

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 24, 2001

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

Prayer was offered by Chuck Knapp, Morning Host of KTIS FM 98.5, St. Paul and Minneapolis, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Dauids was excused until 5:05 p.m. Lenczewski was excused until 5:45 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 333 and H. F. No. 1145, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boudreau moved that the rules be so far suspended that S. F. No. 333 be substituted for H. F. No. 1145 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 511 and H. F. No. 406, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jennings moved that the rules be so far suspended that S. F. No. 511 be substituted for H. F. No. 406 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1155 and H. F. No. 1085, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Workman moved that S. F. No. 1155 be substituted for H. F. No. 1085 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1222 and H. F. No. 1023, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Biernat moved that S. F. No. 1222 be substituted for H. F. No. 1023 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1264 and H. F. No. 694, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davids moved that the rules be so far suspended that S. F. No. 1264 be substituted for H. F. No. 694 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1392 and H. F. No. 1489, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hilty moved that the rules be so far suspended that S. F. No. 1392 be substituted for H. F. No. 1489 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1397 and H. F. No. 1381, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wilkin moved that the rules be so far suspended that S. F. No. 1397 be substituted for H. F. No. 1381 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1407 and H. F. No. 1928, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Walker moved that the rules be so far suspended that S. F. No. 1407 be substituted for H. F. No. 1928 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1552 and H. F. No. 992, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Skoglund moved that S. F. No. 1552 be substituted for H. F. No. 992 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1826 and H. F. No. 1955, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davids moved that the rules be so far suspended that S. F. No. 1826 be substituted for H. F. No. 1955 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1964 and H. F. No. 2130, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Larson moved that S. F. No. 1964 be substituted for H. F. No. 2130 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1965 and H. F. No. 2116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McElroy moved that the rules be so far suspended that S. F. No. 1965 be substituted for H. F. No. 2116 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 440, A bill for an act relating to probate; providing for a background study before appointment of guardians or conservators; authorizing access to data on substantiated maltreatment of vulnerable adults; providing for background study systems and records in the department of human services; amending Minnesota Statutes 2000, section 525.539, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 245A; 525.

Reported the same back with the following amendments:

Page 2, line 1, after the period, insert "The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies."

Page 2, line 12, after the period, insert "The fees collected under this subdivision are appropriated to the commissioner for the purpose of obtaining criminal history data from the national criminal records repository."

Page 2, line 25, delete "three" and insert "five"

Page 2, line 26, delete "three" and insert "five"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "appropriating money;"

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.

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

H. F. No. 781, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; creating the constitutional office of commissioner of agriculture; amending Minnesota Statutes 2000, sections 10A.25, subdivision 2; 15.01; 15.06, subdivision 1; 17.01.

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

The report was adopted.

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

H. F. No. 1390, A bill for an act relating to employment training; establishing a demonstration training project for spoken language interpreters.

Reported the same back with the following amendments:

Page 1, line 12, delete "with" and insert "by"

Page 1, line 25, before "interpreting" insert "consecutive"

Page 2, line 5, after "work" insert "as interpreters"

Page 2, line 10, delete "116J, must" and insert "116L, may"

Page 2, after line 31, insert:

"Sec. 2. [APPROPRIATION.]

\$150,000 is appropriated from the general fund to the department of trade and economic development for the purposes of section 1. This appropriation is available until June 30, 2003."

Amend the title as follows:

Page 1, line 4, before the period, insert "; appropriating money"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance without further recommendation.

The report was adopted.

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

H. F. No. 1807, A bill for an act relating to children; providing for measures to improve child support collection and enforcement; providing civil penalties; amending Minnesota Statutes 2000, sections 13B.06, subdivision 7; 256.741, subdivisions 1, 5, and 8; 256.979, subdivisions 5 and 6; 393.07, by adding a subdivision; 518.5513, subdivision 5; 518.575, subdivision 1; 518.5851, by adding a subdivision; 518.5853, by adding a subdivision; 518.6195; 518.64, subdivision 2; 518.641, subdivisions 1, 2, 3, and by adding a subdivision; and 548.091, subdivision 1a; repealing Minnesota Statutes 2000, section 518.641, subdivisions 4 and 5.

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

The report was adopted.

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

H. F. No. 2177, A bill for an act relating to employment; establishing a pilot program for long-term vocational rehabilitation services for persons with brain injuries; appropriating money.

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

The report was adopted.

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

H. F. No. 2430, A resolution urging the United States Congress to amend the Railroad Unemployment Insurance Act.

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

The report was adopted.

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

H. F. No. 2486, A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; transferring certain duties and funds; establishing an account; consolidating housing programs; regulating activities and practices; modifying fees; making conforming changes; requiring reports; revising certain provisions involving state regulation of private health coverage; transferring certain regulatory control; establishing requirements for managed care plans; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; modifying provisions of the Minnesota Electrical Act; providing for power limited technician licensing; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 62A.021, subdivision 1; 62A.041, subdivisions 1, 2; 62A.042; 62A.043, subdivision 1; 62A.105; 62A.14; 62A.149, subdivision 1; 62A.15, subdivision 1; 62A.152, subdivision 1; 62A.153; 62A.20; 62A.21; 62A.615; 62A.616; 62A.65, subdivision 5; 62D.02, subdivisions 3, 8; 62D.12, subdivisions 1, 1a; 62D.15, subdivision 1; 62D.24; 62E.05, subdivision 2; 62E.11, subdivision 13; 62E.14, subdivision 6; 62E.16; 62J.041, subdivision 4; 62J.701; 62J.74, subdivisions 1, 2; 62J.75; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10, 11; 62L.09, subdivision 3; 62L.10, subdivision 4; 62L.11, subdivision 2; 62L.12, subdivision 2; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62Q.01, subdivision 2; 62Q.03, subdivision 5a; 62Q.07; 62Q.106; 62Q.22, subdivisions 2, 6, 7; 62Q.32; 62Q.33, subdivision 2; 62Q.49, subdivision 2; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62Q.68, subdivision 1; 62Q.69, subdivisions 2, 3; 62Q.71; 62Q.72; 62Q.73, subdivisions 3, 4, 5, 6; 62R.04, subdivision 5; 62R.06, subdivision 1; 62T.01, subdivision 4; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03, subdivisions 2, 3, 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.06, by adding a subdivision; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 256B.692, subdivisions 2, 7; 257.34, subdivision 1; 268.022, subdivisions 1, 2; 325E.11; 325E.115, subdivision 2; 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.243; 326.244, subdivisions 1a, 2, 5, 6; 462.21, by adding a subdivision; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 484.50; Laws 1993, chapter 301, section 1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 116L; 122A; 462A; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2000, sections 62A.049; 62A.21, subdivision 3; 62C.14, subdivisions 5, 5a, 5b, 14; 62C.142;

62D.09, subdivision 3; 62D.101; 62D.105; 62D.12, subdivision 19; 62D.123, subdivisions 2, 3, 4; 62D.124; 62Q.095, subdivisions 1, 2, 3, 4, 6; 62Q.45; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.96; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7; Minnesota Rules, parts 3800.3500, subpart 12; 4685.0801, subpart 7; 4685.1010; 4685.1300; 4685.1900; 4685.2000; 4685.2200, subpart 3; 4685.1105; 4685.1110; 4685.1115; 4685.1120; 4685.1125; 4685.1130.

Reported the same back with the following amendments:

Page 13, after line 46, insert:

"The agency shall strongly consider funding proposals by community agencies in partnership with local governments or the federal government to assist in the development, construction, acquisition, or rehabilitation of supportive and permanent housing located on property owned by the United States Department of Veterans Affairs which will serve veterans and single adults who are homeless or at risk of becoming homeless and which will provide or coordinate health and social services needed by the residents."

Page 14, line 55, delete "Preference"

Page 14, delete lines 56 to 58

Page 15, line 11, delete the comma and insert "and"

Page 15, line 13, delete everything after "office" and insert a period

Page 15, delete line 14

Page 24, line 4, delete "or"

Page 24, line 10, before the second period, insert "; or

(6) was a full-time homemaker for a substantial number of years and derived the substantial share of support from:

(i) a spouse and no longer receives such support due to the death of, divorce from, permanent disability of, or permanent separation from the spouse; or

(ii) public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota"

Page 44, line 32, delete "2001" and insert "2002"

Page 47, line 4, after "account" insert "in the special revenue fund"

Page 63, line 8, delete "462.21 and insert "462A.21"

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2430 and 2486 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 333, 511, 1155, 1222, 1264, 1392, 1397, 1407, 1552, 1826, 1964 and 1965 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 285, A bill for an act relating to liens; regulating agricultural liens; revising and consolidating crop liens and agricultural liens on livestock; amending Minnesota Statutes 2000, section 514.19; proposing coding for new law in Minnesota Statutes, chapter 514; repealing Minnesota Statutes 2000, sections 514.23; 514.24; 514.25; 514.26; 514.27; 514.28; 514.29; 514.30; 514.31; 514.32; 514.33; 514.34; 514.62; 514.63; 514.65; 514.66; 514.92; 514.950; 514.952; 514.954; 514.956; 514.958; 514.959; 514.960; 557.12; and 559.2091; Minnesota Rules, parts 8271.0010; 8271.0020; 8271.0030; 8271.0040; 8271.0050; 8271.0060; 8271.0070; 8271.0080; 8271.0090; 8271.0100; 8271.0200; 8271.0300; and 8271.0350.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ness moved that the House concur in the Senate amendments to H. F. No. 285 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 285, A bill for an act relating to liens; regulating agricultural liens; revising and consolidating crop liens and agricultural liens on livestock; amending Minnesota Statutes 2000, section 514.19; proposing coding for new law in Minnesota Statutes, chapter 514; repealing Minnesota Statutes 2000, sections 514.23; 514.24; 514.25; 514.26; 514.27; 514.28; 514.29; 514.30; 514.31; 514.32; 514.33; 514.34; 514.62; 514.63; 514.65; 514.66; 514.92; 514.950; 514.952; 514.954; 514.956; 514.958; 514.959; 514.960; 557.12; and 559.2091; Minnesota Rules, parts 8271.0010; 8271.0020; 8271.0030; 8271.0040; 8271.0050; 8271.0060; 8271.0070; 8271.0080; 8271.0090; 8271.0100; 8271.0200; 8271.0300; and 8271.0350.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 550, A bill for an act relating to higher education; extending authority to adopt rules for Edvest.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eastlund moved that the House concur in the Senate amendments to H. F. No. 550 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 550, A bill for an act relating to higher education; creating a trust status for funds in the Edvest program; extending authority to adopt rules for Edvest; amending Minnesota Statutes 2000, section 136A.244, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Krinkie

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

Mr. Speaker:

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

H. F. No. 486, A bill for an act relating to elections; requiring disclaimers in newspaper ads to be legible; amending Minnesota Statutes 2000, section 211B.05, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Seifert moved that the House refuse to concur in the Senate amendments to H. F. No. 486, 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 House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 704, A bill for an act relating to health; creating exception from criminal rehabilitation provisions for emergency medical services personnel; amending Minnesota Statutes 2000, section 364.09.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fuller moved that the House refuse to concur in the Senate amendments to H. F. No. 704, 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 Files, herewith transmitted:

S. F. Nos. 1441, 564, 103 and 1447.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1441, A bill for an act relating to local government; providing a limited exemption for attendees at a conference or event; amending Minnesota Statutes 2000, section 471.895, subdivision 3.

The bill was read for the first time.

Howes moved that S. F. No. 1441 and H. F. No. 2110, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 564, A bill for an act relating to employment; providing for access to employee assistance records; requiring employee assistance records to be kept separate from personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time.

Sertich moved that S. F. No. 564 and H. F. No. 604, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 103, A bill for an act relating to civil actions; providing civil remedies for receiving motor fuel from a motor fuel retail business without paying for it; proposing coding for new law in Minnesota Statutes, chapter 332.

The bill was read for the first time.

Nornes moved that S. F. No. 103 and H. F. No. 205, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1447, A bill for an act relating to children; requiring notice to parents and employees when a Head Start program or child care center plans to use certain pesticides; amending Minnesota Statutes 2000, section 121A.30.

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

CONSENT CALENDAR

Molnau moved that the Consent Calendar be continued. The motion prevailed.

Entenza was excused between the hours of 3:40 p.m. and 5:00 p.m.

CALENDAR FOR THE DAY

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

Anderson, B., moved that H. F. No. 901 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 1214 was reported to the House.

Lipman moved to amend H. F. No. 1214, the first engrossment, as follows:

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 2000, section 103C.311, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISORS ELECTED AT LARGE.] (a) The district board, after the initial election has been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district. A supervisor must be a resident of the supervisor district to be elected.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board."

Page 5, delete lines 26 to 28 and insert:

"Subd. 5. [STUDY REGARDING VOTER PRIVACY.] The secretary of state shall conduct a study regarding procedures to ensure the privacy of voters in health care facilities while voting. No later than December 31, 2002, the secretary of state shall file a report with the legislature setting forth the findings and recommendations of the secretary."

Page 9, line 1, after "15" insert "in a year in which there is an election for a partisan political office"

Page 9, line 5, after "party" insert ", and shall include a transmittal letter to the chair notifying the chair of the chair's duty under subdivision 1"

Page 12, after line 28, insert:

"Sec. 23. Minnesota Statutes 2000, section 204D.04, subdivision 2, is amended to read:

Subd. 2. [INSTRUCTIONS TO PRINTER; PRINTER'S BOND.] (a) The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates and for layout of the ballot.

(b) Except as provided in paragraph (c), the instructions shall be approved by the legal advisor of the official before delivery to the printer.

(c) The legal advisor of a town official is only required to approve instructions regarding the rotation of the names of candidates on the ballot.

(d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer shall furnish a sufficient bond, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, conditioned on printing the ballots in conformity with the Minnesota Election Law and the instructions delivered. The official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

Sec. 24. Minnesota Statutes 2000, section 204D.09, is amended to read:

204D.09 [EXAMPLE BALLOTS; SAMPLE PRIMARY BALLOTS.]

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

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

Subd. 2. At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged alphabetically according to the surname. Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county."

Page 13, after line 11, insert:

"Sec. 27. Minnesota Statutes 2000, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] ~~An affidavit of candidacy for a town office to be elected in March must be filed not more than eight weeks nor less than six weeks before the town election.~~ In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed

not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 28. Minnesota Statutes 2000, section 205.17, is amended by adding a subdivision to read:

Subd. 7. [EXAMPLE BALLOT.] No later than 30 days before absentee ballots must be prepared and delivered under section 204B.35 for use in a town general election conducted in March, the secretary of state shall supply each town clerk in a town conducting a March general election with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the general election that year."

Page 14, after line 18, insert:

"Sec. 33. Minnesota Statutes 2000, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

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

(b) The secretary of state may license a touch-sensitive direct recording electronic voting system for experimental use at an election before its approval for general use, and may impose restrictions on its use. A voting system used under this paragraph must permit a blind or visually impaired voter to cast a ballot independently and privately.

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

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

Pages 15 to 16, delete section 31 and insert:

"Sec. 37. Minnesota Statutes 2000, section 367.03, subdivision 6, is amended to read:

Subd. 6. [VACANCIES.] (a) When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. Except as provided in paragraph (b), the person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term.

(b) When a vacancy occurs in a town office:

(1) with more than one year remaining in the term; and

(2) on or after the 14th day before the first day to file an affidavit of candidacy for the town election;

the vacancy must be filled by appointment. The person appointed serves until the next annual town election following the election for which affidavits of candidacy are to be filed, when a successor shall be elected for the unexpired term.

(c) A vacancy in the office of supervisor ~~shall~~ must be filled by an appointment committee comprised of the remaining supervisors and the town clerk ~~until the next annual town election, when a successor shall be elected for the unexpired term.~~

(d) Any person appointed to fill the vacancy in the office of supervisor must, upon assuming the office, be an eligible voter, be 21 years of age, and have resided in the town for at least 30 days.

(e) When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

(f) Law enforcement vacancies ~~shall~~ must be filled by appointment by the town board."

Page 16, line 30, before "Minnesota" insert "(a)"

Page 16, after line 31, insert:

"(b) Minnesota Rules, part 8250.1400, is repealed."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Lipman moved to amend H. F. No. 1214, the first engrossment, as amended, as follows:

Page 4, line 16, before "If" insert "(a)"

Page 4, after line 18, insert "political subdivision shall file a written notice of the election with the county auditor of each county in which the election is to be conducted. The notice must be filed at least 49 days before the date of the election or in accordance with section 205.16 or 205A.07, if the political subdivision is a municipality or a school district."

(b) The"

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Ozment moved to amend H. F. No. 1214, the first engrossment, as amended, as follows:

Page 12, after line 28, insert:

"Sec. 22. Minnesota Statutes 2000, section 204C.04, subdivision 1, is amended to read:

Subdivision 1. [RIGHT TO BE ABSENT.] Every employee and student who is eligible to vote in an election has the right to be absent from work or school for the purpose of voting during the morning of the day of that election, without penalty or deduction from salary or wages because of the absence; or in the case of a student, without the absence being considered truancy. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee or student."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Speaker pro tempore Abrams called Paulsen to the Chair.

The question was taken on the Ozment amendment and the roll was called. There were 86 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mahoney	Ozment	Swenson
Anderson, B.	Erhardt	Jaros	Mares	Paymar	Sykora
Anderson, I.	Evans	Jennings	Mariani	Pelowski	Thompson
Bakk	Folliard	Johnson, R.	Marko	Peterson	Tuma
Bernardy	Fuller	Johnson, S.	Marquart	Pugh	Wagenius
Biernat	Gleason	Juhnke	McGuire	Rhodes	Walker
Carlson	Goodno	Kahn	Milbert	Rukavina	Walz
Cassell	Goodwin	Kalis	Mullery	Schumacher	Wasiluk
Clark, J.	Gray	Kelliher	Murphy	Sertich	Wenzel
Clark, K.	Greiling	Koskinen	Nornes	Skoe	Westrom
Daggett	Gunther	Kubly	Olson	Skoglund	Winter
Davnie	Harder	Larson	Opatz	Slawik	
Dawkins	Hausman	Leighton	Osskopp	Solberg	
Dehler	Hilstrom	Lieder	Osthoff	Stang	
Dibble	Hilty	Luther	Otremba	Swapinski	

Those who voted in the negative were:

Abrams	Erickson	Jacobson	Lipman	Rifenberg	Westerberg
Bishop	Finseth	Johnson, J.	McElroy	Ruth	Wilkin
Boudreau	Gerlach	Kielkucki	Molnau	Seagren	Wolf
Bradley	Haas	Knoblach	Mulder	Seifert	Workman
Buesgens	Hackbarth	Krinkie	Ness	Smith	Spk. Sviggum
Dempsey	Holberg	Kuisle	Paulsen	Stanek	
Dorman	Holsten	Leppik	Pawlenty	Tingelstad	
Eastlund	Howes	Lindner	Penas	Vandev eer	

The motion prevailed and the amendment was adopted.

Biernat offered an amendment to H. F. No. 1214, the first engrossment, as amended.

Seifert requested a division of the Biernat amendment to H. F. No. 1214, the first engrossment, as amended.

The first portion of the Biernat amendment to H. F. No. 1214, the first engrossment, as amended, reads as follows:

Page 1, after line 19, insert:

"Section 1. [5.31] [CONFLICTS OF INTEREST.]

Subdivision 1. [POLITICAL CAMPAIGNS.] The secretary of state shall not serve in any capacity on a principal campaign committee of another candidate or any other committee whose purpose is to influence the nomination or election of another candidate whose name will appear on the state primary or general election ballot for any federal, state, or local office."

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 first portion of the Biernat amendment and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail and the first portion of the Biernat amendment was not adopted.

The second portion of the Biernat amendment to H. F. No. 1214, the first engrossment, as amended, reads as follows:

Page 1, after line 19, insert:

"Section 1. [5.31] [RECOUNTS; ELECTION CONTESTS.]

The secretary of state shall not participate, other than as a party, in a recount or election contest for an office for which the secretary of state is a candidate. The governor shall appoint a person not interested in the outcome of the recount or election contest to perform the duties of the secretary of state in the recount or contest."

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 second portion of the Biernat amendment and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Mahoney

The motion prevailed and the second portion of the Biernat amendment was adopted.

Kahn moved to amend H. F. No. 1214, the first engrossment, as amended, as follows:

Page 4, line 23, of the first Lipman amendment, delete "may" and insert "must"

The motion prevailed and the amendment was adopted.

Dibble offered an amendment to H. F. No. 1214, the first engrossment, as amended.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 3.21 that the Dibble amendment was not in order. Speaker pro tempore Paulsen ruled the point of order well taken and the Dibble amendment out of order.

H. F. No. 1214, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Seifert moved that the action whereby H. F. No. 1214, as amended, was given its third reading be now reconsidered. The motion prevailed.

Seifert moved to amend H. F. No. 1214, the first engrossment, as amended, as follows:

Pages 8 and 9, delete section 14

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1214, A bill for an act relating to elections; clarifying certain language; changing certain requirements and procedures; amending Minnesota Statutes 2000, sections 103C.311, subdivision 1; 201.022; 201.091, subdivision 4; 202A.19, subdivision 1; 203B.04, subdivision 5; 203B.06, by adding a subdivision; 203B.11, by adding a subdivision; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1 and 3; 204B.20; 204B.22, subdivision 1; 204B.23; 204B.28, subdivision 1; 204B.29, subdivision 1; 204B.45, subdivision 2; 204B.46; 204C.03, subdivision 1; 204C.04, subdivision 1; 204D.04, subdivision 2; 204D.09; 204D.24, subdivision 2; 205.02, subdivision 1; 205.13, subdivision 1a; 205.17, by adding a subdivision; 205.185, subdivisions 2 and 3; 205A.02; 205A.11, subdivision 2; 206.81; 211A.02, subdivisions 1 and 4; 358.10; and 367.03, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 5; 200; and 201; repealing Minnesota Statutes 2000, section 204B.06, subdivision 1a; Minnesota Rules, part 8250.1400.

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 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Penas	Seagren	Stang	Tingelstad	Westerberg	Workman
Rhodes	Seifert	Swenson	Tuma	Westrom	Spk. Sviggum
Rifenberg	Smith	Sykora	Vandev eer	Wilkin	
Ruth	Stanek	Thompson	Walz	Wolf	

Those who voted in the negative were:

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

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

H. F. No. 2263 was reported to the House.

Erickson and Kielkucki moved to amend H. F. No. 2263, the first engrossment, as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

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

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

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

(3) showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual;

(4) showing one of the following:

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

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

~~(4)~~ (5) showing a picture identification card or document listed in clause (1), (2), (3), or (4), and proving current residence in the precinct by having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

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

[EFFECTIVE DATE.] This section is effective April 1, 2002.

Sec. 2. Minnesota Statutes 2000, section 204C.10, is amended to read:

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

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge ~~may~~ shall, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

(1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

[EFFECTIVE DATE.] This section is effective April 1, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

POINT OF ORDER

Pugh raised a point of order pursuant to rule 3.21 that the Erickson and Kielkucki amendment was not in order. Speaker pro tempore Paulsen ruled the point of order not well taken and the Erickson and Kielkucki amendment in order.

Skoglund requested a division of the Erickson and Kielkucki amendment to H. F. No. 2263, the first engrossment.

The first portion of the Erickson and Kielkucki amendment to H. F. No. 2263, the first engrossment, reads as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

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

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

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

(3) showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual;

(4) showing one of the following:

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

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

~~(4)~~ (5) showing a picture identification card or document listed in clause (1), (2), (3), or (4), and proving current residence in the precinct by having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

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

[EFFECTIVE DATE.] This section is effective April 1, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Solberg moved to amend the first portion of the Erickson and Kielkucki amendment to H. F. No. 2263, the first engrossment, as follows:

Page 1, line 15, delete the new language

Page 1, line 23, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Solberg amendment to the first portion of the Erickson and Kielkucki amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail and the Solberg amendment to the first portion of the Erickson and Kielkucki amendment was not adopted.

Gleason offered an amendment to the first portion of the Erickson and Kielkucki amendment to H. F. No. 2263, the first engrossment.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Gleason amendment to the first portion of the Erickson and Kielkucki amendment was not in order. Speaker pro tempore Paulsen ruled the point of order well taken and the Gleason amendment to the first portion of the Erickson and Kielkucki amendment out of order.

The question recurred on the first portion of the Erickson and Kielkucki amendment and the roll was called. There were 69 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the first portion of the Erickson and Kielkucki amendment was adopted.

The second portion of the Erickson and Kielkucki amendment to H. F. No. 2263, the first engrossment, as amended, reads as follows:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 2000, section 204C.10, is amended to read:

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

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge ~~may~~ shall, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

(1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

[EFFECTIVE DATE.] This section is effective April 1, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the second portion of the Erickson and Kielkucki amendment was not in order. Speaker pro tempore Paulsen ruled the point of order not well taken and the second portion of the Erickson and Kielkucki amendment in order.

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

The question recurred on the second portion of the Erickson and Kielkucki amendment and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Erickson	Harder	Krinkie	Mulder
Abrams	Daggett	Finseth	Holberg	Kuisle	Ness
Anderson, B.	Davids	Fuller	Holsten	Leppik	Nornes
Bishop	Dehler	Gerlach	Howes	Lindner	Olson
Boudreau	Dempsey	Goodno	Jacobson	Lipman	Osskopp
Bradley	Dorman	Gunther	Johnson, J.	Mares	Ozment
Buesgens	Eastlund	Haas	Kielkucki	McElroy	Paulsen
Cassell	Erhardt	Hackbarth	Knoblach	Molnau	Pawlenty

Penas	Seagren	Stanek	Tingelstad	Westerberg	Workman
Rhodes	Seifert	Stang	Tuma	Westrom	Spk. Sviggum
Rifenberg	Slawik	Swenson	Vandev eer	Wilkin	
Ruth	Smith	Sykora	Walz	Wolf	

Those who voted in the negative were:

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

The motion prevailed and the second portion of the Erickson and Kielkucki amendment was adopted.

Pugh moved to amend H. F. No. 2263, the first engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

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

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

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

(3) showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, resident address, signature, date of birth, and picture of the individual;

(4) showing one of the following:

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

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

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

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

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

Delete the title and insert:

"A bill for an act relating to elections; authorizing use of certain tribal identification cards for election day registration purposes; amending Minnesota Statutes 2000, section 201.061, subdivision 3."

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

POINT OF ORDER

Seifert raised a point of order pursuant to section 420 of "Mason's Manual of Legislative Procedure," relating to Equivalent Amendments. The Speaker ruled the point of order not well taken and the Pugh amendment in order.

The question recurred on the Pugh amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 2263, A bill for an act relating to elections; regulating election day registrations; requiring verification of an applicant's identity for purposes of permanent registration; amending Minnesota Statutes 2000, sections 201.061, subdivision 3; 204C.10.

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 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 901 which was temporarily laid over earlier today on the Calendar for the Day was again reported to the House.

Lipman; Krinkie; Kielkucki; Anderson, B., and Rhodes offered an amendment to H. F. No. 901, the first engrossment.

Pugh requested a division of the Lipman et al amendment to H. F. No. 901, the first engrossment.

The first portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, reads as follows:

Page 1, after line 8, insert:

"Sec. 6. Minnesota Statutes 2000, section 204B.27, is amended by adding a subdivision to read:

Subd. 11. [TRANSLATION OF VOTING INSTRUCTIONS.] The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The secretary of state shall determine which languages are so common in Minnesota that there is a need for translated voting instructions."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Kahn moved to amend the first portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, as follows:

Page 3, line 16, delete "may" and insert "must"

The motion did not prevail and the Kahn amendment to the first portion of the Lipman et al amendment was not adopted.

The question recurred on the first portion of the Lipman et al amendment and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Holberg	Kuisle	Seifert
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The motion prevailed and the first portion of the Lipman et al amendment was adopted.

Dawkins requested a division of the second portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, as amended.

The first part of the Dawkins division of the second portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, as amended, reads as follows:

Page 3, after line 34, insert:

"Sec. 9. Minnesota Statutes 2000, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

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

(b) The secretary of state must license a touch-sensitive direct recording electronic voting system for experimental use at an election before its approval for general use, and may impose restrictions on its use. A voting system used under this paragraph must permit a blind or visually impaired voter to cast a ballot independently and privately.

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first part of the Dawkins division of the second portion of the Lipman et al amendment was adopted.

The second part of the Dawkins division of the second portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, as amended, reads as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

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

(b) An individual may prove ~~residence~~ identity for purposes of registering by showing one of the following:

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

(2) ~~showing any document approved by the secretary of state as proper~~ a United States passport or military identification;

(3) ~~showing one of the following:~~

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

~~(4) a current valid employee photo identification card issued by the state or by a political subdivision; or~~

~~(ii) (5) a current valid photo identification card issued by the health department to recipients of medical assistance;~~
or

~~(6) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual.~~

~~(c) In addition, an individual may prove residence for purposes of registration if the document shown in compliance with paragraph (b) does not contain the individual's current residence address by providing one of the following:~~

~~(1) an electric, water, natural gas, garbage, sewer, telephone, or cable television bill that is due within 30 days after election day;~~

~~(2) a Minnesota driver's license, learner's permit, or identification card, or a receipt for one of these;~~

~~(3) notice of late voter registration;~~

~~(4) a student dormitory list prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state;~~

~~(5) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual;~~

~~(6) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or~~

~~(4) (7) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.~~

~~(d) A county, school district, or municipality may must require that an election judge responsible for election day registration initial each completed registration card."~~

Page 3, after line 18, insert:

"Sec. 5. Minnesota Statutes 2000, section 204B.22, subdivision 3, is amended to read:

Subd. 3. [MINIMUM NUMBER REQUIRED IN CERTAIN PRECINCTS.] At each state primary or state general election in precincts using ~~lever voting machines~~ or an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

Sec. 7. Minnesota Statutes 2000, section 204C.10, is amended to read:

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

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge ~~may shall~~, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

(1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

[EFFECTIVE DATE.] This section is effective April 1, 2002.

Sec. 10. [206.91] [VOTING EQUIPMENT DECENNIAL REPORT.]

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

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

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

[EFFECTIVE DATE.] This section is effective January 1, 2002.

Sec. 11. [REPEALER.]

Minnesota Statutes 2000, section 204C.15, subdivision 2a, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Opatz moved to amend the second part of the Dawkins division of the second portion of the Lipman et al amendment to H. F. No. 901, the first engrossment, as amended, as follows:

Page 2, line 19, delete "dormitory"

The motion prevailed and the Opatz amendment to the second part of the Dawkins division of the second portion of the Lipman et al amendment was adopted.

The question recurred on the second part of the Dawkins division of the second portion of the Lipman et al amendment, as amended, to H. F. No. 901, the first engrossment, as amended. The motion prevailed and the second part of the Dawkins division of the second portion of the Lipman et al amendment, as amended, was adopted.

Pugh moved to amend H. F. No. 901, the first engrossment, as amended, as follows:

Page 3, line 21, after "BALLOT" insert "; STATE PRIMARY DATE"

Page 3, after line 34, insert:

"(d) The state primary shall be held on the last Tuesday in June in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 5. [REPEALER.]

Minnesota Statutes 2000, section 204D.03, subdivision 1, is repealed."

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 Pugh amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Evans	Johnson, R.	Larson	Opatz	Solberg
Bernardy	Gleason	Johnson, S.	Leighton	Paulsen	Swapinski
Biernat	Goodwin	Juhnke	Lenczewski	Paymar	Thompson
Carlson	Gray	Kahn	Luther	Peterson	Wagenius
Clark, K.	Greiling	Kalis	Mahoney	Pugh	Walker
Davnie	Hausman	Kelliher	Mariani	Schumacher	Wasiluk
Dawkins	Hilstrom	Koskinen	Marko	Skoe	Winter
Dibble	Hilty	Krinkie	Marquart	Skoglund	
Entenza	Johnson, J.	Kubly	McGuire	Slawik	

Those who voted in the negative were:

Abeler	Bakk	Bradley	Clark, J.	Dehler	Dorn
Anderson, B.	Bishop	Buesgens	Daggett	Dempsey	Eastlund
Anderson, I.	Boudreau	Cassell	Dauids	Dorman	Erhardt

Erickson	Howes	Lipman	Osskopp	Seifert	Wenzel
Finseth	Huntley	Mares	Otremba	Sertich	Westerberg
Fuller	Jacobson	McElroy	Ozment	Smith	Westrom
Gerlach	Jaros	Milbert	Pawlenty	Stanek	Wilkin
Goodno	Jennings	Molnau	Pelowski	Stang	Wolf
Gunther	Kielkucki	Mulder	Penas	Swenson	Workman
Haas	Knoblach	Mullery	Rhodes	Sykora	Spk. Sviggum
Hackbarth	Kuisle	Murphy	Rifenberg	Tingelstad	
Harder	Leppik	Ness	Rukavina	Tuma	
Holberg	Lieder	Nornes	Ruth	Vandever	
Holsten	Lindner	Olson	Seagren	Walz	

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

H. F. No. 901, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Abrams moved that the action whereby H. F. No. 901, as amended, was given its third reading be now reconsidered. The motion prevailed.

Kahn moved to amend H. F. No. 901, the first engrossment, as amended, as follows:

Page 2, line 33, after "writing" insert ", by electronic mail."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Bishop	Buesgens	Daggett	Dorman	Erickson
Abrams	Boudreau	Cassell	Dauids	Eastlund	Finseth
Anderson, B.	Bradley	Clark, J.	Dempsey	Erhardt	Fuller

Gerlach	Jacobson	Mares	Paulsen	Stang	Wilkin
Goodno	Johnson, J.	McElroy	Pawlenty	Swenson	Wolf
Gunther	Kielkucki	Molnau	Penas	Sykora	Workman
Haas	Knoblach	Mulder	Rifenberg	Tingelstad	Spk. Sviggum
Hackbarth	Krinkie	Ness	Ruth	Tuma	
Harder	Kuisle	Nornes	Seagren	Vandever	
Holberg	Leppik	Olson	Seifert	Walz	
Holsten	Lindner	Osskopp	Smith	Westerberg	
Howes	Lipman	Ozment	Stanek	Westrom	

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

H. F. No. 901, A bill for an act relating to elections; regulating election day registrations; clarifying voting provisions for overseas voters; expanding the use of facsimile applications for absentee ballots; providing for the translation of voting instructions; requiring verification of an applicant's identity for purposes of permanent registration; requiring the licensing of a touch-sensitive direct recording voting system; providing for a decennial voting equipment report; amending Minnesota Statutes 2000, sections 201.061, subdivision 3; 203B.04, subdivision 1; 203B.16, subdivision 1; 203B.17, subdivision 1; 204B.22, subdivision 3; 204B.27, by adding a subdivision; 204C.10; 204D.11, subdivision 4; 206.81; proposing coding for new law in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 2000, section 204C.15, subdivision 2a.

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 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2189, A bill for an act relating to transportation; creating local road improvement program; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate all proceeds from the sales tax on motor vehicles to the highway user tax distribution fund; appropriating money for greater Minnesota transit; proposing coding for new law in Minnesota Statutes, chapter 174.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. [TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2001," "2002," and "2003," where used in this article, mean that the appropriations listed under them are available for the year ending June 30, 2001, June 30, 2002, or June 30, 2003, respectively. The term "first year" means the year ending June 30, 2002, and the term "second year" means the year ending June 30, 2003. Appropriations for the year ending June 30, 2001, are in addition to appropriations made in previous years.

SUMMARY BY FUND

	2001	2002	2003	TOTAL
General		\$ 96,042,000	\$ 85,158,000	\$181,200,000
Airports		20,807,000	20,548,000	41,355,000
C.S.A.H.		405,330,000	418,113,000	823,443,000
Highway User	875,000	17,644,000	17,402,000	35,921,000
M.S.A.S.		106,469,000	109,827,000	216,296,000
Special Revenue		12,704,000	994,000	13,698,000
Trunk Highway	445,000	1,133,040,000	1,139,209,000	2,272,694,000
TOTAL	\$1,320,000	\$1,792,036,000	\$1,791,251,000	\$3,584,607,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Sec. 2. TRANSPORTATION

Subdivision 1. Total Appropriation	\$1,600,025,000	\$1,614,622,000
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The appropriations in this section are from the trunk highway fund, except when another fund is named.

Summary by Fund

	2002	2003
General	24,057,000	18,083,000
Airports	20,757,000	20,498,000
C.S.A.H.	405,330,000	418,113,000
M.S.A.S.	106,469,000	109,827,000
Trunk Highway	1,043,412,000	1,048,101,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Aeronautics	20,748,000	20,489,000
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Summary by Fund

Airports	20,687,000	20,428,000
General	50,000	50,000
Trunk Highway	11,000	11,000

Except as otherwise provided, the appropriations in this subdivision are from the state airports fund. The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

	2002	2003
	14,298,000	14,298,000

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

APPROPRIATIONS
Available for the Year
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2002 2003

(b) Transit Administration

838,000 859,000

Summary by Fund

General	498,000	511,000	
Trunk Highway	340,000	348,000	

Subd. 4. Railroads and Waterways	3,758,000	1,804,000
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Summary by Fund

General	2,273,000	280,000	
Trunk Highway	1,485,000	1,524,000	

\$1,000,000 the first year is from the general fund for port development assistance for expenditure in accordance with Minnesota Statutes, chapter 457A. This appropriation is available until June 30, 2003.

\$1,000,000 the first year is from the general fund for deposit in the Minnesota rail service improvement account.

Subd. 5. Motor Carrier Regulation	4,024,000	4,123,000
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Summary by Fund

General	122,000	126,000	
Trunk Highway	3,902,000	3,997,000	

\$500,000 the first year and \$500,000 the second year are for commercial vehicle information systems. Of this appropriation \$175,000 the first year and \$175,000 the second year are onetime appropriations that may not be added to the agency's budget base.

Subd. 6. Local Roads	515,799,000	527,940,000
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Summary by Fund

C.S.A.H.	405,330,000	418,113,000	
M.S.A.S.	106,469,000	109,827,000	
General	4,000,000	-0-	

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

(a) County State Aids

	405,330,000	418,113,000
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APPROPRIATIONS
 Available for the Year
 Ending June 30
 2002 2003

(1) The commissioner shall conduct a study of alternative methods of establishing a local road improvement program for distributing appropriations made for local road improvements.

(2) In conducting the study, the commissioner shall consider the feasibility and desirability of:

(i) distributing money by formula among counties and cities; and

(ii) distributing money to counties and cities on a competitive-grant basis.

(3) In conducting the study, the commissioner shall prepare and analyze alternative methods of distributing money that do not involve the existing program framework of the county state-aid highway system or municipal state-aid street system, although streets and highways on state-aid systems may be included in any alternative included in the study.

(4) As part of the study, the commissioner shall consult with representatives of local government, city and county highway engineers, and highway users. The commissioner shall report the results of the study to the governor and legislature by February 15, 2002.

Subd. 7. State Roads	979,255,000	990,557,000
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Summary by Fund

General	9,000	9,000
Trunk Highway	979,246,000	990,548,000

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

(a) State Road Construction

568,387,000	568,386,000
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It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

275,000,000	300,000,000
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Highway User Taxes

293,387,000	268,386,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

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

\$10,000,000 the first year and \$10,000,000 the second year are for trunk highway improvements to eliminate traffic bottlenecks in the seven-county metropolitan area, and improvements to those segments of high-risk interregional corridors that are located in the seven-county metropolitan area.

\$10,000,000 the first year and \$10,000,000 the second year are for trunk highway improvements outside the seven-county metropolitan area that the commissioner designates as high-risk interregional corridors.

\$1,000,000 the first year and \$1,000,000 the second year are for trunk highway advantages to bus transit in conjunction with highway construction or reconstruction projects in the commissioner's statewide transportation improvement program. For purposes of this appropriation, "advantages to transit" includes shoulder bus lanes, bus park-and-ride facilities, and bus passenger waiting facilities, but does not include (1) any facility relating to light rail transit or commuter rail or (2) bus facilities or operating costs in a light rail transit or commuter rail corridor.

On August 1 of 2002 and 2003 the commissioner of transportation shall report to the major transportation projects commission on the status of each trunk highway project that the commissioner classifies as being metropolitan bottleneck alleviation, interregional corridors, and advantages to transit. The report must include (1) the full cost of the project including inflation assumptions, (2) the status of construction and right-of-way acquisition; (3) a schedule for completing the project; (4) the status of environmental review of the project; and (5) the status of the project in the commissioner's statewide transportation improvement program.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$5,000,000 the first year and \$5,000,000 the second year are for acquisition of right-of-way for trunk highway construction and reconstruction projects in advance of final design work for those projects.

The commissioner may not spend any money from the trunk highway fund to pay the operating costs of bus service intended solely or primarily to mitigate the effects of trunk highway construction projects.

The commissioner may not cancel, or remove from the commissioner's statewide transportation improvement program, the trunk highway project that would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36.

(b) Highway Debt Service

19,235,000	24,228,000
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If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

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

(c) Research and Investment Management

12,287,000	12,211,000
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\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(g) Electronic Communications

	5,617,000	5,746,000
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Summary by Fund

General	9,000	9,000
Trunk Highway	5,608,000	5,737,000

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

Subd. 8. General Support	50,386,000	51,779,000
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Summary by Fund

General	54,000	56,000
Airports	70,000	70,000
Trunk Highway	50,712,000	51,673,000

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

(a) General Management

	39,148,000	39,865,000
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\$6,600,000 the first year and \$6,600,000 the second year are for improvement and expansion of information systems technology infrastructure.

(b) General Services

	11,688,000	11,934,000
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Summary by Fund

General	54,000	56,000
Airports	70,000	70,000
Trunk Highway	11,564,000	11,808,000

Subd. 9. Buildings	7,716,000	-0-
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This appropriation is available until June 30, 2003.

(a) Deer Lake truck station	550,000
(b) Dodge Center truck station	575,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 12. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2002 is available to the commissioner during fiscal years 2003 and 2004 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated.

The commissioner of transportation shall report to the commissioner of finance by August 1, 2002, and August 1, 2003, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Sec. 3. METROPOLITAN COUNCIL TRANSIT	58,967,000	55,201,000
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The council may not spend more than \$42,200,000 for metro mobility in the 2002-2003 biennium except for proceeds from bond sales when use of those proceeds for metro mobility capital expenditures is authorized by law.

Sec. 4. PUBLIC SAFETY

Subdivision 1. Total Appropriation	118,916,000	120,425,000
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Summary by Fund

	2002	2003
General	11,590,000	11,846,000
Trunk Highway	88,828,000	90,308,000
Highway User	17,519,000	17,277,000
Special Revenue	979,000	994,000

Subd. 2. Administration and Related Services	13,167,000	13,361,000
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Summary by Fund

General	4,578,000	4,603,000
Trunk Highway	7,204,000	7,373,000
Highway User	1,385,000	1,385,000

Notwithstanding Minnesota Statutes, section 16A.285, no part of this appropriation may be transferred.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on December 31, 2001, and December 31, 2002, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) Technical Support Services

	4,876,000	4,972,000
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Summary by Fund

General	1,472,000	1,496,000
Trunk Highway	3,385,000	3,457,000
Highway User	19,000	19,000

Subd. 3. State Patrol	60,105,000	61,738,000
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Summary by Fund

	2000	2001
General	3,154,000	3,247,000
Trunk Highway	56,859,000	58,399,000
Highway User	92,000	92,000

(a) Patrolling Highways

	50,693,000	52,054,000
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Summary by Fund

General	37,000	37,000
Trunk Highway	50,564,000	51,925,000
Highway User	92,000	92,000

Notwithstanding Minnesota Statutes, section 16A.285, no part of this appropriation may be transferred.

(b) Commercial Vehicle Enforcement

	6,295,000	6,474,000
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This appropriation is from the trunk highway fund.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Notwithstanding Minnesota Statutes, section 16A.285, no part of this appropriation may be transferred.

(c) Capitol Security

3,117,000 3,210,000

The commissioner may not (1) spend any money from the trunk highway fund for capital security, or (2) permanently transfer any state trooper from the patrolling highways activity to capital security.

Subd. 4. Driver and Vehicle Services 44,348,000 44,008,000

Summary by Fund

General	3,858,000	3,996,000	
Trunk Highway	24,448,000	24,212,000	
Highway User	16,042,000	15,800,000	

Notwithstanding Minnesota Statutes, section 16A.285, no part of this appropriation may be transferred.

(a) Vehicle Registration and Title

19,845,000 19,740,000

Summary by Fund

General	3,803,000	3,940,000	
Highway User	16,042,000	15,800,000	

\$250,000 the first year and \$250,000 the second year are for unanticipated costs relating to the production of license plates. This appropriation is from the highway user tax distribution fund. The commissioner may spend money from this appropriation only after obtaining approval from the commissioner of finance and notifying the chair of the transportation budget division of the senate and the chair of the transportation finance committee of the house of representatives.

The commissioner shall conduct a study of the effect of increased authorization and use of special license plates on (1) department of public safety costs and revenues, and (2) law enforcement and public safety. The commissioner shall report to the legislature by February 1, 2002, on the results of the study.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(b) Licensing Drivers

24,503,000 24,268,000

Summary by Fund

General	55,000	56,000
Trunk Highway	24,448,000	24,212,000

\$400,000 the first year and \$400,000 the second year are for unanticipated costs relating to the production of drivers' licenses. This appropriation is from the trunk highway fund. The commissioner may spend money from this appropriation only after obtaining approval from the commissioner of finance and notifying the chair of the transportation budget division of the senate and the chair of the transportation finance committee of the house of representatives.

Subd. 5. Traffic Safety	317,000	324,000
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This appropriation is from the trunk highway fund.

Subd. 6. Pipeline Safety	979,000	994,000
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This appropriation is from the pipeline safety account in the special revenue fund.

Sec. 5. GENERAL CONTINGENT ACCOUNTS	375,000	375,000
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The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

Trunk Highway	200,000	200,000
Highway User	125,000	125,000
Airports	50,000	50,000

Sec. 6. TORT CLAIMS	600,000	600,000
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To be spent by the commissioner of finance. This appropriation is from the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. [TRANSFERS; FISCAL YEAR 2001 APPROPRIATIONS.]

(a) The commissioner of finance shall transfer \$11,725,000 from the contingency account in the special revenue fund for transfer to the highway user tax distribution fund for fiscal year 2002 as reimbursement for refunds of taxes for vehicle registration renewals due in June, 2000.

(b) \$875,000 is appropriated from the highway user tax distribution fund to the commissioner of public safety for fiscal year 2001. This amount must be added to the appropriation in Laws 1999, chapter 238, article 1, section 4, subdivision 4, paragraph (a), for increased license plate costs.

(c) \$445,000 is appropriated from the trunk highway fund to the commissioner of public safety for fiscal year 2001. This amount must be added to the appropriation in Laws 1999, chapter 238, article 1, section 4, subdivision 4, paragraph (c), for increased driver's license card production costs.

(d) The commissioner of finance shall transfer \$1,400,000 in fiscal year 2002 from the general fund to the transportation revolving loan fund.

[EFFECTIVE DATE.] Paragraphs (b) and (c) are effective the day following final enactment. Paragraphs (a) and (d) are effective July 1, 2001.

Sec. 8. [OFFICE OF PIPELINE SAFETY ASSESSMENTS.]

Assessments by the office of pipeline safety under Minnesota Statutes, section 299J.12, for purposes of section 3, subdivision 6, are deemed approved under Minnesota Statutes, section 16A.1283.

Sec. 9. [CERTAIN, ONETIME APPROPRIATIONS.]

General fund appropriations in this article for the 2002-2003 biennium in excess of an agency's general fund budget base are onetime and may not be added to the agency's budget base for the 2004-2005 biennium. For purposes of this section the following amounts are each agency's general fund budget base:

	<u>2004</u>	<u>2005</u>
<u>Department of transportation</u>	<u>\$15,980,000</u>	<u>\$15,980,000</u>
<u>Department of public safety</u>	<u>\$11,455,000</u>	<u>\$11,434,000</u>
<u>Metropolitan council</u>	<u>\$53,101,000</u>	<u>\$53,101,000</u>

Sec. 10. [DEPARTMENT OF TRANSPORTATION DISTRICT 1 CONSTRUCTION BUDGET.]

The commissioner of transportation shall reduce the construction budget of the department of transportation construction district 1 by \$35,000,000 over the period from fiscal year 2003 through fiscal year 2007, in order to repay the advance of highway construction funds in fiscal years 2001 and 2002. The reduction in each year of the period must equal the cost of trunk highway construction projects that were originally scheduled to be constructed during that year that were constructed in fiscal year 2001 or 2002 instead.

Sec. 11. [PORT OF MINNEAPOLIS; RESTRICTIONS.]

Subdivision 1. [FINDING.] The legislature finds that the continued use of the upper harbor of the Mississippi river in the city of Minneapolis for commercial navigation relieves transportation demand on highways and railroads in the metropolitan area, is a necessary element of the transportation system of the region, and is therefore of statewide significance.

Subd. 2. [RESTRICTION.] The city of Minneapolis may not adopt or enforce any zoning ordinance or other zoning determination that would have the effect of forcing the closing or relocation of commercial and industrial activities along the upper harbor of the Mississippi river that are extensively dependent on commercial river transportation.

Sec. 12. Minnesota Statutes 2000, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. [TOWN BRIDGES AND CULVERTS; TOWN ROAD ACCOUNT.] (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.

(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge.

(e) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000; ~~or~~

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the department of transportation; or

(3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of towns with a net tax capacity of less than \$200,000, 100 percent of the engineering costs.

(f) Money in the town road account must be distributed as provided in section 162.081.

Sec. 13. Minnesota Statutes 2000, section 168.013, subdivision 1d, is amended to read:

Subd. 1d. [TRAILER.] (a) On trailers registered at a gross vehicle weight of greater than 3,000 pounds, the annual tax is based on total gross weight and is 30 percent of the Minnesota base rate prescribed in subdivision 1e, when the gross weight is 15,000 pounds or less, and when the gross weight of a trailer is more than 15,000 pounds, the tax for the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life the tax is 75 percent of the Minnesota base rate prescribed by subdivision 1e, ~~but in no event less than \$5, provided, that the tax on trailers with a total gross weight of 3,000 pounds or less is payable biennially.~~

(b) Farm trailers with a gross weight in excess of 10,000 pounds and as described in section 168.011, subdivision 17, are taxed as farm trucks as prescribed in subdivision 1c.

(c) Effective on and after July 1, 2001, trailers registered at a gross vehicle weight of 3,000 pounds or less must display a distinctive plate. The registration on the license plate is valid for 20 years, unless the trailer is subsequently reregistered at a gross weight of more than 3,000 pounds. The registration tax for trailers registered for the first time in Minnesota is \$55. For trailers registered in Minnesota before July 1, 2001, and for which:

(1) registration is desired for 20 years, the registration tax is \$25; or

(2) 20-year registration is not desired, the biennial registration tax is \$10 for the first renewal if registration is renewed between and including July 1, 2001, and June 30, 2003. These trailers must be registered for 20 years at the first renewal on or after July 1, 2003, and the registration tax is \$20.

For trailers registered at a gross weight of 3,000 pounds or less before July 1, 2001, but not renewed until on or after July 1, 2003, the registration tax is \$20 and 20-year registration must be issued.

Sec. 14. Minnesota Statutes 2000, section 174.24, subdivision 3b, is amended to read:

Subd. 3b. [OPERATING ASSISTANCE.] (a) The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving ~~moneys~~ money under this section.

(b) Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: ~~large urbanized area service~~, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, except as provided in an undue hardship case. The percentages ~~shall must~~ be: ~~for large urbanized area service, 50 percent~~; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost. Total operating costs for the Duluth transit authority or a successor agency shall not include costs related to the Superior, Wisconsin service contract and the school bus service contract.

(c) If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification, provided that no recipient shall have its percentage thus reduced or increased for more than two years successively. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 15. [174.261] [BILLING FOR HIGHWAY MAINTENANCE.]

The commissioner of transportation may bill highway maintenance operating units of the department and local road authorities for the cost of a centrally managed pavement marking program. These costs may include equipment acquisition and rental, labor, materials, and other costs as determined by the commissioner. Receipts

must be credited to a special account in the trunk highway fund and are appropriated to the commissioner to pay the costs for which billings are made. Amounts credited to the account are exempt from statewide and agency indirect cost payments.

Sec. 16. Minnesota Statutes 2000, section 296A.18, subdivision 3, is amended to read:

Subd. 3. [SNOWMOBILE.] Approximately one percent ~~in fiscal years 1998, 1999, and 2000, and three-fourths of one percent thereafter,~~ of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, one percent ~~in fiscal years 1998, 1999, and 2000, and three-fourths of one percent thereafter,~~ of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Sec. 17. Laws 2000, chapter 492, article 2, section 1, is amended to read:

Section 1. [METROPOLITAN COUNCIL TRANSIT APPROPRIATION.]

(a) \$25,000,000 in fiscal year 2001 ~~and \$19,000,000 in fiscal year 2002~~ is appropriated from the general fund to the metropolitan council for public improvements of a capital nature for engineering, design, and construction of an exclusive bus transitway including, but not limited to, acquisition of land and right-of-way.

(b) None of the money appropriated in this section may be spent for light rail transit or commuter rail purposes. The appropriation in paragraph (a), split between the two fiscal years, is nonrecurring, for one-time only, and does not commit the state to make any additional appropriations for the activities described in paragraph (a).

(c) The money necessary to complete the project described in paragraph (a) must come from nonstate sources. A property tax levied by or for the metropolitan council must not be one of those nonstate sources.

ARTICLE 2

TRANSPORTATION DEVELOPMENT

Section 1. Minnesota Statutes 2000, section 16A.641, subdivision 8, is amended to read:

Subd. 8. [APPROPRIATION OF PROCEEDS.] (a) The proceeds of bonds issued under each law are appropriated for the purposes described in the law and in this subdivision. This appropriation may never be canceled.

(b) Before the proceeds are received in the proper special fund, the commissioner may transfer to that fund from the general fund amounts not exceeding the expected proceeds from the next bond sale. The commissioner shall return these amounts to the general fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the bond proceeds.

(c) Actual and necessary travel and subsistence expenses of employees and all other nonsalary expenses incidental to the sale, printing, execution, and delivery of bonds must be paid from the proceeds. The proceeds are appropriated for this purpose. Bond proceeds must not be used to pay any part of the salary of a state employee involved in the sale, printing, execution, or delivery of the bonds.

(d) Bond proceeds remaining in a special fund after the purposes for which the bonds were issued are accomplished or abandoned, as certified by the head of the agency administering the special fund, or as determined by the commissioner, unless devoted under the appropriation act to another purpose designated in the act, shall be transferred to the state bond fund.

(e) Before the proceeds of state highway bonds are received in the trunk highway fund, the commissioner may either (1) transfer funds to the trunk highway fund from the general fund, or (2) authorize the use of funds in the trunk highway fund, in an amount not exceeding the expected proceeds from the next state highway bond sale. These funds shall be used in accordance with the legislative authorization to sell state highway bonds. The commissioner shall return these funds to the general fund or replace the funds used from the trunk highway fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the state highway bond proceeds.

Sec. 2. Minnesota Statutes 2000, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) ~~[ACQUISITION FROM AGENCY; APPROPRIATION.]~~ The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(b) ~~[PURCHASE.]~~ To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) ~~[TRANSFER AT AGENCY REQUEST.]~~ On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) ~~[VEHICLES; MARKING.]~~ The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the division of criminal apprehension, the division of alcohol and gambling enforcement, and arson investigators of the division of fire marshal in the department of public safety;
- (4) the financial institutions division of the department of commerce;
- (5) the division of disease prevention and control of the department of health;
- (6) the state lottery;
- (7) criminal investigators of the department of revenue;
- (8) state-owned community service facilities in the department of human services;
- (9) the investigative staff of the department of economic security; ~~and~~
- (10) the office of the attorney general; and
- (11) the investigative staff of the gambling control board.

Sec. 3. Minnesota Statutes 2000, section 161.23, subdivision 3, is amended to read:

Subd. 3. [LEASING.] The commissioner may lease for the term between ~~the~~ acquisition and sale ~~thereof~~ and for a fair rental rate and upon ~~such~~ terms and conditions as the commissioner deems proper, any excess real estate acquired under ~~the provisions of~~ this section, and any real estate acquired in fee for trunk highway purposes and not presently needed ~~therefor for those purposes~~. All rents received from the leases ~~shall~~ must be paid into the state treasury. Seventy percent of the rents ~~shall~~ must be credited to the trunk highway fund. The remaining 30 percent ~~shall~~ must be paid to the county treasurer where the real estate is located, and ~~shall~~ be distributed in the same manner as real estate taxes. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections 160.276 to 160.278 or to fees collected under section 174.70, subdivision 2.

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

Sec. 4. Minnesota Statutes 2000, section 161.32, subdivision 1, is amended to read:

Subdivision 1. [ADVERTISEMENT FOR BIDS.] The commissioner may conduct the work or any part ~~thereof~~ of the work incidental to the construction and maintenance of the trunk highways by labor employed ~~therefor to do the work~~ or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise; or do the work by labor employed ~~therefor to do the work~~. Except as ~~hereinafter~~ provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date ~~such~~ the bids are to be received. The advertisement for bids ~~shall~~ must be published in a newspaper or other periodical of general circulation in the state and may be placed on the Internet. The plans and specifications for the proposed work ~~shall~~ must be on file in the commissioner's office prior to the first call for bids.

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

Sec. 5. Minnesota Statutes 2000, section 161.32, subdivision 1a, is amended to read:

Subd. 1a. [STANDARD SPECIFICATIONS, SECURITY.] Contracts under this section must be based on specifications prescribed by the commissioner. Each bidder for a contract ~~must~~ shall furnish security approved by the commissioner to ensure completion of the contract. The commissioner may require that bid, performance or payment bonds, or other security be furnished electronically.

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

Sec. 6. Minnesota Statutes 2000, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. [LOWEST RESPONSIBLE BIDDER.] Bidders may submit bids electronically in a form and manner required by the commissioner. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, ~~where~~ when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. ~~In a case where~~ When competitive bids are required and ~~where~~ all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

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

Sec. 7. Minnesota Statutes 2000, section 161.32, subdivision 1e, is amended to read:

Subd. 1e. [RECORD.] A record must be kept of all bids, including names of bidders, amounts of bids, and each successful bid. After the contract is awarded, this record is open to public inspection and may be posted on the Internet.

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

Sec. 8. [161.3201] [RESTRICTION ON IMPOSITION OF BACK WAGES.]

(a) Notwithstanding any other law, the commissioner of transportation may not require the payment of back wages by a contractor based on an application of sections 177.41 to 177.44 if the contract is for the construction or reconstruction of a trunk highway and was entered into before the date of adoption of the rules of the commissioner of labor and industry relating to rental rates for trucks on public works highway projects and coverage of prevailing wage law under Minnesota Statutes, sections 177.43 and 177.44, as published in 25 State Register 772 (October 2, 2000).

(b) The commissioner shall include in all advertisements for bids for trunk highway construction and reconstruction contracts adequate notice to bidders regarding the department's enforcement of the rules described in paragraph (a).

Sec. 9. [161.362] [ADVANCE FUNDING FOR INTERREGIONAL CORRIDOR DEVELOPMENT.]

Subdivision 1. [CORRIDOR DEVELOPMENT.] By agreement with the commissioner, a road authority other than the commissioner or two or more road authorities that have entered into a joint powers agreement under section 471.59 may make advances from any available funds to the commissioner to expedite development of an interregional transportation corridor, including funds for design consultants, for right-of-way purchases, for construction, or for other related expenditures.

Subd. 2. [REPAYMENT.] Subject to the availability of state money, the commissioner shall repay the amount advanced under this section, up to the state's share of costs, under terms of the agreement. The agreement may provide for payment of interest on the amount of advanced funds. The maximum interest rate that may be paid is the rate earned by the state on invested treasurer's cash for the month before the date the agreement is executed or the actual interest paid by the road authority in borrowing for the amount advanced, whichever rate is less. The total amount of annual repayment to road authorities under this section and section 161.361 must never exceed the amount stated in the department's debt management policy or \$10,000,000, whichever is less.

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

Sec. 10. Minnesota Statutes 2000, section 162.06, subdivision 3, is amended to read:

Subd. 3. [DISASTER ACCOUNT.] (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to one percent of the remaining money in the county state-aid highway fund to provide for a disaster account; provided that the total amount of money in the disaster account ~~shall~~ must never exceed ~~one~~ two percent of the total sums to be apportioned to the counties. This sum ~~shall~~ must be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship.

(b) Any county desiring aid by reason of ~~such~~ disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request, the commissioner shall appoint a board consisting of two representatives of the counties, who must be either a county engineer or member of a county board, from counties other than the requesting county, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the county from the disaster account ~~shall~~ must be made by the commissioner. Upon determining to aid ~~any such a requesting~~ county, the commissioner shall certify to the commissioner of finance the amount of the aid, and the commissioner of finance shall ~~thereupon then~~ issue a warrant in that amount payable to the county treasurer of the county. Money so paid ~~shall~~ must be expended on the county state-aid highway system in accordance with the rules of the commissioner.

Sec. 11. Minnesota Statutes 2000, section 162.12, subdivision 3, is amended to read:

Subd. 3. [DISASTER ACCOUNT.] (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account ~~shall~~ must never exceed ~~five~~ three percent of the total sums to be apportioned to the statutory and home rule charter cities having a population of 5,000 or more. The disaster account ~~shall~~ must be used to provide aid to any ~~such~~ city encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, and resulting in an undue and burdensome financial hardship.

(b) Any ~~such~~ city desiring aid by reason of ~~such~~ disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of two representatives of the cities, who must be either a city engineer or member of the governing body of a city, from cities other than the requesting city, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the city from the disaster account ~~shall~~ must be made by the commissioner. Upon determining to aid the city, the commissioner shall certify to the commissioner of finance the amount of aid, and the commissioner of finance shall ~~thereupon then~~ issue a warrant in that amount payable to the fiscal officer of the city. Money so paid ~~shall~~ must be expended on the municipal state-aid street system in accordance with rules of the commissioner.

Sec. 12. Minnesota Statutes 2000, section 165.05, is amended by adding a subdivision to read:

Subd. 3. [BRIDGE UPGRADE ASSISTANCE.] The local road authority may contract with a common carrier by rail, as defined in section 218.011, who owns a railroad bridge to be reconstructed, to provide joint and matching financial assistance to expand or otherwise upgrade the railroad bridge over a street or highway when the local road authority deems assistance would be advantageous to meet street or highway needs. The financial assistance provided is limited to the costs connected with the additional construction necessary to upgrade the bridge from its current condition to a structure that meets present or future street or highway needs as determined by the local road authority. The local road authority may not provide any financial assistance under this subdivision for either commuter rail or light rail transit projects or purposes. This subdivision does not limit the commissioner's authority to assign costs of a rail-highway grade separation to a local road authority under section 219.072 or 219.40.

Sec. 13. [167.46] [PROPERTY PURCHASED WITH HIGHWAY BOND PROCEEDS.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "State trunk highway bond-financed property" means property acquired, improved, or maintained in whole or in part with the proceeds of state trunk highway bonds authorized to be issued under article XIV, section 11, of the Minnesota Constitution.

(c) "Outstanding state trunk highway bonds" means the dollar amount of state trunk highway bonds, including any refunding state trunk highway bonds, issued with respect to state trunk highway bond-financed property, less the principal amount of state trunk highway bonds paid or defeased.

Subd. 2. [LEASES.] (a) State trunk highway bond-financed property may only be leased (1) for those purposes authorized by law, (2) in accordance with the requirements of all other applicable laws and duly adopted rules, and orders, if any, of the commissioner of finance intended to ensure the legality and tax-exempt status of outstanding state trunk highway bonds, and (3) with the approval of the commissioner of finance. A lease of state trunk highway bond-financed property, including any renewals that are solely at the option of the lessee, must be for a term substantially less than the useful life of the state trunk highway bond-financed property, but may allow renewal beyond that term upon a determination by the commissioner of transportation that the use continues to be authorized by law and that the additional term is authorized by law. A lease of state trunk highway bond-financed property must be terminable by the commissioner of transportation if the other contracting party defaults under the contract, and must provide for oversight by the commissioner of transportation.

(b) Notwithstanding any other law, money received by the state under a lease of state trunk highway bond-financed property must be paid to the commissioner of transportation, deposited in the state trunk highway fund, and used to pay or redeem or defease any outstanding state trunk highway bonds in accordance with the commissioner of finance's order authorizing their issuance. The money paid to the commissioner of transportation is appropriated for this purpose. Money in excess of the foregoing requirement must be applied as otherwise required by law.

Subd. 3. [SALES.] (a) State trunk highway bond-financed property must not be sold unless the sale (1) is for a purpose authorized by law, (2) is conducted in accordance with applicable law and duly adopted rules, (3) is made in accordance with orders, if any, of the commissioner of finance intended to ensure the legality and tax-exempt status of outstanding state trunk highway bonds, and (4) is approved by the commissioner of finance.

(b) Notwithstanding any other law, the net proceeds of a sale of any state trunk highway bond-financed property must be paid to the commissioner of transportation, deposited in the state trunk highway fund, and used to pay or redeem or defease any outstanding trunk highway bonds in accordance with the commissioner of finance's order authorizing their issuance. The net proceeds of sale paid to the commissioner of transportation are appropriated for these purposes. Any net proceeds of sale in excess of the foregoing requirement must be applied as otherwise required by law. When all of the net proceeds of sale have been applied as provided in this subdivision, the sold property is no longer considered state trunk highway bond-financed property.

Subd. 4. [RELATION TO OTHER LAWS.] This section applies to all state trunk highway bond-financed property unless otherwise provided by law.

Sec. 14. Minnesota Statutes 2000, section 168.012, subdivision 1, is amended to read:

Subdivision 1. [VEHICLES EXEMPT FROM TAX AND REGISTRATION FEES.] (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from ~~such~~ those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul;

(6) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

(7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, ~~shall~~ are not be required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections ~~shall~~ must be registered and ~~shall~~ must display appropriate license number plates ~~which shall be~~, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the departments of revenue and labor and industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates ~~which shall be~~, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the division of disease prevention and control of the department of health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the division of disease prevention and control.

(f) Unmarked vehicles used by staff of the gambling control board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the gambling control board.

(g) All other motor vehicles ~~shall~~ must be registered and display tax-exempt number plates ~~which shall be~~, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates ~~shall~~ must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, ~~on the vehicle~~ plainly displayed on both sides of the vehicle; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. ~~Such~~ This identification ~~shall~~ must be in a color giving contrast with that of the part of the vehicle on which it is placed and ~~shall~~ must endure throughout the term of the registration. The identification must not be on a removable plate or placard and ~~shall~~ must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 15. [168.1299] [SPECIAL "CHOOSE LIFE" PLATES; ACCOUNT.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The registrar shall issue special "choose life" license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) pays a minimum contribution of \$25 annually to the special account created in subdivision 6; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) The "choose life" license plate application form must clearly indicate that the contribution specified under paragraph (a), clause (5), is a minimum annual contribution to receive the license plates and that the applicant may make an additional contribution to the account.

Subd. 2. [DESIGN.] The registrar shall approve the design of the special plates featuring a brightly colored, crayon-like drawing image of two children, a school bus yellow background, and the words "choose life." The design, which must be used, is available from Choose Life, Inc., located in Florida.

Subd. 3. [NO REFUND.] Contributions under this section are not refundable.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 5. [FEES CREDITED.] The fees collected under this section, not including the contributions collected under subdivision 1, paragraph (a), clause (5), must be deposited in the state treasury and credited to the highway user tax distribution fund.

Subd. 6. [ADOPTION SUPPORT ACCOUNT.] (a) Contributions under subdivision 1, paragraph (a), clause (5), must be paid to the registrar of motor vehicles and credited to a special account known as the adoption support account, which is established in the general fund. Money in the account is annually appropriated to the counties in proportion to the number of "choose life" license plates issued in each county as shown by the registrar's record under subdivision 7.

(b) Each county receiving funds under this subdivision shall distribute the funds to nongovernmental, nonprofit agencies whose services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Funds may not be distributed to any agency that is directly or indirectly involved in or associated with abortion activities, including (1) counseling for or referrals to abortion clinics; (2) providing medical abortion-related procedures; or (3) pro-abortion advertising. Funds may not be distributed to any agency that charges women for services received.

(c) An agency that receives funds under this subdivision must use at least 70 percent of those funds to (1) provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation; or (2) provide for the needs of infants awaiting placement with adoptive parents.

(d) An agency that receives funds under this subdivision shall spend any funds remaining after expenditures for the purposes of paragraph (c) for adoption counseling, training, or advertising, but not for administrative expenses, legal expenses, or capital expenditures.

(e) An agency that receives funds under this subdivision shall submit an annual audit, prepared by a certified public accountant, to the county. The county may conduct a consolidated audit in lieu of the annual audit. Unused funds that exceed ten percent of the funds received by an agency in a fiscal year must be returned to the county, and the county shall distribute these funds to other qualified agencies.

Subd. 7. [RECORD.] The registrar of motor vehicles shall maintain a record of the number of license plates issued in each county in order to determine the amount of money in the adoption support account available to each county.

[EFFECTIVE DATE.] This section is effective July 1, 2001.

Sec. 16. Minnesota Statutes 2000, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FILING FEE.] (a) In addition to all other statutory fees and taxes, a filing fee of ~~\$3.50~~ \$4.50 is imposed on every ~~application~~ motor vehicle registration renewal, excluding prorate transactions, and a filing fee of \$7 is imposed on every other type of vehicle transaction, including prorate transactions; except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department of public safety, a licensed motor vehicle dealer, or a deputy registrar. The filing fee ~~shall~~ must be shown as a separate item on all registration renewal notices sent out by the department of ~~public safety.~~ No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle.

(b) Filing fees collected under this subdivision by the ~~registrar~~ department must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of motor vehicles. Filing fees collected for registrations of motor vehicles in conjunction with a title transfer or first application in this state must be paid into the state treasury with 50 percent of the money credited to the general fund and 50 percent credited to the highway user tax distribution fund.

(c) A motor vehicle dealer shall retain \$2.50 of each filing fee imposed under this subdivision for a completed transaction involving the sale of a motor vehicle to or by a licensed dealer, if the dealer electronically transmits the transaction to the registrar or deputy registrar. The department shall develop procedures to implement this subdivision, in consultation with the Minnesota deputy registrar association and the Minnesota automobile dealers association. Deputy registrars shall not be prohibited from receiving and processing required documents supporting an electronic transaction.

Sec. 17. Minnesota Statutes 2000, section 169.67, subdivision 3, is amended to read:

Subd. 3. [TRAILER, SEMITRAILER.] (a) No trailer or semitrailer with a gross weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer. A surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes adequate to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer that is required to have brakes and that has a gross weight of more than 6,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

(1) a trailer used by a farmer while transporting farm products produced on the user's farm, or supplies back to the farm of the trailer's user;

(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;

(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;

(4) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5;

(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;

(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and

(7) a disabled vehicle while being towed to a place of repair.

(d) Vehicles described in paragraph (c), clauses (1), (3), and (4), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle except a self-propelled implement of husbandry.

Sec. 18. Minnesota Statutes 2000, section 174.35, is amended to read:

174.35 [LIGHT RAIL TRANSIT.]

The commissioner of transportation may exercise the powers granted in this chapter and chapter 473, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2. The commissioner shall not spend state funds to study light rail transit unless the funds are appropriated in legislation that identifies the proposed route to be studied.

Sec. 19. [174.36] [PROHIBITION ON STUDYING HIGH-SPEED RAIL.]

The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation finance whenever the commissioner spends state funds to study high-speed intercity passenger rail service.

Sec. 20. Minnesota Statutes 2000, section 174.55, subdivision 4, is amended to read:

Subd. 4. [COMMISSIONER REPORT.] The commissioner of transportation shall report to the commission not later than July 15 of each year. The report must consist of a listing of candidate projects that meet the criteria of major transportation projects within the definition in subdivision 5, and a listing of proposed projects for study that the commissioner believes have the potential of being major transportation projects ~~but do not have draft environmental impact statements~~. The report must include the commissioner's plan for funding and implementation of each project.

Sec. 21. Minnesota Statutes 2000, section 174.55, subdivision 5, is amended to read:

Subd. 5. [MAJOR TRANSPORTATION PROJECT.] A major transportation project is a project that meets each of the following criteria:

(1) involves the department of transportation;

(2) ~~has a total cost of more than \$5,000,000~~ has a construction cost, in the year in which construction is expected to begin, that exceeds 25 percent of the estimated annual construction program of the department division or construction district in which the project is located; and

(3) is a critical element of the transportation system of its region and the state; ~~and~~

~~(4) has a completed draft environmental impact statement.~~

Sec. 22. Minnesota Statutes 2000, section 174.70, subdivision 2, is amended to read:

Subd. 2. [IMPLEMENTATION.] In order to facilitate construction and maintenance of the ~~initial backbone of the state's communications system described in subdivision 1~~ systems and to reduce the proliferation of communications towers, the commissioner ~~shall~~ may, by purchase, lease, gift, exchange, or other means, obtain sites for the erection of towers and the location of equipment and ~~shall~~ may construct buildings and structures needed for developing the state's communications systems. The commissioner may negotiate with commercial wireless service providers and other tower owners to obtain sites, towers, and equipment. Notwithstanding sections 161.433, 161.434, 161.45, and 161.46, the commissioner may by agreement lease, allow, or permit commercial wireless service providers or other tower owners to install privately owned equipment on state-owned lands, buildings, and other structures under the jurisdiction of the commissioner when it is practical and feasible to do so. The commissioner shall annually publish a list of state-owned tower sites that are available to commercial wireless service providers and other tower owners for installation of their equipment on a first-come, first-served basis for each tower or site. The commissioner may not make agreements that grant the exclusive use of towers. After the commissioner has agreed to make space available on a specific tower or at a specific site, the commissioner shall charge a site use fee for the value of the real property or structure made available. In lieu of a site use fee, the commissioner may make agreements with commercial wireless service providers or other tower owners to place state equipment on privately owned towers and may accept (1) improvements such as tower reinforcement, reconstruction, site development, or other site improvements, to state-owned public safety the state's communications systems facilities or real or personal property, or (2) services provided by a commercial wireless service provider. This section must not be construed to create a right to install privately owned towers on trunk highway right-of-way.

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

Sec. 23. Minnesota Statutes 2000, section 174.70, subdivision 3, is amended to read:

Subd. 3. [DEPOSIT OF FEES; APPROPRIATION.] Fees collected under subdivision 2 must be deposited in the trunk highway fund. The fees ~~so~~ collected are appropriated to the commissioner to pay for ~~the commissioner's share and state patrol's share of the costs of constructing~~ developing and maintaining the communication system sites communications systems that serve state agencies.

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

Sec. 24. Minnesota Statutes 2000, section 174.88, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURE OF STATE FUNDS.] The commissioner shall not spend any state funds for construction or equipment of commuter rail facilities unless the funds have been appropriated by law specifically for those purposes. The commissioner shall not spend state funds to study commuter rail unless the funds are appropriated in legislation that identifies the proposed route to be studied.

Sec. 25. [219.166] [ESTABLISHMENT OF QUIET ZONES.]

Subdivision 1. [AUTHORITY.] A county, statutory or home rule charter city, or town may by ordinance establish a defined "quiet zone" in which the sounding of horns, whistles, or other audible warnings by locomotives is regulated or prohibited. A quiet zone established under this section must consist of at least one-half mile of railroad right-of-way. All quiet zones, regulations, and ordinances adopted under this section must conform to federal law and the regulations of the Federal Railroad Administration.

Subd. 2. [STATE-AID FUNDS.] Notwithstanding any other law to the contrary, but in accordance with the Minnesota Constitution, article XIV, sections 7 and 8, counties and statutory or home rule charter cities may spend their county state-aid highway or municipal state-aid street allotments to purchase, construct, and install the necessary signals and barriers required to meet federal regulations when establishing a quiet zone at intersections of the railway and any county state-aid highway or municipal state-aid street, as applicable.

Sec. 26. Minnesota Statutes 2000, section 222.63, subdivision 4, is amended to read:

Subd. 4. [DISPOSITION PERMITTED.] (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than 50 feet.

(d) The commissioner may lease previously acquired state rail bank right-of-way to a state agency or governmental subdivision or to a private entity for nontransportation purposes when:

(1) the portion to be leased is in excess of that needed for the purposes stated in subdivision 2;

(2) the lease will not reduce the useable width of the rail bank corridor to less than 50 feet;

(3) the cost of the lease is based on the fair market value of the portion to be leased, as determined by appraisal;

(4) the lease allows the commissioner to terminate the lease on 90 days' written notice to the lessee; and

(5) the lease prohibits the construction or erection of any permanent structure within the 50-foot rail bank corridor and requires any structure erected on the leased property to be removed and the land restored to its original condition on 90 days' written notice to the lessee.

(e) Proceeds from a sale ~~shall~~ or lease must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 27. Minnesota Statutes 2000, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [GENERAL FUND SHARE.] (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) From July 1, 2001, to June 30, 2002, 30.86 percent of the money collected and received must be deposited in the highway user tax distribution fund, and the remaining 69.14 percent of the money must be deposited in the general fund.

(c) On and after July 1, 2002, thirty-two percent of the money collected and received must be deposited in the highway user tax distribution fund, and the remaining 68 percent of the money must be deposited in the general fund.

Sec. 28. Minnesota Statutes 2000, section 299A.41, subdivision 4, is amended to read:

Subd. 4. [PUBLIC SAFETY OFFICER.] "Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
 - (i) firefighting;
 - (ii) emergency motor vehicle operation;
 - (iii) investigation into the cause and origin of fires;
 - (iv) the provision of emergency medical services; or
 - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; ~~and~~
- (8) a first responder who is certified by the ~~commissioner of health~~ emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and

(9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the state patrol, whose primary employment is the enforcement of commercial motor vehicle laws and regulations.

Sec. 29. Minnesota Statutes 2000, section 446A.085, is amended to read:

446A.085 [TRANSPORTATION REVOLVING LOAN FUND.]

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

~~(a) [ACT.]~~ (b) "Act" means the National Highway System Designation Act of 1995, Public Law Number 104-59, as amended.

~~(b) [BORROWER.]~~ (c) "Borrower" means the state, counties, cities, and other governmental entities eligible under the act and state law to apply for and receive loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account.~~

~~(c) [DEPARTMENT.]~~ "Department" means the department of transportation.

(d) ~~[LOAN.]~~ "Loan" means financial assistance provided for all or part of the cost of a project including money disbursed in anticipation of reimbursement or repayment, loan guarantees, lines of credit, credit enhancements, equipment financing leases, bond insurance, or other forms of financial assistance.

(e) ~~[TRANSPORTATION COMMITTEE.]~~ "Transportation committee" means a committee of the Minnesota public facilities authority, acting on behalf of the Minnesota public facilities authority, consisting of the commissioner of the department of trade and economic development, the commissioner of finance, and the commissioner of transportation.

Subd. 2. [PURPOSE.] The purpose of the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account~~ is to provide loans ~~and matching money~~ for public transportation projects eligible for financing or aid under any federal act or program or state law, including, without limitation, the study of the feasibility of construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of transportation facilities; acquisition of right-of-way; and maintenance, repair, improvement, or construction of city, town, county, or state highways, roads, streets, rights-of-way, bridges, tunnels, railroad-highway crossings, drainage structures, signs, maintenance and operation facilities, guardrails, and protective structures used in connection with highways or transit projects. Enhancement items, including without limitation bicycle paths, ornamental lighting, and landscaping, are eligible for financing provided they are an integral part of overall project design and construction of a federal-aid highway. Money in the fund may not be used for any toll facilities project or congestion-pricing project.

Subd. 3. [ESTABLISHMENT OF FUND.] A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects eligible under United States Code, title 23. A transit account is established in the fund for transit capital projects eligible under United States Code, title 49. A state funds general loan account is established in the fund for transportation projects eligible under state law. ~~Other accounts may be established in the fund as necessary for its management and administration.~~ The transportation revolving loan fund ~~shall receive~~ receives federal money under the act and money from any source. Money received under this section must be paid to the state treasurer and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the commissioner authority and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

Subd. 4. [MANAGEMENT OF FUND AND ACCOUNTS.] The authority shall manage and administer the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account~~ and individual accounts in the fund. For those purposes, the authority may exercise all powers provided in this chapter.

~~Subd. 5. [TRANSFER OF MONEY.] With the consent of the transportation committee, the commissioner of transportation may transfer money from the trunk highway revolving loan account to the trunk highway fund, from the county state-aid highway revolving loan account to the county state-aid highway fund, and from the municipal state-aid street revolving loan account to the municipal state-aid street fund.~~

Subd. 6. [TRANSPORTATION COMMITTEE.] The transportation committee may authorize the making of loans to borrowers by the authority for transportation purposes authorized by the act or this section, without further action by the authority. The authority may not make loans for transportation purposes without the approval of the transportation committee. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee.

Subd. 7. [APPLICATIONS.] Applicants for loans must submit an application to the transportation committee on forms prescribed by the transportation committee. The applicant must provide the following information:

- (1) the estimated cost of the project and the amount of the loan sought;
- (2) other possible sources of funding in addition to loans sought from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account~~;
- (3) the proposed methods and sources of funds to be used for repayment of loans received; and
- (4) information showing the financial status and ability of the borrower to repay loans.

Subd. 8. [CERTIFICATION OF PROJECTS.] The commissioner of transportation shall consider the following information when evaluating projects to certify for funding to the transportation committee:

- (1) a description of the nature and purpose of the proposed transportation project including an explanation of the need for the project and the reasons why it is in the public interest;
- (2) the relationship of the project to the area transportation improvement program, the approved statewide transportation improvement program, and to any ~~other~~ transportation plans required under state or federal law;
- (3) the estimated cost of the project and the amount of loans sought;
- (4) proposed sources of funding in addition to loans sought from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or municipal state-aid street revolving loan account~~;
- (5) the need for the project as part of the overall transportation system;
- (6) the overall economic impact of the project; and
- (7) the extent to which completion of the project will improve the movement of people and freight.

Subd. 9. [LOAN CONDITIONS.] When making loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account,~~ the transportation committee shall comply with the conditions applicable provisions of the act and state law. In addition, a loan made under this section must:

- (1) bear interest at or below market rates or as otherwise specified in federal law;
- (2) have a repayment term not longer than 30 years;
- (3) be fully amortized no later than 30 years after project completion;
- (4) be subject to repayment of principal and interest beginning not later than five years after the facility financed with a loan has been completed, or in the case of a highway project, five years after the facility has opened to traffic; and
- (5) be ~~made disbursed for specific project elements~~ only after all ~~federal applicable~~ federal applicable environmental requirements ~~applicable to the project have been complied with and all federal environmental requirements have been~~ met.

Subd. 10. [LOANS IN ANTICIPATION OF FUTURE APPORTIONMENTS.] A loan may be made to a county, or to a statutory or home rule charter city having a population of 5,000 or more, in anticipation of repayment of the loan from sums that will be apportioned to a county from the county state-aid highway fund under section 162.07 or to a city from the municipal state-aid street fund under section 162.14.

Subd. 11. [PAYMENT BY COUNTY OR CITY.] Notwithstanding the allocation provisions of section 162.08 for counties, and the apportionment provisions of section 162.14 for cities, sums apportioned under section 162.13 to a statutory or home rule charter city, or under section 162.07 to a county, that has loan repayments due to the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account~~ shall be paid by the commissioner of transportation to the appropriate loan fund ~~or account~~ to offset the loan repayments that are due.

Subd. 12. [RULES OF TRANSPORTATION COMMITTEE AND AUTHORITY.] The commissioner of the department of trade and economic development shall adopt administrative rules specifying the procedures that will be used for the administration of the duties of the transportation committee and authority. The rules must include criteria, standards, and procedures that will be used for making loans, determining interest rates to be charged on loans, the amount of project financing to be provided, the collateral that will be required, the requirements for dedicated sources of revenue or income streams to ensure repayment of loans, and the length of repayment terms.

Subd. 13. [AUTHORITY AND RULES OF DEPARTMENT.] The commissioner of transportation shall establish, adopt rules for, and implement a program to identify, assist with the development of, and certify projects eligible for loans under the act to the transportation committee. Until rules are adopted by the commissioner of transportation, the commissioner of transportation may certify to the transportation committee any project that has been reviewed through an approved planning process that qualifies the project to be included in the statewide transportation program or amended into the statewide transportation improvement program.

Subd. 14. [JOINT RULES.] The commissioner of the department of trade and economic development and the commissioner of transportation may adopt a single set of rules.

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

Sec. 30. Minnesota Statutes 2000, section 466.03, is amended by adding a subdivision to read:

Subd. 22. [HIGHWAY RIGHT-OF-WAY.] Any claim for a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a road or highway as defined in section 160.02, subdivision 7, except that the municipality is liable for conduct that would entitle a trespasser to damages against a private person.

Sec. 31. [473.1692] [TRANSPORTATION ADVISORY BOARD.]

The council shall establish a transportation advisory board and assign duties to it as the council deems appropriate. The transportation advisory board established under this section succeeds any transportation advisory board appointed and functioning before the effective date of this section. The membership of the transportation advisory board consists of:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the pollution control agency or the commissioner's designee;
- (3) one member of the metropolitan airports commission appointed by the commission;
- (4) one person appointed by the commissioner of transportation to represent nonmotorized transportation;
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the commissioner of transportation to represent public transit;
- (7) ten elected officials of statutory or home rule charter cities within the metropolitan area, appointed by the association of metropolitan municipalities;
- (8) seven elected officials of counties, appointed by the association of Minnesota counties;
- (9) eight citizens appointed by the council, one from each council precinct; and
- (10) one member of the council, appointed by the council. The transportation advisory board shall elect a chair from among its members.

Sec. 32. Minnesota Statutes 2000, section 473.399, is amended by adding a subdivision to read:

Subd. 4. [EXPENDITURE OF STATE FUNDS.] No state funds may be expended by the metropolitan council to study light rail transit or commuter rail unless the funds are appropriated in legislation that identifies the proposed route to be studied.

Sec. 33. [473.450] [SPECIAL TAXING DISTRICTS FOR LRT.]

Subdivision 1. [CREATION.] The council shall establish a special taxing district to pay for the cost of operating a light rail transit line to the extent fare revenues are insufficient to cover those costs.

Subd. 2. [AREA OF DISTRICT.] The special taxing district consists of the area comprised of any parcel of property located, in whole or part, within 1,000 feet of the right-of-way for the light rail transit line and classified as class 3 property.

Subd. 3. [REVENUES.] (a) The revenues of the district are the property tax increments attributable to the increase in the net tax capacity of the district that occurs after its certification. The tax increments must be computed in the manner provided in this subdivision.

(b) Upon the request of the council, the county auditor shall certify the net tax capacity of all taxable property within the area of the special taxing district. Certification of original net tax capacity, captured net tax capacity, and computation of tax increment must be done following the procedures and methods provided under section 469.177 with the following exceptions:

- (1) the current tax rate, excluding any school district tax rate, must be used, rather than the original tax rate under section 469.177, subdivision 1a;

(2) computations of increment must be made using the option under section 469.177, subdivision 3, paragraph (b);

(3) the county auditor shall annually adjust the original tax capacity of the district by the average percentage change in the tax capacity of class 3 property in the county over the previous assessment year. Increases attributable to new improvements that became taxable in that assessment year must be excluded in calculating the average.

(c) The county auditor shall pay the tax increment to the council. Revenues may only be used for the operating costs of light rail transit.

(d) The restrictions on or requirements for tax increment financing districts under sections 469.174 to 469.178 do not apply to a special taxing district, except as provided in paragraph (b) and as follows:

(1) the county may deduct its cost of administration as permitted under section 469.176, subdivision 4h, paragraph (a); and

(2) to the extent that revenues under this section exceed the projected cost of light rail transit operations that exceed fare and other revenues, the excess must be distributed as provided under section 469.176, subdivision 2, clause (4).

(e) For purposes of this section "original net tax capacity" includes tax capacity attributable to planned unit developments approved before January 1, 2000.

Subd. 4. [TIF AND ABATEMENT.] No tax increment financing district may be created under sections 469.174 to 469.178 within the area of the special taxing district as defined under subdivision 2. No abatement of the incremental tax under subdivision 3 may be made under sections 469.1812 to 469.1815.

[EFFECTIVE DATE.] This section is effective beginning for property taxes payable in 2003. Subdivision 4 applies to requests for certification of tax increment financing districts made after the day following final enactment.

Sec. 34. Laws 1997, chapter 159, article 2, section 4, is amended to read:

Sec. 4. ~~[DEMONSTRATION PROGRAM PERFORMANCE-BASED FUNDING PROGRAM FOR CERTAIN PROVIDERS.]~~

Notwithstanding Minnesota Statutes, section 473.384, subdivision 6, regarding percentages of total operating costs to be subsidized by the metropolitan council, ~~until June 30, 2001~~, the metropolitan council may establish the appropriate percentage operating subsidy to be granted to individual recipients under the subdivision. The metropolitan council must establish the percentage annually, based on available transit funds and the council's determination of a reasonable subsidy per passenger trip in comparison to similar transit or paratransit service in the metropolitan area. The council may provide a subsidy up to 100 percent of a recipient's operating costs for all or any portion of the transit or paratransit service and may require recipients to pay up to ~~100~~ 41.5 percent of their own operating costs for all or any portion of the service.

Sec. 35. Laws 1999, chapter 238, article 1, section 2, subdivision 7, is amended to read:

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

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

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

(a) State Road Construction

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

Federal Highway Aid

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

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

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

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

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

(b) Highway Debt Service

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

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

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

(c) Research and Investment Management

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

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

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

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

(d) Central Engineering Services

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

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

(f) State Road Operations

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

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

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

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

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

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

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

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

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

(g) Electronic Communications

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

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

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

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

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

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

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

Sec. 36. Laws 2000, chapter 479, article 1, section 3, subdivision 3, is amended to read:

Subd. 3. Bus Transit Ways 6,300,000

For engineering, design, and construction of bus transit ways, including, but not limited to, acquisition of land and rights-of-way. This appropriation is available until spent.

Notwithstanding Minnesota Statutes, chapter 398A, relating to regional railroad authorities, the metropolitan council may conduct a study of bus transit ways in the northwest light rail transit corridor in Hennepin county, and in that part of the southwest light rail transit corridor in and between the cities of Hopkins and Minneapolis. The study must consider alternative alignments of the bus transit ways, using existing roads, highways, and transportation facilities in conjunction with the light rail transit corridors. The metropolitan council must not study, engineer, design, or construct a bus transit way in (1) any part of the southwest light rail transit corridor that is in the city of Minnetonka, Eden Prairie, or Chanhassen, or (2) the Midtown Greenway or Kenilworth corridors in Minneapolis.

Sec. 37. Laws 2000, chapter 490, article 7, section 3, is amended to read:

Sec. 3. [APPROPRIATION.]

For fiscal year 2001, \$149,804,000 is appropriated from the general fund to the highway user tax distribution fund. ~~For fiscal year 2002, \$161,723,000 is appropriated from the general fund to the highway user tax distribution fund.~~

Sec. 38. [COMMISSIONER OF TRANSPORTATION; RESTRICTIONS ON ERECTION OF TOWER.]

The commissioner of transportation may not erect any tower or other structure in Cass county with equipment relating to the global positioning system unless the Cass county board, and the governing body of the city or town in which the tower is located, have each adopted a resolution approving the erection and location of the tower.

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

Sec. 39. [COMMISSIONER OF TRANSPORTATION; METROPOLITAN COUNCIL RESTRICTIONS.]

Subdivision 1. [DEPARTMENT OF TRANSPORTATION.] The commissioner of transportation may not refuse to program or construct a trunk highway improvement project, or make any other decision concerning the location, design, or timing of a trunk highway improvement project, on the grounds that a statutory or home rule charter city or county in which the project is wholly or partly located (1) has enacted a zoning ordinance or determination not approved by the commissioner or metropolitan council, or failed to enact a zoning ordinance or determination requested by the commissioner or metropolitan council, or (2) has failed to impose housing density requirements requested by the commissioner or metropolitan council. This section does not apply to local zoning ordinances or determinations that relate to access to a trunk highway.

Subd. 2. [METROPOLITAN COUNCIL.] Neither the metropolitan council nor the council's transportation advisory board may, in the allocation or the approval of any allocation of funds for highway projects, or in approving or disapproving a project under Minnesota Statutes, section 473.166, withhold or redirect funds or fail to approve a project on the grounds that a city or county in which the project is wholly or partly located (1) has enacted a zoning ordinance or determination not approved by the council or the commissioner of transportation, or failed to enact a zoning ordinance or determination requested by the council or the commissioner of transportation, or (2) has failed to impose housing density requirements requested by the council or the commissioner of transportation. This section does not apply to local zoning ordinances or determinations that relate to access to a trunk highway.

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

Sec. 40. [HIAWATHA AVENUE LIGHT RAIL TRANSIT COST CALCULATION.]

The commissioner of administration shall prepare and submit to the legislature by January 1, 2002, a complete accounting of all federal, state, and local costs relating to the Hiawatha Avenue light rail transit line. The cost accounting must include:

- (1) planning, environmental studies, and preliminary and final design and engineering for the project;
- (2) construction and other capital costs of the light rail transit line when completed;
- (3) improvements and repairs to and reconstruction of state and local streets and highways incurred and anticipated as a result of the project;
- (4) all costs of utility relocation resulting from the project;
- (5) all costs incurred by the department of transportation with respect to public information and communications about the project;
- (6) construction, acquisition, or lease of park-and-ride facilities that would serve project riders, including costs of relocating other public facilities to make room for those park-and-ride facilities;
- (7) projected costs of connecting the Hiawatha Avenue light rail transit line with commuter rail facilities;
- (8) any costs necessitated by the project and included in the project budget for the reconstruction of marked trunk highway No. 55, to the extent not included under clause (3); and
- (9) all public costs relating to the acquisition of real property for the line and for the purchase and development of real property adjacent to the project right-of-way.

Sec. 41. [TRUNK HIGHWAY 62 CONSTRUCTION PROJECT.]

Subdivision 1. [RESTRICTION.] The commissioner of transportation may not construct or reconstruct marked trunk highway No. 62 between marked trunk highway No. 100 and Portland Avenue South in Minneapolis and Richfield until June 1, 2002. This subdivision does not apply to any construction or reconstruction begun pursuant to a contract entered into by the commissioner before the effective date of this section.

Subd. 2. [REPORT.] The commissioner of transportation shall report to the governor and legislature not later than January 15, 2002, on issues surrounding the trunk highway project described in subdivision 1. The report must, at a minimum:

- (1) specify the present and predicted levels of traffic on all segments of marked trunk highway No. 62, and on trunk highway corridors that would be significantly affected by any long-term closing of lanes on marked trunk highway No. 62;

(2) describe the adequacy of marked trunk highway No. 62, under current conditions and after a full construction or reconstruction project, to carry present and predicted traffic levels, including describing the extent to which traffic problems in the corridor will be addressed by the project;

(3) show projected growth in the trunk highway corridor in population and economic development;

(4) show the extent to which the project will be coordinated with other construction or reconstruction projects on trunk highways that will be affected by the marked trunk highway No. 62 project;

(5) discuss alternative feasible designs for the project, including stacking of freeway lanes and tunneling; and

(6) describe the availability of funding for the proposed project and feasible alternatives.

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

Sec. 42. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment is proposed to the Minnesota Constitution, article XIV. If the amendment is adopted, article XIV will be amended by adding a section to read:

Sec. 12. Not less than 60 percent of the net proceeds from any tax on the sale of new and used motor vehicles must be deposited in the highway user tax distribution fund.

Sec. 43. [SUBMISSION TO VOTERS.]

The constitutional amendment proposed in section 42 must be submitted to the people at the 2002 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to require that not less than 60 percent of revenue from the motor vehicle sales tax be deposited in the highway user tax distribution fund to be used exclusively for highway purposes?"

Yes
No"

Sec. 44. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution, article XI, section 5, is proposed to the people. If the amendment is adopted, the section will read:

Sec. 45. Public debt may be contracted and works of internal improvements carried on for the following purposes:

(a) to acquire and to better public land and buildings, trunk highways, and other public improvements of a capital nature and to provide money to be appropriated or loaned to any agency or political subdivision of the state for such purposes if the law authorizing the debt is adopted by the vote of at least three-fifths of the members of each house of the legislature;

(b) to repel invasion or suppress insurrection;

(c) to borrow temporarily as authorized in section 6;

(d) to refund outstanding bonds of the state or any of its agencies whether or not the full faith and credit of the state has been pledged for the payment of the bonds;

- (e) to establish and maintain highways subject to the limitations of clause (a) and article XIV;
- (f) to promote forestation and prevent and abate forest fires, including the compulsory clearing and improving of wild lands whether public or private;
- (g) to construct, improve and operate airports and other air navigation facilities;
- (h) to develop the state's agricultural resources by extending credit on real estate security in the manner and on the terms and conditions prescribed by law;
- (i) to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private, provided that bonds issued and unpaid shall not at any time exceed \$200,000,000 par value; and
- (j) as otherwise authorized in this constitution.

As authorized by law political subdivisions may engage in the works permitted by (f), (g), and (i) and contract debt therefor.

Sec. 46. [SUBMISSION TO VOTERS.]

The proposed amendment in section 44 must be submitted to the people at the 2002 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to allow general obligation bonds payable solely from the state general fund to be sold for the construction and improvement of trunk highways?"

Yes
No"

Amend the title accordingly

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

The report was adopted.

MOTIONS AND RESOLUTIONS

Pawlenty moved that the name of Clark, K., be added as an author on H. F. No. 149. The motion prevailed.

Ozment moved that his name be stricken and the name of Haas be shown as chief author on H. F. No. 634. The motion prevailed.

Haas moved that the name of Davids be added as an author on H. F. No. 634. The motion prevailed.

Goodno moved that the name of Otremba be added as an author on H. F. No. 703. The motion prevailed.

Clark, J., moved that the name of Bernardy be added as an author on H. F. No. 1330. The motion prevailed.

Davids moved that the names of Rifenberg and Dorman be added as authors on H. F. No. 1989. The motion prevailed.

Bishop moved that the name of Nornes be added as an author on H. F. No. 2474. The motion prevailed.

Pawlenty moved that H. F. No. 402 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Ways and Means. The motion prevailed.

Haas moved that H. F. No. 1338, now on the Calendar for the Day, be re-referred to the Committee on Ways and Means. The motion prevailed.

Goodno moved that S. F. No. 321 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Ways and Means. The motion prevailed.

Clark, K., moved that S. F. No. 1834 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Health and Human Services Finance. 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. 486:

Seifert, Kubly and Rhodes.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 704:

Fuller, Walz and Hilstrom.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Wednesday, April 25, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Wednesday, April 25, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives