

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

 NINETY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 11, 2002

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

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Jaros and Leppik were excused.

Dibble was excused until 11:50 a.m. Osthoff was excused until 12:00 noon. Mullery was excused until 12:10 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 8, 2002

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

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 3125, relating to telecommunications; authorizing periodic account statements in electronic format; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; allowing the city of Alexandria to enter into a joint venture.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 8, 2002

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

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 2988, relating to insurance; regulating certain licenses, fees, rates, practices, and coverages; providing for health care administrative simplification; making certain technical changes.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
3322		320	2:31 p.m. April 8	April 8
2949		321	2:30 p.m. April 8	April 8
2533		322	2:30 p.m. April 8	April 8
2678		323	2:27 p.m. April 8	April 8
3352		324	2:28 p.m. April 8	April 8
3054		325	2:28 p.m. April 8	April 8
3174		326	2:32 p.m. April 8	April 8
1811		327	2:29 p.m. April 8	April 8
2150		328	4:15 p.m. April 8	April 8
	3125	329	2:33 p.m. April 8	April 8
	2988	330	2:30 p.m. April 8	April 8

Sincerely,

MARY KIFFMEYER
Secretary of State

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that H. F. No. 197, Chapter No. 280, of the 2002 Session of the State Legislature, vetoed by the Governor and having been reconsidered and repassed by the House of Representatives and the Senate, the objections of the Governor notwithstanding, is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	197***	280		April 10

Sincerely,

MARY KIFFMEYER
Secretary of State

[NOTE: ***H. F. No. 197, Chapter No. 280, was reconsidered and repassed by the House of Representatives and Senate, the objections of the Governor notwithstanding.]

REPORTS OF STANDING COMMITTEES

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 2646, A bill for an act relating to human services; establishing a prescription drug discount program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 2, line 8, after the period, insert "Multisource drugs for which there are three or more drug products are not subject to the requirements of this section."

Page 4, line 18, delete everything after "basis" and insert "an amount that is equal to an estimate of the rebate amount described in"

Page 5, line 11, delete "general" and insert "appropriation from the cash flow account"

Page 5, line 12, delete "fund appropriation"

Page 5, delete lines 17 to 20 and insert:

"\$6,500,000 is appropriated on July 1, 2002, from the cash flow account to the Minnesota prescription drug dedicated fund established under the prescription drug discount program. This is a onetime appropriation."

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.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 3099, A bill for an act relating to human services; allowing the ombudsman for corrections to apply for or receive certain grants; making changes to continuing care programs; modifying case manager continuing education requirements; adding an exemption from preadmission screening requirements; modifying targeted case

management client contact requirements; requiring a case management services study; modifying planned closure rate adjustment provisions; correcting inconsistencies in mental health services coverage in border states; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; expanding MFIP hardship extensions; amending Minnesota Statutes 2000, sections 241.44, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.40, subdivision 1; Minnesota Statutes 2001 Supplement, sections 144.122; 144.148, subdivision 2; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6; 256J.425, subdivisions 3, 4, 5, 6, by adding a subdivision; 326.38; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2000, section 326.45.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 144.05, is amended by adding a subdivision to read:

Subd. 4. [IDENTIFICATION OF DECEASED INDIVIDUALS.] Upon receiving notice under section 149A.90, subdivision 1, of the death of an individual who cannot be identified, the commissioner must post on the department's Web site information regarding the individual for purposes of obtaining information that may aid in identifying the individual and for purposes of notifying relatives who may be seeking the individual. The information must remain on the Web site continuously until the person's identity is determined.

Sec. 2. Minnesota Statutes 2001 Supplement, section 149A.90, subdivision 1, is amended to read:

Subdivision 1. [DEATH RECORD.] (a) Except as provided in this section, a death record must be completed and filed for every known death by the mortician, funeral director, or other person lawfully in charge of the disposition of the body.

(b) If the body is that of an individual whose identity is unknown, the person in charge of the disposition of the body must notify the commissioner for purposes of compliance with section 144.05, subdivision 4."

Delete the title and insert:

"A bill for an act relating to health; requiring notification for identification of a deceased person; amending Minnesota Statutes 2000, section 144.05, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 149A.90, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 3099 was read for the second time.

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

RECESS

RECONVENED

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the repassage by the Senate of the following House File, notwithstanding the veto by the Governor:

H. F. No. 197, A bill for an act relating to appropriations; reducing an earlier general fund appropriation; authorizing the sale of state bonds; appropriating money for grants to noncommercial television stations and to design and construct bus garages; amending Laws 2000, chapter 479, article 1, section 3, subdivision 2.

The enrolled copy of H. F. No. 197 with all of the signatures of the officers of the Senate and the House together with the Governor's objections, is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3163, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain legislation; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2000, sections 13.04, subdivision 2; 13.461, subdivision 7; 13.4963, subdivision 2; 13.4967, subdivision 3; 13.741, subdivision 1; 13.7411, subdivision 5; 13D.05, subdivision 2; 15A.086; 16D.11, subdivision 6; 17A.04, subdivision 1; 31.51, subdivision 3; 32.073; 41A.09, subdivision 8; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.047, subdivision 4; 48.24, subdivision 5; 115A.06, subdivision 5a; 115A.59; 115A.9157, subdivision 6; 115B.20, subdivisions 1, 2, 5; 115B.25, subdivision 2; 115B.26; 115B.28, as amended; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.31, subdivisions 1, 2, 4; 115B.32; 115B.33; 115B.34; 115B.35, subdivisions 2, 3, 4, 8, 9; 115B.36; 115B.37; 115C.08, subdivisions 4, 5; 116J.615; 116J.616; 119A.11, subdivision 3; 119A.20, subdivision 1; 119A.37, subdivision 3; 119A.46, subdivision 6; 122A.20, subdivision 1; 126C.10, subdivision 26; 144E.43, subdivision 1; 148.71, subdivision 3; 219.98; 221.185, subdivision 5a; 222.631, subdivision 1; 260B.171, subdivision 5; 270.708, subdivision 1; 270B.15; 297B.035, subdivision 3; 297I.05, subdivision 12; 297I.30, subdivisions 1, 5; 299F.11, subdivision 2; 349.163, subdivision 6; 349A.10, subdivision 5; 352D.02, subdivision 1; 383C.19; 401.05, subdivision 3; 437.08; 437.09; 437.10; 458D.02, subdivisions 2, 3; 458D.23; 469.110, subdivision 2; 469.116, subdivision 7; 469.118, subdivisions 1, 2, 4; 469.119, subdivision 1; 469.122; 469.154, subdivision 5; 471.415, subdivision 2; 501B.61, as amended; 514.94; 524.2-301; 524.2-604; 524.2-609; 583.24, subdivision 4; 609.26, subdivision 5; 609.341, subdivision 17; Minnesota Statutes 2001 Supplement,

sections 16A.151, by adding a subdivision; 17B.15, subdivision 1; 60K.31, subdivision 1; 60K.32; 60K.34, subdivision 1; 60K.39, subdivisions 5, 6; 60K.48; 60K.51, subdivision 6; 60K.52, subdivision 1; 61B.23, subdivision 15; 119A.22; 126C.10, subdivision 4; 136G.03, subdivision 20; 144.057, subdivision 4; 169.073; 214.01, subdivision 3; 216B.098, subdivision 2; 216B.2424, subdivision 5; 216B.2425, subdivision 3; 268.052, subdivision 1; 270.07, subdivision 3a; 275.28, subdivision 1; 275.70, subdivision 5; 290A.03, subdivision 13; 297A.668, subdivision 3; 336.9-334; 356.62; 376.08, subdivision 2; 501B.60, subdivision 3; 514.661, subdivision 5; 626.556, subdivision 11; Laws 1995, chapter 220, sections 141, 142, as amended; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 2000, chapter 399, article 1, section 139; Laws 2001, chapter 171, section 12; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2000, sections 115B.27; 115B.35, subdivisions 1, 5, 6; 116.19; 221.0315; 437.11; 462A.072; 557.11; Minnesota Statutes 2001 Supplement, sections 16A.1286, subdivisions 4, 5; Laws 1997, chapter 85, article 4, section 28; Laws 1999, chapter 159, section 79; Laws 1999, chapter 231, section 180; Laws 2001, chapter 161, section 4; Laws 2001, chapter 162, section 4; Laws 2001, First Special Session chapter 2, section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 1.

The Senate has appointed as such committee:

Senators Betzold, Cohen and Robertson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 3203, A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles and requiring a study; allowing certain transactions with department of public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying certain license plate display requirements; authorizing special veteran and patriot license plates; modifying commercial driver's license exemption for snowplow drivers; providing for driver's license to be issued to legally emancipated minor; modifying commercial driver's license provisions to conform to federal law; exempting certain funds from matching requirements; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 17, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.123, subdivision 2; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.06, by adding a subdivision; 169.26, subdivision 1; 169.28, subdivision 1; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 171.02, subdivisions 1, 5; 171.04, subdivision 1; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; Minnesota Statutes 2001 Supplement, section 115A.908, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kuisle moved that the House refuse to concur in the Senate amendments to H. F. No. 3203, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2937.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2937, A bill for an act relating to the environment; further clarifying the statute of limitations for actions to recover response costs under the Minnesota Environmental Response and Liability Act; amending Minnesota Statutes 2000, section 115B.11, by adding subdivisions.

The bill was read for the first time.

Ozment moved that S. F. No. 2937 and H. F. No. 3117, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2473

A bill for an act relating to drivers' licenses; specifying that organ donor designation on driver's license or Minnesota identification card establishes intent; amending Minnesota Statutes 2000, section 525.9211.

April 9, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H. F. No. 2473, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H. F. No. 2473 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and,

if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a class C, class B, or class A driver's license also must state the applicant's social security number. An application for a class D driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number.

(b) The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

(c) The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

(d) The application form must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

- (1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and
- (2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

Sec. 2. Minnesota Statutes 2000, section 525.9211, is amended to read:

525.9211 [MAKING, AMENDING, REVOKING, AND REFUSING TO MAKE ANATOMICAL GIFTS BY INDIVIDUAL.]

Subdivision 1. [TITLE.] This section may be cited as the "Darlene Luther Anatomical Gift Act."

Subd. 2. [REQUIREMENTS.] (a) An individual who is at least 18 years of age, or a minor with the written consent of a parent or legal guardian, may (i) make an anatomical gift for any of the purposes stated in section 525.9215, paragraph (a), (ii) limit an anatomical gift to one or more of those purposes, or (iii) refuse to make an anatomical gift.

(b) An anatomical gift may be made by a will or by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other, and state that it has been so signed.

(c) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's or chauffeur's license, the document of gift must comply with paragraph (b). Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(d) A document of gift may designate a particular physician or surgeon to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(e) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(f) A donor may amend or revoke an anatomical gift, not made by will, only by:

- (1) a signed statement;
- (2) an oral statement made in the presence of two individuals;
- (3) any form of communication during a terminal illness or injury addressed to a health care professional or member of the clergy; or
- (4) the delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(g) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in paragraph (f).

(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. An anatomical gift designation made by a will, a designation on a driver's license or Minnesota identification card made under section 171.07, subdivision 5, or a health care directive under chapter 145C, and not revoked, establishes the intent of the person making the designation and may not be overridden by any other person. For a donor's revocation of an anatomical gift made by a document of gift to be valid, the donor must use one of the methods of revocation in paragraph (f).

(i) An individual may refuse to make an anatomical gift of the individual's body or part by (i) a writing signed in the same manner as a document of gift, or (ii) any other writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(j) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 525.9212 or on a removal or release of other parts under section 525.9213.

(k) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to paragraph (i).

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective December 1, 2002, and applies to application forms distributed on or after that date. Section 2 is effective the day following final enactment and applies to documents of gifts executed before, on, or after the effective date."

Delete the title and insert:

"A bill for an act relating to anatomical gifts; making certain changes to driver's license applications; specifying intent and consent requirements for anatomical gift designations; amending Minnesota Statutes 2000, sections 171.06, subdivision 3; 525.9211."

We request adoption of this report and repassage of the bill.

House Conferees: PHYLLIS KAHN, TIM WILKIN AND DAVE BISHOP.

Senate Conferees: JANE B. RANUM, LINDA SCHEID AND TWYLA RING.

Kahn moved that the report of the Conference Committee on H. F. No. 2473 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2473, A bill for an act relating to drivers' licenses; specifying that organ donor designation on driver's license or Minnesota identification card establishes intent; amending Minnesota Statutes 2000, section 525.9211.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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 bills to be placed on the Calendar for the Day for Thursday, April 11, 2002:

S. F. Nos. 3431, 2540, 3133, 2460, 2727 and 3098; H. F. No. 3350; S. F. Nos. 2707, 2448, 3024, 3134, 2392, 2986 and 3026; H. F. No. 1025; S. F. No. 2738; H. F. No. 3092; S. F. No. 3257; H. F. No. 289; S. F. No. 2998; H. F. No. 2787; S. F. No. 2516; H. F. Nos. 2965 and 861; S. F. No. 3256; and H. F. Nos. 3416 and 3047.

CALENDAR FOR THE DAY

S. F. No. 3431 was reported to the House.

McElroy moved to amend S. F. No. 3431 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3648, the second engrossment:

"Section 1. [FINDINGS.]

The legislature finds that it is in the public interest to preserve a balance in the workforce development fund that is adequate to fund necessary employment and training programs. Adequate funding preserves the state's ability to provide training and support to employees who, as a result of either large or small layoffs, experience job loss that may require retraining for a new field, the upgrading of basic skills, or other temporary support that allows them to rejoin the workforce in stable and productive employment. Further, adequate funding for employment and training programs helps to secure a skilled workforce for employers in a variety of fields, and allows employers additional flexibility in locating and planning their business activities in Minnesota. The legislature finds that the transfer of funds out of the workforce development fund to support activities or programs not related to employment and training has the potential to interfere with the goals and objectives of the fund, and to upset the expectations of both employers and employees who rely upon the dedication of these funds to workforce development activities. Therefore, the legislature strongly recommends against any such transfers.

Sec. 2. Minnesota Statutes 2000, section 16A.86, is amended by adding a subdivision to read:

Subd. 5. [CONSULTATIONS.] A political subdivision must, prior to the submission of any capital project request to the governor or the legislature that involves new construction, consult with the commissioner of trade and economic development and obtain information about any existing buildings that may be available and that, either in their current condition or subsequent to proposed improvements, could adequately serve the same function as the proposed new construction. Information on any suitable available buildings must be provided to the legislature along with the capital budget request.

Sec. 3. Minnesota Statutes 2000, section 16B.305, is amended by adding a subdivision to read:

Subd. 4. [CONSULTATIONS.] State agencies must, prior to the submission of any capital project request to the governor or the legislature that involves new construction, consult with the commissioner of trade and economic development and obtain information about any existing buildings that may be available and that, either in their current condition or subsequent to proposed improvements, could adequately serve the same function as the proposed new construction. Information on any suitable available buildings must be provided to the legislature along with the capital budget request.

Sec. 4. Minnesota Statutes 2000, section 48.24, subdivision 5, is amended to read:

Subd. 5. Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guarantees, or by commitments or agreements to take over or to purchase the same, made by:

(1) the commissioner of agriculture on the purchase of agricultural land;

(2) any Federal Reserve bank;

(3) the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States;

(4) the Minnesota energy and economic development authority; or

(5) ~~the Minnesota export finance authority; or~~

~~(6)~~ a municipality or political subdivision within Minnesota to the extent that the guarantee or collateral is a valid and enforceable general obligation of that political body.

Sec. 5. Minnesota Statutes 2001 Supplement, section 116C.03, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The members of the board are the director of the office of strategic and long-range planning, the commissioner of commerce, the commissioner of the pollution control agency, the commissioner of natural resources, the director of the office of environmental assistance, the commissioner of agriculture, the commissioner of health, the commissioner of trade and economic development, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person. After June 30, 2003, and before July 1, 2004, this prohibition does not apply to the commissioner of trade and economic development.

Sec. 6. [116J.105] [PROMOTION OF AVAILABLE PROPERTIES.]

The commissioner shall communicate regularly with the League of Minnesota Cities, the Minnesota Chamber of Commerce, state historic preservation office of the Minnesota historical society, political subdivisions, and local chambers of commerce, as well as other appropriate local sources of information, to obtain information about available low-cost land and buildings in the state, including, but not limited to, very low-cost properties and properties that have been abandoned. The information the commissioner gains from these communications shall, to the greatest extent possible, be incorporated into any electronic or print publications or databases that the commissioner makes available for marketing purposes.

Sec. 7. Minnesota Statutes 2000, section 116J.565, subdivision 1, is amended to read:

Subdivision 1. [CHARACTERISTICS.] (a) If applications for grants exceed the available appropriations, grants shall be made for sites that, in the commissioner's judgment, provide the highest return in public benefits for the public costs incurred. In making this judgment, the commissioner shall give priority to redevelopment projects with one or more of the following characteristics:

(1) the need for redevelopment in conjunction with contamination remediation needs;

(2) the redevelopment project meets current tax increment financing requirements for a redevelopment district and tax increments will contribute to the project;

- (3) the redevelopment potential within the municipality;
- (4) proximity to public transit if located in the metropolitan area; and
- (5) multijurisdictional projects that take into account the need for affordable housing, transportation, and environmental impact.

(b) The factors in paragraph (a), clauses (1) to (5), are not listed in a rank order of priority; rather the commissioner may weigh each factor, depending upon the facts and circumstances, as the commissioner considers appropriate. The commissioner may consider other factors that affect the net return of public benefits for completion of the redevelopment plan. The commissioner, notwithstanding the listing of priorities and the goal of maximizing the return of public benefits, shall make grants that distribute available money to sites both within and outside of the metropolitan area. The commissioner shall provide a written statement of the supporting reasons for each grant. Unless sufficient applications are not received within the first nine months of a fiscal year for qualifying sites outside of the metropolitan area, at least ~~25~~ 50 percent of the money provided as grants in a fiscal year must be made for sites located outside of the metropolitan area. The commissioner shall consult with the metropolitan council about metropolitan area grants.

Sec. 8. Minnesota Statutes 2000, section 116J.58, subdivision 1, is amended to read:

Subdivision 1. [ENUMERATION.] The commissioner shall:

- (1) investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;
- (2) locate markets for manufacturers and processors and aid merchants in locating and contacting markets;
- (3) investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the commissioner in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;
- (4) plan and develop an effective business information service both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state;
- (5) compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;
- (6) conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;
- (7) study trends and developments in the industries of the state and analyze the reasons underlying the trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;
- (8) serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;
- (9) cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(10) cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources insofar as the use, conservation, and development may be appropriately directed or influenced by a state agency;

(11) assemble and coordinate information relative to the status, scope, cost, and employment possibilities and the availability of materials, equipment, and labor in connection with public works projects, state, county, and municipal; recommend limitations on the public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by the governor, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon;

(12) study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state;

(13) confer and cooperate with the executive, legislative, or planning authorities of the United States and neighboring states and provinces and of the counties and municipalities of such neighboring states, for the purpose of bringing about a coordination between the development of such neighboring provinces, states, counties, and municipalities and the development of this state;

(14) generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state, with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in a manner that seems wise;

~~(15) prepare an annual report to the legislature estimating and, to the extent possible, describing the number of Minnesota companies which have left the state or moved to surrounding states or other countries. The report should include an estimate of the number of jobs lost by these moves, an estimate of the total employment payroll, average hourly wage of those jobs lost and those created in the new location, and to the extent possible, the reasons for each company moving out of state, if known;~~

~~(16)~~ publish documents and annually convene regional meetings to inform businesses, local government units, assistance providers, and other interested persons of changes in state and federal law related to economic development;

~~(17)~~ (16) annually convene conferences of providers of economic development related financial and technical assistance for the purposes of exchanging information on economic development assistance, coordinating economic development activities, and formulating economic development strategies;

~~(18)~~ (17) provide business with information on the economic benefits of energy conservation and on the availability of energy conservation assistance; and

~~(19)~~ (18) prepare, as part of biennial budget process, performance measures for each business loan or grant program within the jurisdiction of the commissioner. Measures would include source of funds for each program, numbers of jobs proposed or promised at the time of application and the number of jobs created, estimated number of jobs retained, the average salary and benefits for the jobs resulting from the program, and the number of projects approved.

Sec. 9. Minnesota Statutes 2000, section 116J.9665, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(1) ~~"Conference and service center" means the approximately 20,000 square feet of space on the third and fourth floors of the Minnesota world trade center that the state of Minnesota has the right to possess, occupy, and use subject to the terms and conditions of the development agreement.~~

(2) "Development agreement" means the agreement entered into by and between the world trade center board, as agent of the state of Minnesota, and Oxford Development Minnesota, Inc. dated July 27, 1984, and the amendments to that agreement, for development and construction of a world trade center at a designated site in Minnesota.

(3) (2) "Minnesota world trade center" means the facility constructed in accordance with the development agreement or other facilities meeting the membership requirements of the World Trade Centers Association.

Sec. 10. Minnesota Statutes 2000, section 116J.9665, subdivision 4, is amended to read:

Subd. 4. [DUTIES.] The commissioner shall:

(1) promote and market the Minnesota world trade center and membership in the World Trade Centers Association;

(2) ~~sponsor conferences or other promotional events in the conference and service center;~~

(3) sponsor, develop, and conduct educational programs related to international trade;

(4) (3) establish and maintain an office in the Minnesota world trade center; and

(5) (4) not duplicate programs or services provided by the commissioner of agriculture.

Sec. 11. Minnesota Statutes 2000, section 116J.9665, subdivision 6, is amended to read:

Subd. 6. [WORLD TRADE CENTER ACCOUNT.] The world trade center account is in the special revenue fund. All money ~~received from the use of the conference and service center or~~ appropriated under this section must be deposited in the account. Money in the account including interest earned is appropriated to the commissioner and must be used exclusively for the purposes of this section.

Sec. 12. Minnesota Statutes 2000, section 116M.14, subdivision 4, is amended to read:

Subd. 4. [LOW-INCOME AREA.] "Low-income area" means Minneapolis, St. Paul, and ~~inner ring suburbs as defined by the metropolitan council that had a median household income below \$31,000 as reported in the 1990 census~~ those cities in the metropolitan area as defined in section 473.121, subdivision 2, that have an average income that is below 60 percent of the median income for a four-person family as of the latest report by the United States Census Bureau.

Sec. 13. Minnesota Statutes 2000, section 116M.18, subdivision 2, is amended to read:

Subd. 2. [CHALLENGE GRANT ELIGIBILITY; NONPROFIT CORPORATION.] The board may enter into agreements with nonprofit corporations to fund and guarantee loans the nonprofit corporation makes in low-income areas under subdivision 4. A corporation must demonstrate that:

(1) its board of directors includes citizens experienced in development, minority business enterprises, and creating jobs in low-income areas;

(2) it has the technical skills to analyze projects;

(3) it is familiar with other available public and private funding sources and economic development programs;

(4) it can initiate and implement economic development projects;

(5) it can establish and administer a revolving loan account; and

(6) it can work with job referral networks which assist minority and other persons in low-income areas.

Sec. 14. Minnesota Statutes 2000, section 116M.18, subdivision 3, is amended to read:

Subd. 3. [REVOLVING LOAN FUND.] (a) The board shall establish a revolving loan fund to make grants to nonprofit corporations for the purpose of making loans and loan guarantees to new and expanding businesses in a low-income area to promote minority business enterprises and job creation for minority and other persons in low-income areas.

(b) Eligible business enterprises include, but are not limited to, technologically innovative industries, value-added manufacturing, and information industries. Loan applications given preliminary approval by the nonprofit corporation must be forwarded to the board for approval. The commissioner must give final approval for each loan or loan guarantee made by the nonprofit corporation. The amount of ~~a grant the state funds contributed to any loan or loan guarantee~~ may not exceed 50 percent of each loan. ~~The amount of nonstate money must equal at least 50 percent for each loan.~~

Sec. 15. Minnesota Statutes 2000, section 116M.18, subdivision 4, is amended to read:

Subd. 4. [BUSINESS LOAN CRITERIA.] (a) The criteria in this subdivision apply to loans made or guaranteed by nonprofit corporations under the urban challenge grant program.

(b) Loans or guarantees must be made to businesses that are not likely to undertake a project for which loans are sought without assistance from the urban challenge grant program.

(c) A loan or guarantee must be used for a project designed to benefit persons in low-income areas through the creation of job or business opportunities for them. Priority must be given for loans to the lowest income areas.

(d) The minimum state contribution to a loan or guarantee is \$5,000 and the maximum is \$150,000.

(e) ~~A loan~~ The state contribution must be matched by at least an equal amount of new private investment.

(f) A loan may not be used for a retail development project.

(g) The business must agree to work with job referral networks that focus on minority applicants from low-income areas.

Sec. 16. Minnesota Statutes 2000, section 116M.18, subdivision 5, is amended to read:

Subd. 5. [REVOLVING FUND ADMINISTRATION; RULES.] (a) The board shall establish a minimum interest rate for loans or guarantees to ensure that necessary loan administration costs are covered.

(b) Loan repayment amounts equal to one-half of the principal and interest must be deposited in a revolving fund created by the board for challenge grants. The remaining amount of the loan repayment may be deposited in a revolving loan fund created by the nonprofit corporation originating the loan being repaid for further distribution, consistent with the loan criteria specified in subdivision 4.

(c) Administrative expenses of the board and nonprofit corporations with whom the board enters into agreements under subdivision 2, including expenses incurred by a nonprofit corporation in providing financial, technical, managerial, and marketing assistance to a business enterprise receiving a loan under subdivision 4, may be paid out of the interest earned on loans and out of interest earned on money invested by the state board of investment under section 116M.16, subdivision 2, as may be provided by the board.

Sec. 17. Minnesota Statutes 2000, section 116M.18, is amended by adding a subdivision to read:

Subd. 6a. [NONPROFIT CORPORATION LOANS.] The board may make loans to a nonprofit corporation with which it has entered into an agreement under subdivision 1. These loans must be used to support a new or expanding business. This support may include such forms of financing as the sale of goods to the business on installment or

deferred payments, lease purchase agreements, or royalty investments in the business. The nonprofit corporation must provide at least an equal match to the loan received by the board. The maximum loan available to the nonprofit corporation under this subdivision is \$50,000. Loans made to the nonprofit corporation under this subdivision may be made without interest. Repayments made by the nonprofit corporation must be deposited in the revolving fund created for urban initiative grants.

Sec. 18. Minnesota Statutes 2000, section 116M.18, subdivision 8, is amended to read:

Subd. 8. [REPORTING REQUIREMENTS.] A nonprofit corporation that receives a challenge grant shall:

(1) submit an annual report to the board by September 30 of each year that includes a description of projects supported by the urban challenge grant program, an account of loans made during the calendar year, the program's impact on minority business enterprises and job creation for minority persons and persons in low-income areas, the source and amount of money collected and distributed by the urban challenge grant program, the program's assets and liabilities, and an explanation of administrative expenses; and

(2) provide for an independent annual audit to be performed in accordance with generally accepted accounting practices and auditing standards and submit a copy of each annual audit report to the board.

Sec. 19. Minnesota Statutes 2000, section 268.051, subdivision 8, is amended to read:

Subd. 8. [~~SOLVENCY SPECIAL ASSESSMENT FOR INTEREST ON FEDERAL LOAN.~~] (a) If ~~the fund balance is less than \$150,000,000 on June 30~~ October 31 of any year, the commissioner, in consultation with the commissioner of finance, determines that an interest payment will be due during the following calendar year on any loan from the federal unemployment trust fund under section 268.194, subdivision 6, a solvency special assessment on taxing employers will be in effect for the following calendar year. The taxing employer shall pay quarterly a solvency ~~The legislature authorizes the commissioner, in consultation with the commissioner of finance, to determine the appropriate level of the assessment, of ten from two percent to eight percent of the quarterly unemployment taxes due, that will be necessary to pay the interest due on the loan.~~

(b) The ~~solvency special~~ assessment shall be placed into a special account from which the commissioner shall pay any interest ~~accruing that has accrued~~ accruing that has accrued on any loan from the federal unemployment trust fund provided for under section 268.194, subdivision 6. If, at the end of each calendar quarter, the commissioner, in consultation with the commissioner of finance, determines that the balance in this special account, including interest earned on the special account, is more than is necessary to pay the interest which has accrued on any loan as of that date, or will accrue over the following calendar quarter, the commissioner shall immediately pay to the fund the amount in excess of that necessary to pay the interest on any loan.

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

Sec. 20. Minnesota Statutes 2000, section 270B.14, subdivision 8, is amended to read:

Subd. 8. [EXCHANGE BETWEEN DEPARTMENTS OF LABOR AND INDUSTRY AND REVENUE.] The departments of labor and industry and revenue may exchange information as follows:

- (1) data used in determining whether a business is an employer or a contracting agent;
- (2) taxpayer identity information relating to employers and employees for purposes of supporting tax administration and ~~chapter~~ chapters 176, 177, and 181; and
- (3) data to the extent provided in and for the purpose set out in section 176.181, subdivision 8.

Sec. 21. Minnesota Statutes 2000, section 446A.07, subdivision 4, is amended to read:

Subd. 4. [INTENDED USE PLAN.] ~~(a) The pollution control agency public facilities authority shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment and storm water projects and all other eligible activities to be funded during the fiscal year. Information regarding eligible activities must be submitted to the pollution control agency by the appropriate state agency or department within 30 days of written notification by the pollution control agency.~~

(b) To be eligible for placement on the intended use plan:

(1) a project must be listed on the pollution control agency's project priority list;

(2) the applicant must submit a written request to the public facilities authority, including a brief description of the project, a project cost estimate and the requested loan amount, and a proposed project schedule; and

(3) for a construction loan, the project must have a facility plan approved by the pollution control agency.

(c) The pollution control agency shall annually provide to the public facilities authority its project priority list of wastewater and storm water projects to be considered for funding. The pollution control agency public facilities authority may not submit the plan until it has received the review and comment of the authority pollution control agency or until 30 days have elapsed since the plan was submitted to the authority pollution control agency, whichever occurs first. In addition, the public facilities authority shall offer municipalities seeking placement on the intended use plan an opportunity to review and comment on the plan before it is adopted. The plan may be amended to add additional projects for consideration for funding as it determines funds are available and additional projects are able to proceed.

Sec. 22. Minnesota Statutes 2000, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. [BONDING AUTHORITY.] The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but not including the making of grants. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this section at any time may not exceed ~~\$850,000,000~~ \$1,000,000,000, excluding bonds for which refunding bonds or crossover refunding bonds have been issued.

Sec. 23. Minnesota Statutes 2000, section 462A.04, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERS.] There is created a public body corporate and politic to be known as the "Minnesota housing finance agency," which shall perform the governmental functions and exercise the sovereign powers delegated to it in this chapter in furtherance of the public policies and purposes declared in section 462A.02. The agency shall consist of the ~~commissioner of trade and economic development~~, state auditor; and ~~five~~ six public members appointed by the governor with advice and consent of the senate. No more than ~~two~~ three public members shall reside in the area of jurisdiction of the metropolitan council as provided in section 473.123, subdivision 1, and no more than one public member shall reside in any one of the development regions established under the provisions of sections 462.381 to 462.396. Each member shall hold office until a successor has been appointed and has qualified. At least one member shall have private sector business experience. A certificate of appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of the member.

Sec. 24. Minnesota Statutes 2000, section 462A.04, subdivision 4, is amended to read:

Subd. 4. [CHAIRS.] The chair of the board of directors shall be designated by the governor from among the public members appointed. ~~The vice-chair of the board shall be the commissioner of trade and economic development.~~

Sec. 25. Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5, is amended to read:

Subd. 5. Office of Tourism

10,219,000

10,111,000

To develop maximum private sector involvement in tourism, \$3,500,000 the first year and \$3,500,000 the second year of the amounts appropriated for marketing activities are contingent on receipt of an equal contribution from nonstate sources that have been certified by the commissioner. Up to one-half of the match may be given in in-kind contributions.

In order to maximize marketing grant benefits, the commissioner must give priority for joint venture marketing grants to organizations with year-round sustained tourism activities. For programs and projects submitted, the commissioner must give priority to those that encompass two or more areas or that attract nonresident travelers to the state.

If an appropriation for either year for grants is not sufficient, the appropriation for the other year is available for it.

The commissioner may use grant dollars or the value of in-kind services to provide the state contribution for the partnership program.

Any unexpended money from general fund appropriations made under this subdivision does not cancel but must be placed in a special advertising account for use by the office of tourism to purchase additional media.

Of this amount, \$50,000 the first year is for a one-time grant to the Mississippi River parkway commission to support the increased promotion of tourism along the Great River Road.

\$829,000 the first year and \$829,000 the second year are for the Minnesota film board. \$329,000 of this appropriation in each year is available only upon receipt by the board of \$1 in matching contributions of money or in-kind from nonstate sources for every \$3 provided by this appropriation. Of this amount, \$500,000 the first year and \$500,000 the second year are for grants to the Minnesota film board for a film production jobs fund to stimulate film production in Minnesota. This appropriation is to reimburse film and television producers for up to ten percent of the documented wages and cost of services that they paid to Minnesotans for film and television production after January 1, 2001.

\$150,000 the first year is for partnerships with local tourism interests to operate travel information centers. This is a one-time appropriation. This appropriation is available until spent.

Sec. 26. [FARMLAND FOODS EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant if the applicant was permanently laid off due to lack of work on or after July 8, 2001, from the Farmland Foods Company in Freeborn county.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra unemployment benefits are payable from the fund. Extra unemployment benefits shall not affect the future tax rate of a taxpaying employer nor be charged to the reimbursing account of a government or nonprofit employer.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant is eligible to receive extra unemployment benefits under this section for any week until July 5, 2003, as a result of a layoff described under subdivision 1, if:

(1) a majority of the applicant's wage credits were with Farmland Foods Company;

(2) except as provided in subdivision 6, the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to regular unemployment benefits and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week; and

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under the dislocated worker program, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days.

If an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular unemployment benefits.

Subd. 4. [WEEKLY AMOUNT OF EXTRA BENEFITS.] The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 26 times the applicant's weekly extra unemployment benefits amount. Any type of unemployment benefits, under any state or federal law, the applicant may be entitled to after exhausting regular unemployment benefits as a result of a layoff under subdivision 1, shall reduce the maximum amount of extra unemployment benefits available. The reduction in total extra unemployment benefits available shall equal the total amount of any other type of unemployment benefits available.

Subd. 6. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires on July 5, 2003. No extra unemployment benefits shall be paid for any week after the expiration of this program.

[EFFECTIVE DATE.] This section is effective the day following final enactment and is retroactive to July 8, 2001.

Sec. 27. [AIRLINE AND RELATED INDUSTRIES EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant who has a benefit account effective March 11, 2001, or thereafter if the applicant was laid off due to lack of work from Northwest Airlines, Sun Country Airlines, Mesaba Airlines, United Airlines, LSG Sky Chefs, Air Wisconsin, American Airlines, American TransAir, Champion Air, Chautaugua Airlines, Continental Airlines, Emery Worldwide Air, Great Lakes Airlines, PanAm International, Skyway Airlines, and U.S. Airways.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra unemployment benefits are payable from the fund.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant described under subdivision 1 is eligible to receive extra unemployment benefits under this section for any week through March 15, 2003, if:

(1) a majority of the applicant's wage credits were with an employer specified under subdivision 1;

(2) the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to any regular, additional, or extended unemployment benefits for that week and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week;

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under the Minnesota dislocated worker program except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days; and

(6) an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of a layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular or any other type of unemployment benefits under any state or federal law.

Subd. 4. [WEEKLY AMOUNT OF EXTRA BENEFITS.] The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 13 times the applicant's weekly extra unemployment benefits amount. Any type of unemployment benefits, under any state or federal law, the applicant may be entitled to after exhausting regular unemployment benefits as a result of a layoff under subdivision 1, shall reduce the maximum amount of extra unemployment benefits available. The reduction in total extra unemployment benefits available shall equal the total amount of any other type of unemployment benefits available.

Subd. 6. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires on January 3, 2004. No extra unemployment benefits shall be paid for any week after the expiration of this program.

[EFFECTIVE DATE.] This section is effective the day following final enactment and is retroactive to September 16, 2001.

Sec. 28. [FINDINGS.]

The legislature finds that the extension of unemployment benefits as provided in this act is appropriate based on the unique circumstances of airline and airport businesses. Specifically, the extension is appropriate because:

- (1) a national emergency contributed to the unemployment experienced by the affected applicants;
- (2) the federal government shut down the airline industry after September 11, 2001; and
- (3) the airline industry received substantial assistance from the federal government.

Sec. 29. [REPORT.]

The unemployment insurance advisory council shall present to the legislature, by January 15, 2003, a report, including proposals for any legislation, on the long-term solvency of the Minnesota unemployment insurance program trust fund.

Sec. 30. [REINSTATEMENT OF LAW.]

Notwithstanding its repeal by Laws 2001, First Special Session chapter 4, article 2, section 41, Minnesota Statutes 2000, section 268.976, as amended by Laws 2001, chapter 175, section 50, is revived.

Sec. 31. [REPEALER.]

Minnesota Statutes 2000, sections 116J.9672; and 116J.9673, are repealed."

Delete the title and insert:

"A bill for an act relating to economic development; modifying programs and practices; providing findings; modifying fees and assessments; providing extra unemployment benefits for certain laid-off workers; providing a special assessment; providing consultation requirements for capital projects; requiring a report; repealing obsolete provisions; reinstating a repealed law; amending Minnesota Statutes 2000, sections 16A.86, by adding a subdivision; 16B.305, by adding a subdivision; 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 5, 8, by adding a subdivision; 268.051, subdivision 8; 270B.14, subdivision 8; 446A.07, subdivision 4; 446A.12, subdivision 1; 462A.04, subdivisions 1, 4; Minnesota Statutes 2001 Supplement, section 116C.03, subdivision 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673."

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

McElroy, Rukavina, Howes, Knobloch, Murphy, Schumacher, Stang, Opatz, Erickson, Walz, Fuller, Solberg and Sertich moved to amend S. F. No. 3431, as amended, as follows:

Page 20, after line 36, insert:

"Sec. 28. [EXTRA UNEMPLOYMENT BENEFITS; LARGE LAYOFFS.]

Subdivision 1. [AVAILABILITY.] Extra unemployment benefits are available to an applicant who was permanently laid off due to lack of work on or after September 1, 2001, if:

(1) at least 500 people at the applicant's work location, or at another single location in Minnesota operated by the same employer, were permanently laid off due to lack of work within a 30-day period;

(2) the commissioner finds that, taking into consideration the effect of the current layoff, the unemployment in the affected county or counties is higher than the statewide average rate of unemployment;

(3) the applicant is not covered by a certification making the applicant eligible for benefits under the Trade Adjustment Act, North American Free Trade Agreement or similar legislation; and

(4) the commissioner finds that the community or communities in which the employees live is disproportionately affected by the layoff.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra benefits under this section are payable from the fund.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant described in subdivision 1 is eligible to collect benefits for any week through December 31, 2003, if:

(1) a majority of the applicant's wage credits were with the employer responsible for the layoff described in subdivision 1;

(2) the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to any regular, additional, or extended unemployment benefits for that week and the applicant is not entitled to receive unemployment benefits under any other state or federal law or the law of Canada for that week; and

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under the state dislocated worker program, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days.

If an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular or any other type of unemployment benefits under any state or federal law.

Subd. 4. [WEEKLY AMOUNT OF EXTRA BENEFITS.] The weekly unemployment extra benefits amount available to an applicant under this section is the same as the applicant's regular weekly benefit amount on the benefit account established as a result of the layoff under subdivision 1.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 13 times the applicant's weekly extra unemployment benefit amount.

Subd. 6. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires December 31, 2003. No extra unemployment benefits shall be paid under this section after the expiration of this program.

Subd. 7. [EFFECTIVE DATE.] This section is effective January 1, 2003."

Renumber the remaining sections

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Walz, Dehler, Gerlach, Blaine, Stang, Sertich, Gunther, Knoblach and Dorman moved to amend S. F. No. 3431, as amended, as follows:

Page 21, after line 16, insert:

"Sec. 30. [TRANSFERS.]

(a) On or before July 15, 2002, the commissioner of finance shall transfer \$89,000 from the general fund to the workforce development fund.

(b) After July 16, 2002, but on or before July 15, 2003, the commissioner of finance shall transfer \$1,069,000 from the general fund to the workforce development fund.

(c) After July 16, 2003, but on or before July 15, 2004, the commissioner of finance shall transfer \$1,069,000 from the general fund to the workforce development fund."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Goodno to the Chair.

Rukavina; Bakk; Hilty; Sertich; Opatz; Mahoney; Murphy; Schumacher; Gleason; Clark, K., and Mariani moved to amend S. F. No. 3431, as amended, as follows:

Page 12, after line 33, insert:

"Sec. 19. Minnesota Statutes 2001 Supplement, section 268.035, subdivision 4, is amended to read:

Subd. 4. [BASE PERIOD.] "Base period" means:

(1) the first four of the last five completed calendar quarters prior to the effective date of an applicant's benefit account as set forth below:

If the benefit account is effective
on or between these dates:

January 1 - March 31
April 1 - June 30
July 1 - September 30
October 1 - December 31

The base period
is the prior:

October 1 - September 30
January 1 - December 31
April 1 - March 31
July 1 - June 30

(2) if during the base period under clause (1) an applicant received workers' compensation for temporary disability under chapter 176 or a similar federal law or similar law of another state, or if an applicant whose own serious illness caused a loss of work for which the applicant received compensation for loss of wages from some other source, the applicant may request a base period as follows:

(i) if an applicant was compensated for a loss of work of seven to 13 weeks, the base period shall be the first four of the last six completed calendar quarters prior to the effective date of the benefit account;

(ii) if an applicant was compensated for a loss of work of 14 to 26 weeks, the base period shall be the first four of the last seven completed calendar quarters prior to the effective date of the benefit account;

(iii) if an applicant was compensated for a loss of work of 27 to 39 weeks, the base period shall be the first four of the last eight completed calendar quarters prior to the effective date of the benefit account; and

(iv) if an applicant was compensated for a loss of work of 40 to 52 weeks, the base period shall be the first four of the last nine completed calendar quarters prior to the effective date of the benefit account;

(3) if the applicant ~~qualifies for a base period under clause (2), but~~ has insufficient wage credits to establish a benefit account under a base period provided for in clause (1) or (2), the applicant may request a base period of the last four completed calendar quarters prior to the date the applicant's benefit account is effective. ~~This base period may be used only once during any five-calendar-year period;~~ and

(4) no base period under clause (1), (2), or (3) shall include wage credits upon which a prior benefit account was established. If applicable, the commissioner shall inform an applicant of the option of a base period under clause (2) or (3).

[EFFECTIVE DATE.] This section is effective for benefit accounts established on or after August 1, 2002."

Page 13, after line 28, insert:

"Sec. 20. Minnesota Statutes 2001 Supplement, section 268.07, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR UNEMPLOYMENT BENEFITS; DETERMINATION OF BENEFIT ACCOUNT.] (a) An application for unemployment benefits may be filed in person, by mail, by telephone, or by electronic transmission as the commissioner shall require. The applicant must be unemployed at the time the application is filed and must provide all requested information in the manner required. If the applicant is not unemployed at the time of the application or fails to provide all requested information, the communication shall not be considered an application for unemployment benefits.

(b) The commissioner shall examine each application for unemployment benefits to determine the base period and the benefit year, and based upon all the covered employment in the base period the commissioner shall determine the weekly unemployment benefit amount available, if any, and the maximum amount of unemployment benefits available, if any. The determination shall be known as the determination of benefit account. A determination of benefit account shall be sent to the applicant and all base period employers, by mail or electronic transmission.

(c) If a base period employer did not provide wage information for the applicant as provided for in section 268.044, or the wage information is not yet available because of a base period under section 268.035, subdivision 4, clause (3), the commissioner shall accept an applicant certification as to wage credits, based upon the applicant's records, and issue a determination of benefit account.

If a determination of benefit account was issued based upon the applicant's certification as to wage credits because of a base period under section 268.035, subdivision 4, clause (3), when the wage information becomes available under section 268.044, the commissioner shall reconsider the determination of benefit account and, if appropriate, issue an amended determination.

(d) The commissioner may, at any time within 24 months from the establishment of a benefit account, reconsider any determination of benefit account and make an amended determination if the commissioner finds that the determination was incorrect for any reason. An amended determination shall be promptly sent to the applicant and all base period employers, by mail or electronic transmission.

If an amended determination of benefit account reduces the weekly unemployment benefit amount or maximum amount of unemployment benefits available, any unemployment benefits that have been paid greater than the applicant was entitled is considered an overpayment of unemployment benefits under section 268.18, subdivision 1.

[EFFECTIVE DATE.] This section is effective for benefit accounts established on or after August 1, 2002.

Sec. 21. Minnesota Statutes 2001 Supplement, section 268.07, subdivision 2, is amended to read:

Subd. 2. [BENEFIT ACCOUNT REQUIREMENTS AND WEEKLY UNEMPLOYMENT BENEFIT AMOUNT AND MAXIMUM AMOUNT OF UNEMPLOYMENT BENEFITS.] (a) To establish a benefit account, an applicant must have:

~~(1) high quarter~~ wage credits of at least \$1,000; and

~~(2) wage credits, in other than the high quarter, of at least \$250~~ \$1,250.

(b) If an applicant has established a benefit account, the weekly unemployment benefit amount available during the benefit year shall be the higher of:

(1) 50 percent of the applicant's average weekly wage during the base period, to a maximum of 66-2/3 percent of the state's average weekly wage; or

(2) 50 percent of the applicant's average weekly wage during the high quarter, to a maximum of 50 percent of the state's average weekly wage.

The applicant's average weekly wage under clause (1) shall be computed by dividing the total wage credits by 52. The applicant's average weekly wage under clause (2) shall be computed by dividing the high quarter wage credits by 13.

(c) The state's maximum weekly unemployment benefit amount and the applicant's weekly unemployment benefit amount and maximum amount of unemployment benefits shall be rounded down to the next lowest whole dollar.

(d) The maximum amount of unemployment benefits available on any benefit account shall be the lower of:

(1) 33-1/3 percent of the applicant's total wage credits; or

(2) 26 times the applicant's weekly unemployment benefit amount.

[EFFECTIVE DATE.] This section is effective for benefit accounts established on or after August 1, 2002."

Pages 17 to 20, delete sections 26 and 27, and insert:

"Sec. 26. [PAYMENT OF SPECIAL STATE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS.]

Subdivision 1. [ELIGIBILITY.] Special state temporary extended unemployment benefits shall be paid to an applicant who does not qualify for unemployment benefits under the federal Temporary Extended Unemployment Compensation Act of 2002 because the applicant does not meet the requirement under section 202(d)(2)(A) of that act or did not receive the maximum amount of benefits available under the federal act due to the expiration of that program. Special state extended unemployment benefits shall be paid to individuals who have established a benefit account effective on or after March 19, 2000, under the same terms and conditions as apply to federal temporary extended unemployment compensation. An applicant may not receive more than a combined total of 13 times the applicant's weekly benefit amount available under the federal Temporary Extended Unemployment Compensation Act and this section.

Subd. 2. [PAYMENT FROM THE FUND; EFFECT ON EMPLOYER.] Special state temporary extended unemployment benefits shall be paid from the Minnesota unemployment insurance program trust fund. Special state temporary extended unemployment benefits paid shall not be used in computing the future unemployment tax rate of a taxpaying employer nor charged to the reimbursing account of a government or nonprofit employer.

Subd. 3. [EXPIRATION.] This program expires April 1, 2003. No payments under this section shall be paid for any week after the expiration date.

[EFFECTIVE DATE.] This section is effective the day following final enactment and is retroactive to March 10, 2002.

Sec. 27. [EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant who has a benefit account effective March 15, 2001, or thereafter.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra unemployment benefits are payable from the fund.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant described under subdivision 1, is eligible to receive extra unemployment benefits under this section for any week through December 31, 2003:

(1) the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(2) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(3) the applicant is not entitled to any regular, additional, or extended unemployment benefits for that week and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week;

(4) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under the state dislocated worker program, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days; and

(5) an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular or any other type of unemployment benefits under any state or federal law.

Subd. 4. [WEEKLY AMOUNT OF EXTRA BENEFITS.] The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 13 times the applicant's weekly extra unemployment benefits amount.

Subd. 6. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires on January 3, 2004. No extra unemployment benefits shall be paid for any week after the expiration of this program.

Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment and is retroactive to September 16, 2001."

Renumber the sections in sequence and correct 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 Rukavina et al amendment and the roll was called. There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

Murphy and Jennings moved to amend S. F. No. 3431, as amended, as follows:

Page 21, after line 16, insert:

"Sec. 30. [EMERGENCY JOB RETRAINING GRANTS.]

Subdivision 1. [ESTABLISHMENT OF PROGRAM.] The amount necessary to fund grants under this section, not to exceed \$30,000,000, is appropriated from the cash flow account under Minnesota Statutes, section 16A.153, subdivision 1, to the commissioner of trade and economic development as a loan to be repaid pursuant to subdivision 6 to provide emergency job retraining grants for permanently displaced workers as provided by this section. These grants shall be administered by the job skills partnership board.

Subd. 2. [ELIGIBLE GRANT RECIPIENTS.] The board shall make grants to workforce service areas or other eligible organizations, as defined in Minnesota Statutes, section 116L.17, subdivision 1, paragraph (c). Funds granted by the board under this section shall be used for the purpose of providing training to eligible individuals for emergency retraining.

Subd. 3. [ELIGIBLE INDIVIDUALS.] For the purposes of this section, an eligible individual is a person who:

(1) has been terminated or has received a notice of termination after January 1, 2001, due to lack of work from public or private sector employment;

(2) was a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased;

(3) was working, at the time employment ceased, in a position that has been permanently eliminated by the employer so that there is no substantive possibility that the position or any comparable position will be again become available to the applicant.

Subd. 4. [EMERGENCY RETRAINING.] For the purposes of this section, emergency retraining is a program of technical education or training, including on-the-job training. An eligible individual may receive emergency retraining under this section for no more than two years from the date the training begins, except that if an individual's training is interrupted by an illness or other hardship, the individual may, with the approval of the grant recipient under subdivision 2, suspend training for up to one year while maintaining whatever period of eligibility remains.

Subd. 5. [UNEMPLOYMENT BENEFITS.] Notwithstanding any other provision of law, an eligible individual currently receiving emergency retraining who has exhausted the individual's entitlement to regular or special unemployment benefits under state or federal law shall continue receiving unemployment benefits during the period of retraining, provided that the individual meets the eligibility requirements of Minnesota Statutes, section 268.085, and is not subject to a disqualification under Minnesota Statutes, section 268.095.

Subd. 6. [ADMINISTRATIVE COST LIMITATIONS.] (a) No more than three percent of the funds appropriated to the commissioner under subdivision 1 may be used by the board for its administrative costs.

(b) No more than ten percent of the funds granted to a workforce service area or other eligible organization may be used for administrative costs.

Subd. 7. [RESTORATION OF CASH FLOW ACCOUNT.] On June 30, 2003, and on every June 30 thereafter, the commissioner of trade and economic development shall evaluate the obligations, anticipated needs, and available resources of the workforce development fund. If the commissioner finds that the amount available and anticipated to be available in the workforce development fund exceeds the needs and obligations anticipated by the program for the following fiscal year, the commissioner shall certify the amount of the surplus to the commissioner of finance, who shall transfer one-half the amount of the surplus from the workforce development fund to the cash flow account. No more than a total of \$30,000,000 or the amount expended under this section, whichever is less, shall be transferred under this subdivision, and after that amount has been transferred, this subdivision expires and the obligations under it are extinguished."

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 Murphy and Jennings amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Johnson, R.	Lieder	Otremba	Slawik
Bakk	Folliard	Johnson, S.	Mahoney	Paymar	Solberg
Bernardy	Fuller	Juhnke	Mariani	Pelowski	Swapinski
Biernat	Gleason	Kahn	Marko	Penas	Thompson
Carlson	Goodwin	Kalis	Marquart	Peterson	Wagenius
Clark, K.	Gray	Kelliher	McGuire	Pugh	Walker
Davnie	Greiling	Koskinen	Milbert	Rukavina	Wasiluk
Dawkins	Hausman	Kubly	Mullery	Schumacher	Winter
Dibble	Hilstrom	Larson	Murphy	Sertich	
Dorn	Hilty	Leighton	Opatz	Skoe	
Entenza	Huntley	Lenczewski	Osthoff	Skoglund	

Those who voted in the negative were:

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

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

Leighton, Bernardy, Huntley, Larson, Koskinen and Johnson, S., offered an amendment to S. F. No. 3431, as amended.

POINT OF ORDER

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

Leighton appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Larson moved to amend S. F. No. 3431, as amended, as follows:

Page 20, line 22, delete "13" and insert "26"

Re-number the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Larson amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Biernat	Davnie	Dorn	Folliard	Gray
Bakk	Carlson	Dawkins	Entenza	Gleason	Greiling
Bernardy	Clark, K.	Dibble	Evans	Goodwin	Hausman

Hilstrom	Kelliher	Mariani	Osthoff	Sertich	Walker
Hilty	Koskinen	Marko	Otremba	Skoe	Wasiluk
Huntley	Kubly	Marquart	Paymar	Skoglund	Winter
Johnson, R.	Larson	McGuire	Pelowski	Slawik	
Johnson, S.	Leighton	Milbert	Peterson	Solberg	
Juhnke	Lenczewski	Mullery	Pugh	Swapinski	
Kahn	Lieder	Murphy	Rukavina	Thompson	
Kalis	Mahoney	Opatz	Schumacher	Wagenius	

Those who voted in the negative were:

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

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

S. F. No. 3431, A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, Potlatch Corporation, Harsco, Incorporated, and SPX-DeZurik employees; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 268.085, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88.

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 122 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Gerlach	Kielkucki	Mulder
Buesgens	Holberg	Krinkie	Wilkin

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

The Speaker called Milbert to the Chair.

S. F. No. 2540 was reported to the House.

Dawkins moved that S. F. No. 2540 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3133 was reported to the House.

Kahn and Seifert offered an amendment to S. F. No. 3133.

POINT OF ORDER

Erickson raised a point of order pursuant to rule 3.21 that the Kahn and Seifert amendment was not in order.

Pursuant to rule 3.21, Speaker pro tempore Milbert submitted the following question to the House: "Is it the judgment of the House that the Erickson point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Erickson point of order and the roll was called. There were 81 yeas and 50 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I.	Entenza	Hilty	Leighton	Opatz	Thompson
Bakk	Evans	Huntley	Lenczewski	Osthoff	Wagenius
Bernardy	Folliard	Johnson, R.	Lieder	Otremba	Walker
Biernat	Gleason	Johnson, S.	Mariani	Paymar	Wasiluk
Carlson	Goodwin	Kahn	Marko	Peterson	Winter
Clark, K.	Gray	Kalis	McGuire	Pugh	
Dawkins	Greiling	Kelliher	Milbert	Sertich	
Dibble	Hausman	Koskinen	Mullery	Skoglund	
Dorn	Hilstrom	Larson	Murphy	Solberg	

So it was the judgment of the House that the Erickson point of order was well taken and the Kahn and Seifert amendment was out of order.

Kahn; Gleason; Evans; Folliard; Skoglund; Koskinen; McGuire; Rhodes; Kelliher; Greiling; Clark, K.; Biernat; Mariani; Paymar; Leppik; Dibble; Hausman and Wagenius moved to amend S. F. No. 3133 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 144.415, is amended to read:

144.415 [DESIGNATION OF SMOKING AREAS.]

Subdivision 1. [GENERAL REQUIREMENTS.] Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or rule.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no smoking area. No public place ~~other than a bar~~ shall be designated as a smoking area in its entirety. ~~If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.~~

Subd. 2. [RESTAURANTS AND BARS.] Smoking may be permitted in designated smoking areas in restaurants and bars, provided that existing physical barriers and ventilation systems in those designated smoking areas are used to prevent the presence of smoke in adjacent nonsmoking areas.

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

Page 1, line 23, delete "1" and insert "2"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 39 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Gray	Kahn	Milbert	Thompson
Bernardy	Dibble	Greiling	Kalis	Mullery	Wagenius
Biernat	Dorn	Hausman	Kelliher	Murphy	Walker
Bishop	Entenza	Hilty	Koskinen	Osthoff	Wasiluk
Carlson	Evans	Huntley	Lenczewski	Paymar	
Clark, K.	Folliard	Johnson, R.	Mariani	Rhodes	
Davnie	Gleason	Johnson, S.	McGuire	Skoglund	

Those who voted in the negative were:

Abeler	Erhardt	Johnson, J.	Marquart	Pugh	Sykora
Anderson, B.	Erickson	Jordan	McElroy	Rifenberg	Tingelstad
Anderson, I.	Finseth	Juhnke	Molnau	Rukavina	Tuma
Bakk	Fuller	Kielkucki	Mulder	Ruth	Vandever
Blaine	Gerlach	Knoblach	Ness	Schumacher	Walz
Boudreau	Goodno	Krinkie	Nornes	Seagren	Westerberg
Bradley	Goodwin	Kubly	Olson	Seifert	Westrom
Buesgens	Gunther	Kuisle	Opatz	Sertich	Wilkin
Cassell	Haas	Larson	Osskopp	Skoe	Winter
Clark, J.	Hackbarth	Leighton	Otremba	Slawik	Wolf
Daggett	Harder	Lieder	Ozment	Smith	Workman
Davids	Hilstrom	Lindner	Paulsen	Solberg	Spk. Sviggum
Dehler	Holberg	Lipman	Pawlenty	Stanek	
Dempsey	Holsten	Mahoney	Pelowski	Stang	
Dorman	Howes	Mares	Penas	Swapinski	
Eastlund	Jacobson	Marko	Peterson	Swenson	

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

Otremba moved to amend S. F. No. 3133 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 14.3691, subdivision 1, is amended to read:

Subdivision 1. [REPORTS; APPROVAL BY LAW.] (a) An entity whose rules are scheduled for review under this section must report to the governor and the appropriate committees of the legislature by August 1 of the year before the legislative session in which the entity's rules are scheduled for review. The speaker of the house of representatives and the senate committee on rules and administration shall designate the appropriate committees to receive these reports. The report must: (1) list any rules that the entity recommends for repeal; (2) list and briefly describe the rationale for rules that the entity believes should remain in effect; and (3) suggest any changes in rules that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the entity.

(b) Rules adopted by a state agency after January 1, 2002, may not take effect until approved by a law enacted after January 1, 2002."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Otremba amendment and the roll was called. There were 118 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Ozment	Stang
Abrams	Eastlund	Holsten	Lindner	Paulsen	Swenson
Anderson, B.	Erhardt	Howes	Mahoney	Pawlenty	Sykora
Anderson, I.	Erickson	Jacobson	Mares	Pelowski	Thompson
Bakk	Evans	Johnson, J.	Mariani	Penas	Tingelstad
Bernardy	Finseth	Johnson, R.	Marko	Peterson	Tuma
Biernat	Folliard	Johnson, S.	Marquart	Pugh	Vandever
Bishop	Fuller	Jordan	McElroy	Rhodes	Wagenius
Blaine	Gerlach	Juhnke	McGuire	Rifenberg	Walker
Boudreau	Gleason	Kahn	Milbert	Rukavina	Walz
Bradley	Goodwin	Kalis	Molnau	Ruth	Wasiluk
Buesgens	Gray	Kielkucki	Mulder	Schumacher	Westerberg
Carlson	Greiling	Knoblach	Mullery	Seagren	Westrom
Cassell	Gunther	Koskinen	Murphy	Seifert	Wilkin
Clark, J.	Haas	Krinkie	Ness	Sertich	Winter
Daggett	Hackbarth	Kubly	Nornes	Skoe	Wolf
Dauids	Harder	Kuisle	Olson	Slawik	Workman
Davnie	Hausman	Larson	Osskopp	Smith	Spk. Sviggum
Dehler	Hilstrom	Leighton	Osthoff	Solberg	
Dempsey	Hilty	Lenczewski	Otremba	Stanek	

Those who voted in the negative were:

Dawkins	Dorn	Huntley	Opatz	Skoglund
Dibble	Goodno	Kelliher	Paymar	Swapinski

The motion prevailed and the amendment was adopted.

Seifert moved that S. F. No. 3133, as amended, be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 2460 was reported to the House.

Workman moved to amend S. F. No. 2460 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3048, the second engrossment:

"Section 1. [604.13] [DESTRUCTION OF FIELD CROP PRODUCTS, ANIMALS, ORGANISMS, OR CELLS; CIVIL LIABILITY.]

Subdivision 1. [LIABILITY.] No person, other than the owner, may willfully and knowingly damage or destroy any field crop, animal, organism, or cell that is grown for testing or research purposes, in the context of a product development program in conjunction or coordination with a private research facility or a university or a federal, state, or local government agency. A person who violates this provision is liable for three times the value of the crop, animal, organism, or cell damaged or destroyed, as provided in subdivisions 2 and 3. This section does not apply to crops, animals, organisms, or cells damaged or destroyed by emergency vehicles and personnel acting in a reasonable and prudent manner.

Subd. 2. [DAMAGES; FACTORS TO CONSIDER.] In awarding damages under this section, the court shall consider the market value of the crop, animal, organism, or cell prior to damage or destruction, and production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed as part of the value.

Subd. 3. [DAMAGES; LIMIT.] Damages available under this section are limited to:

(1) three times the market value of the crop, animal, organism, or cell prior to damage or destruction plus three times the actual damages involving production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed; and

(2) an amount up to \$100,000 to compensate for delays in completing testing or research resulting from a violation of subdivision 1.

Sec. 2. Minnesota Statutes 2001 Supplement, section 609.495, is amended by adding a subdivision to read:

Subd. 4. [TAKING RESPONSIBILITY FOR CRIMINAL ACTS.] (a) Unless the person is convicted of the underlying crime, a person who assumes responsibility for a criminal act with the intent to obstruct, impede, or prevent a criminal investigation is guilty of a gross misdemeanor.

(b) Any person or entity who has been injured by violation of this section may bring an action for three times the amount of actual damages sustained by the plaintiff, costs of suit, and reasonable attorney fees.

(c) Nothing in this subdivision shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution or the Minnesota Constitution.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2002, and applies to causes of action arising on or after that date. Section 2 is effective August 1, 2002, and applies to crimes committed on or after that date.

Delete the title and insert:

"A bill for an act relating to crimes; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; providing for civil liability against persons who destroy field crops and organisms grown for research purposes; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604."

The motion prevailed and the amendment was adopted.

Workman moved to amend S. F. No. 2460, as amended, as follows:

Page 1, line 16, delete "in the context of a product development"

Page 1, line 17, delete "program"

Page 1, line 26, after "market" insert "and research"

Page 2, line 7, after "market" insert "and research"

The motion prevailed and the amendment was adopted.

S. F. No. 2460, as amended, was read for the third time.

The Speaker resumed the Chair.

Workman moved that S. F. No. 2460, as amended, be continued on the Calendar for the Day. The motion prevailed.

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2960, A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Johnson, Debbie; Tomassoni and Metzen.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hackbarth moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2960. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3203:

Kuisle; Clark, J., and Marko.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2960:

Hackbarth, Holsten and Rukavina.

MOTIONS AND RESOLUTIONS

Hilstrom moved that the name of Jordan be added as an author on H. F. No. 861. The motion prevailed.

Gerlach moved that the name of Jordan be added as an author on H. F. No. 1614. The motion prevailed.

Johnson, J., moved that the names of Blaine and Jordan be added as authors on H. F. No. 2134. The motion prevailed.

Seifert moved that the name of Blaine be added as an author on H. F. No. 2153. The motion prevailed.

Ness moved that the name of Blaine be added as an author on H. F. No. 2407. The motion prevailed.

Bradley moved that the name of Marquart be added as an author on H. F. No. 2646. The motion prevailed.

Entenza moved that the name of Skoglund be added as an author on H. F. No. 2710. The motion prevailed.

Johnson, J., moved that the name of Jordan be added as an author on H. F. No. 3323. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, April 15, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, April 15, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

