but any damages allowed must be diminished in proportion to the amount of fault attributable to the person recovering. The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable~~

~~to each party and the court shall then reduce the amount of damages in proportion to the amount of fault attributable to the person recovering. In an action based on fault seeking to recover damages for injury or death to person or harm to property, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for an injury attributable to the claimant's contributory fault, but does not bar recovery. This rule applies whether or not under prior law the claimant's contributory fault constituted a defense or was disregarded under applicable legal doctrines.~~

Sec. 5. Minnesota Statutes 2000, section 604.02, is amended to read:

604.02 [APPORTIONMENT OF DAMAGES.]

~~Subdivision 1. [REQUIRED ANSWERS OR FINDINGS.] When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award. Except in cases where liability arises under chapters 18B - pesticide control, 115 - water pollution control, 115A - waste management, 115B - environmental response and liability, 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law for damage to the environment or the public health, any other environmental or public health law, or any environmental or public health ordinance or program of a municipality as defined in section 466.01, a person whose fault is 15 percent or less is liable for a percentage of the whole award no greater than four times the percentage of fault, including any amount reallocated to that person under subdivision 2.~~

~~If the state or a municipality as defined in section 466.01 is jointly liable, and its fault is less than 35 percent, it is jointly and severally liable for a percentage of the whole award no greater than twice the amount of fault, including any amount reallocated to the state or municipality under subdivision 2. In all actions involving fault of more than one party to the action, including third-party defendants and persons who have been released under section 604.024, the court, unless otherwise agreed by all parties, shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating:~~

~~(1) the amount of damages each claimant would be entitled to recover if contributory fault is disregarded; and~~

~~(2) the percentage of the total fault of all of the parties to each claim that is allocated to each claimant, defendant, third-party defendant, and person who has been released from liability under section 604.024. For this purpose, the court may determine that two or more persons are to be treated as a single party.~~

~~Subd. 2. [CONSIDERATIONS.] In determining the percentages of fault, the trier of fact shall consider both the nature of the conduct of each party at fault and the extent of the causal relation between the conduct and the damages claimed.~~

~~Subd. 3. [AWARDS.] The court shall determine the award of damages to each claimant in accordance with the findings, subject to any reduction under section 604.024, and enter judgment against each party liable on the basis of rules of joint-and-several liability. For purposes of contribution under sections 604.022 and 604.023, the court also shall determine and state in the judgment each party's equitable share of the obligation to each claimant in accordance with the respective percentages of fault.~~

~~Subd. 4. [UNCOLLECTIBLE JUDGMENTS.] Upon motion made not later than one year after judgment is entered, the court shall determine whether all or part of a party's equitable share of the obligation is uncollectible from that party and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault. A party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.~~

~~Subd. 5. [PRODUCT CLAIMS.] In the case of a claim arising from the manufacture, sale, use or consumption of a product, an amount uncollectible from any person in the chain of manufacture and distribution shall be reallocated among all other persons in the chain of manufacture and distribution but not among the claimant or~~

others at fault who are not in the chain of manufacture or distribution of the product. ~~Provided, however, that a person whose fault is less than that of a claimant is liable to the claimant only for that portion of the judgment which represents the percentage of fault attributable to the person whose fault is less.~~

Sec. 6. [604.021] [SET-OFF.]

A claim and counterclaim must be set off, and only the difference between them is recoverable in the judgment. However, if either or both of the claims are covered by liability insurance and an insurance carrier's liability under its policy is reduced by reason of the set-off, the insured is entitled to recover from the carrier the amount of the reduction. Amounts so recovered must be credited against pertinent liability policy limits. For purposes of uninsured-motorist and similar coverages, the amounts so recovered must be treated as payment of those amounts to the insured by the party liable.

Sec. 7. [604.022] [CONTRIBUTION.]

Subdivision 1. [RIGHT.] A right of contribution exists between or among two or more persons who are jointly and severally liable upon the same indivisible claim for the same injury, death, or harm, whether or not judgment has been recovered against all or any of them. It may be enforced either in the original action or by a separate action brought for that purpose. The basis for contribution is each person's equitable share of the obligation, including the equitable share of a claimant at fault, as determined in accordance with the provisions of section 604.02.

Subd. 2. [LIMITATION.] Contribution is available to a person who enters into a settlement with a claimant only: (1) if the liability of the person against whom contribution is sought has been extinguished; and (2) to the extent that the amount paid in settlement was reasonable.

Sec. 8. [604.023] [ENFORCEMENT OF CONTRIBUTION.]

Subdivision 1. [RECOVERY.] (a) If the proportionate fault of the parties to a claim for contribution has been established previously by the court, as provided by section 604.02, a party paying more than the party's equitable share of the obligation, upon motion, may recover judgment for contribution.

(b) If the proportionate fault of the parties to the claim for contribution has not been established by the court, contribution may be enforced in a separate action, whether or not a judgment has been rendered against either the person seeking contribution or the person from whom contribution is being sought.

Subd. 2. [LIMITATIONS ON ACTIONS.] If a judgment has been rendered, the action for contribution must be commenced within one year after the judgment becomes final. If no judgment has been rendered, the person bringing the action for contribution either must have: (1) discharged by payment the common liability within the period of the statute of limitations applicable to the claimant's right of action against the person and commenced the action for contribution within one year after payment; or (2) agreed while action was pending to discharge the common liability and, within one year after the agreement, have paid the liability and commenced an action for contribution.

Sec. 9. [604.024] [EFFECT OF RELEASE.]

A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable, discharges that person from all liability for contribution, but it does not discharge any other persons liable upon the same claim unless it so provides. However, the claim of the releasing person against other persons is reduced by the amount of the released person's equitable share of the obligation, determined in accordance with the provisions of section 604.02.

Sec. 10. [604.025] [UNIFORMITY OF APPLICATION AND CONSTRUCTION.]

Sections 1 to 9 shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

Sec. 11. [604.026] [SHORT TITLE.]

Sections 1 to 9 may be cited as the Uniform Comparative Fault Act."

Page 2, delete lines 10 and 11

Page 2, after line 11, insert:

"Sections 1 to 11 apply to all causes of action accruing on or after the effective date of those sections."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Pugh amendment and the roll was called. There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hilty	Leighton	Murphy	Skoe
Anderson, I.	Entenza	Jaros	Lieder	Olson	Skoglund
Bakk	Evans	Johnson, R.	Luther	Paymar	Slawik
Bernardy	Gleason	Johnson, S.	Mahoney	Pelowski	Solberg
Biernat	Goodno	Juhnke	Mariani	Peterson	Tuma
Carlson	Goodwin	Kalis	Marko	Pugh	Walker
Clark, K.	Gray	Kelliher	McGuire	Rhodes	Wasiluk
Davnie	Greiling	Koskinen	Milbert	Schumacher	Wenzel
Dibble	Hilstrom	Kubly	Mullery	Sertich	Winter

Those who voted in the negative were:

Abrams	Dorman	Holsten	Lindner	Paulsen	Thompson
Anderson, B.	Eastlund	Howes	Lipman	Pawlenty	Tingelstad
Bishop	Erhardt	Huntley	Mares	Penas	Vandever
Boudreau	Erickson	Jacobson	Marquart	Rifenberg	Wagenius
Bradley	Finseth	Jennings	McElroy	Ruth	Walz
Buesgens	Fuller	Johnson, J.	Molnau	Seagren	Westerberg
Cassell	Gerlach	Kielkucki	Mulder	Seifert	Westrom
Clark, J.	Gunther	Knoblach	Ness	Smith	Wilkin
Daggett	Haas	Krinkie	Nornes	Stanek	Wolf
Davids	Hackbarth	Kuisle	Opatz	Stang	Workman
Dawkins	Harder	Larson	Osskopp	Swapinski	Spk. Sviggum
Dehler	Hausman	Lenczewski	Osthoff	Swenson	
Dempsey	Holberg	Leppik	Ozment	Sykora	

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

Leighton moved to amend H. F. No. 369, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 604.01, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF APPLICATION.] Contributory fault does not bar recovery in an action by any person or the person's legal representative to recover damages for fault resulting in death, in injury to person or property, or in economic loss, if the contributory fault was not greater than the aggregate fault of ~~the person against whom recovery is sought~~ all other persons who are determined to be at fault, but any damages allowed must be diminished in proportion to the amount of fault attributable to the person recovering. The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of fault attributable to each party and the court shall then reduce the amount of damages in proportion to the amount of fault attributable to the person recovering."

Page 2, line 10, delete "Section 1 applies" and insert "Sections 1 and 2 apply"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Leighton amendment and the roll was called. There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Entenza	Huntley	Leighton	Osthoff	Solberg
Anderson, I.	Evans	Jaros	Lieder	Paymar	Swapinski
Bakk	Gleason	Jennings	Luther	Pelowski	Tuma
Bernardy	Goodno	Johnson, R.	Mahoney	Peterson	Wagenius
Biernat	Goodwin	Johnson, S.	Mariani	Pugh	Walker
Carlson	Gray	Juhnke	Marko	Rhodes	Wasiluk
Clark, K.	Greiling	Kalis	McGuire	Sertich	Wenzel
Davnie	Hausman	Kelliher	Milbert	Skoe	Winter
Dibble	Hilstrom	Koskinen	Mullery	Skoglund	
Dorn	Hilty	Kubly	Murphy	Smith	

Those who voted in the negative were:

Abeler	Dauids	Fuller	Jacobson	Lindner	Olson
Anderson, B.	Dawkins	Gerlach	Johnson, J.	Lipman	Opatz
Bishop	Dehler	Gunther	Kielkucki	Mares	Osskopp
Boudreau	Dempsey	Haas	Knoblach	Marquart	Ozment
Bradley	Dorman	Hackbarth	Krinkie	McElroy	Paulsen
Buesgens	Eastlund	Harder	Kuisle	Molnau	Paulwenty
Cassell	Erhardt	Holberg	Larson	Mulder	Penas
Clark, J.	Erickson	Holsten	Lenczewski	Ness	Rifenberg
Daggett	Finseth	Howes	Leppik	Nornes	Ruth

Schumacher	Slawik	Swenson	Tingelstad	Westerberg	Wolf
Seagren	Stanek	Sykora	Vandever	Westrom	Workman
Seifert	Stang	Thompson	Walz	Wilkin	Spk. Sviggum

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

H. F. No. 369, A bill for an act relating to civil action; regulating the apportionment of joint and several liability; amending Minnesota Statutes 2000, section 604.02, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eastlund	Jacobson	Marquart	Penas	Vandever
Bishop	Erhardt	Johnson, J.	McElroy	Rifenberg	Walz
Boudreau	Erickson	Kielkucki	Molnau	Ruth	Westerberg
Bradley	Finseth	Knoblach	Mulder	Schumacher	Westrom
Buesgens	Fuller	Krinkie	Ness	Seagren	Wilkin
Cassell	Gerlach	Kuise	Nornes	Seifert	Wolf
Clark, J.	Gunther	Larson	Olson	Stanek	Workman
Daggett	Haas	Lenczewski	Opatz	Stang	Spk. Sviggum
Davids	Hackbarth	Leppik	Osskopp	Swenson	
Dehler	Harder	Lindner	Ozment	Sykora	
Dempsey	Holberg	Lipman	Paulsen	Thompson	
Dorman	Holsten	Mares	Pawlenty	Tingelstad	

Those who voted in the negative were:

Abeler	Dorn	Howes	Leighton	Paymar	Swapinski
Abrams	Entenza	Huntley	Lieder	Pelowski	Tuma
Anderson, I.	Evans	Jaros	Luther	Peterson	Wagenius
Bakk	Gleason	Jennings	Mahoney	Pugh	Walker
Bernardy	Goodno	Johnson, R.	Mariani	Rhodes	Wasiluk
Biernat	Goodwin	Johnson, S.	Marko	Sertich	Wenzel
Carlson	Gray	Juhnke	McGuire	Skoe	Winter
Clark, K.	Greiling	Kalis	Milbert	Skoglund	
Davnie	Hausman	Kelliher	Mullery	Slawik	
Dawkins	Hilstrom	Koskinen	Murphy	Smith	
Dibble	Hilty	Kubly	Osthoff	Solberg	

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

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

**MOTIONS AND RESOLUTIONS**

McGuire moved that the name of Dehler be shown as chief author on H. F. No. 58. The motion prevailed.

Wenzel moved that the name of Kubly be added as an author on H. F. No. 676. The motion prevailed.

Erhardt moved that the name of Abeler be added as an author on H. F. No. 1059. The motion prevailed.

Larson moved that the name of Dibble be added as an author on H. F. No. 1829. The motion prevailed.

Workman moved that the name of Marko be added as an author on H. F. No. 1973. The motion prevailed.

Jacobson moved that the name of McGuire be added as an author on H. F. No. 2185. The motion prevailed.

Stanek moved that the name of Gray be shown as chief author on H. F. No. 2227. The motion prevailed.

Opatz moved that the name of Kielkucki be added as an author on H. F. No. 2313. The motion prevailed.

Dehler moved that H. F. No. 58 be recalled from the Committee on Crime Prevention and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

McElroy moved that H. F. No. 1859 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Marquart moved that H. F. No. 1872 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Clark, K., moved that H. F. No. 1935 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Lindner moved that H. F. No. 2258 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Jennings moved that H. F. No. 2306 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Environment and Natural Resources Policy. The motion prevailed.

**ADJOURNMENT**

Seifert moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, April 2, 2001. The motion prevailed.

Seifert moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, April 2, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

