

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 FORTY-FOURTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 1, 2001

The House of Representatives convened at 10:00 a.m. and was called to order by Speaker pro tempore Lynda Boudreau.

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

A quorum was present.

Kahn was excused.

Vandever was excused until 12:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Anderson, B., 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. 560 and H. F. No. 1081, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jacobson moved that the rules be so far suspended that S. F. No. 560 be substituted for H. F. No. 1081 and that the House File be indefinitely postponed. The motion prevailed.

**REPORT FROM THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS**

May 1, 2001

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 218 and S. F. No. 2351 reconcile with the budget resolution, the State Government Finance budget target, and the Environment Finance budget target.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

REPORTS OF STANDING COMMITTEES

Abrams from the Committee on Taxes to which was referred:

H. F. No. 82, A bill for an act relating to education; providing for kindergarten through grade 12 education including general education revenue; education excellence; special programs; facilities and technology; nutrition, school accounting, and other programs; agency provisions; deficiencies; local achievement testing; and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 16B.616, subdivision 4; 120A.05, by adding a subdivision; 120B.02; 120B.031, subdivision 11; 120B.13, subdivision 1; 120B.30, subdivision 1; 120B.31, subdivision 3; 120B.35; 121A.11, by adding subdivisions; 121A.41, subdivision 10; 121A.45, subdivision 2, by adding a subdivision; 121A.582; 121A.61, subdivision 2; 122A.06, by adding a subdivision; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 2, 2a, 4, by adding subdivisions; 122A.20, subdivision 2; 122A.21; 122A.26, subdivision 3; 122A.31; 122A.61, subdivision 1; 123B.03, subdivision 3; 123B.143, subdivision 1; 123B.42, subdivision 3; 123B.44, subdivision 6; 123B.53, subdivisions 1, 2, 4, 5; 123B.54;

123B.57, subdivisions 3, 6; 123B.71, subdivisions 1, 4, 8, 9; 123B.75, subdivision 5, by adding subdivisions; 123B.80, subdivision 1; 123B.92, by adding subdivisions; 124D.10, subdivisions 1, 3, 4, 6, 8, 10, 14, 15, 19, 23, 25, by adding subdivisions; 124D.11, subdivisions 4, 5, 9; 124D.128, subdivisions 1, 2, 3, 6; 124D.454, subdivision 11; 124D.65, subdivision 5; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 124D.86, subdivisions 3, 6; 125A.023, subdivision 4; 125A.08; 125A.09, subdivision 3; 125A.11, subdivision 3; 125A.17; 125A.27, subdivision 15; 125A.76, subdivisions 1, 2; 126C.05, subdivisions 1, 3, 5, 6, 15; 126C.10, subdivisions 1, 2, 3, 9, 20, 21, 22, 24, 25, 27, by adding a subdivision; 126C.12, subdivisions 2, 3, 4, 5, by adding a subdivision; 126C.13, subdivision 1; 126C.15, subdivisions 1, 2, 5; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.63, subdivision 8; 126C.69, subdivisions 2, 3, 9, 12, 15; 127A.05, subdivision 1; 127A.41, subdivisions 5, 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.50, subdivision 2; 136D.281, subdivision 4; 136D.741, subdivision 4; 136D.88, subdivision 4; 179A.20, by adding a subdivision; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 260A.01; 260C.163, subdivision 11; 475.53, subdivision 4; 475.61, subdivision 3; 626.556, subdivision 2; Laws 1992, chapter 499, article 7, section 31, as amended; Laws 2000, chapter 489, article 2, sections 34, 36, 37, subdivision 3, 39, subdivision 2; Laws 2000, chapter 489, article 3, sections 24, 25, subdivision 5; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 124D; 127A; repealing Minnesota Statutes 2000, sections 120B.031; 120B.31, subdivisions 1, 2, 4; 123B.05; 123B.71, subdivisions 3, 10; 124D.07; 124D.1155; 124D.128, subdivision 7; 124D.32; 124D.85; 126C.01, subdivision 10; 126C.10, subdivisions 3, 12, 23, 28; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.30; 126C.31; 126C.32; 126C.33; 126C.34; 126C.35; 126C.36; 126C.42, subdivisions 2, 3; 126C.47; 127A.44; 135A.081; 136D.281, subdivision 8; 136D.741, subdivision 8; 136D.88, subdivision 8; 136D.94; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469.

Reported the same back with the following amendments:

Page 65, line 18, after "(i)" insert "The lien created in this subdivision is not enforceable against, and is subordinate to, the interest of a good faith purchaser for value of the real property who (1) is not a related party of the lessor or of another party against whom the commissioner has a right of recovery under paragraph (g), and (2) purchases the real property before the recording or filing of the notice of lien.

(j)"

Page 65, line 21, delete "(j)" and insert "(k)"

Page 65, line 26, delete "(k)" and insert "(l)"

Page 65, line 28, delete "(l)" and insert "(m)"

Page 65, lines 29 and 30, delete "foreclosure by action, except that there is no redemption period" and insert "with reasonable attorney fees to be determined by the court"

Page 65, line 33, before the period, insert ", or thereafter"

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

The report was adopted.

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

H. F. No. 659, A bill for an act relating to energy; enacting the Minnesota Energy Security and Reliability Act; requiring an energy security blueprint and a state reliability plan; providing for essential energy infrastructure; eliminating the requirement for individual utility plans; creating position of independent reliability administrator; modifying provisions for siting, routing, and determining the need for large electric power facilities; regulating conservation expenditures by energy utilities and eliminating state pre-approval of conservation plans by public utilities; encouraging regulatory flexibility in supplying and obtaining energy; regulating interconnection of distributed utility resources; providing for safety and service standards from distribution utilities; clarifying the state cold weather disconnection requirements; authorizing municipal utilities, municipal power agencies, cooperative utilities, and investor-owned utilities to form joint ventures to provide utility services; requiring reports; making technical, conforming, and clarifying changes; amending Minnesota Statutes 2000, sections 116.07, subdivision 4a; 116C.52, subdivision 10; 116C.53, subdivisions 2, 3; 116C.57, subdivisions 1, 2, 4, by adding subdivisions; 116C.58; 116C.59, subdivisions 1, 4; 116C.60; 116C.61, subdivision 1; 116C.62; 116C.64; 116C.645; 116C.65; 116C.66; 116C.69; 216A.03, subdivision 3a; 216B.095; 216B.097, subdivision 1; 216B.16, subdivisions 7, 15; 216B.2421, subdivision 2, by adding a subdivision; 216B.2422, subdivision 2; 216B.243, subdivisions 2, 3, 4, by adding a subdivision; 216C.41, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; 216C; 452; repealing Minnesota Statutes 2000, sections 116C.55; 116C.57, subdivisions 3, 5, 5a; 116C.67; 216B.241; 216C.18.

Reported the same back with the following amendments:

Page 9, line 20, after "commissioner" delete the comma

Page 9, delete line 21 and insert "may select the"

Page 9, line 22, delete "for a term" and insert "whose term shall be"

Page 10, line 7, after the period, insert "If sufficient funds are not available under that section, the administrator must not incur additional costs and the position of administrator must be vacated. In no event shall the general fund of the state treasury be responsible for any costs of the administrator."

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

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1515, A bill for an act relating to education; providing for family and early childhood education; modifying Head Start program; consolidating child care assistance programs; modifying early childhood screening, early childhood family education, and school readiness programs; directing allocation of federal child care development funds; consolidating certain advisory councils; establishing youth after-school enrichment program; modifying adult basic education program; requiring a report; making various clarifying and technical changes; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.51, by adding a subdivision; 119A.52; 119A.53; 119B.011, subdivisions 5, 7, 11, 12, 15, 18, 19, by adding subdivisions; 119B.02, subdivisions 1, 2, 3, by adding subdivisions; 119B.061, subdivisions 1, 2, 4, 5; 121A.17, subdivision 1; 124D.13, by adding a subdivision; 124D.135, by adding subdivisions; 124D.15, by adding a subdivision; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.221, subdivisions 1, 2, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 119B;

134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03; 119B.04; 119B.05; 119B.06; 119B.07; 119B.08; 119B.09; 119B.10; 119B.11; 119B.12; 119B.13; 119B.14; 119B.15; 119B.16; 124D.16, subdivision 4; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

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.

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

H. F. No. 1832, A bill for an act relating to human services; modifying provisions relating to health department; health care; continuing care and home care; consumer information and assistance and community-based care; long-term care reform and reimbursement; work force; regulation of supplemental nursing services agencies; long-term insurance; mental health and civil commitment; assistance programs; licensing; appropriating money; amending Minnesota Statutes 2000, sections 13.46, subdivision 4; 62A.48, subdivision 4, by adding subdivisions; 62S.01, by adding subdivisions; 62S.26; 103I.101, subdivision 6; 103I.112; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 103I.525, subdivisions 2, 6, 8, 9; 103I.531, subdivisions 2, 6, 8, 9; 103I.535, subdivisions 2, 6, 8, 9; 103I.541, subdivisions 2b, 4, 5; 103I.545; 121A.15, subdivision 6; 135A.14, by adding a subdivision; 144.057; 144.1202, subdivision 4; 144.122; 144.1222, by adding a subdivision; 144.1464; 144.226, subdivision 4; 144.98, subdivision 3; 144A.071, subdivisions 1, 1a, 2, 4a; 144A.073, subdivisions 2, 4; 144A.44, subdivision 1; 144A.62, subdivisions 1, 2, 3, 4; 145.881, subdivision 2; 145.882, subdivision 7, by adding a subdivision; 145.885, subdivision 2; 145.924; 145.925, subdivisions 1, 1a; 145A.15, subdivision 1, by adding a subdivision; 145A.16, subdivision 1, by adding a subdivision; 148.212; 157.16, subdivision 3; 157.22; 214.104; 245.462, subdivisions 8, 18, by adding a subdivision; 245.4871, subdivisions 10, 27; 245.4876, subdivision 1, by adding a subdivision; 245.4885, subdivision 1; 245.4886, subdivision 1; 245.99, subdivision 4; 245A.03, subdivision 2b; 245A.04, subdivisions 3, 3a, 3b, 3c, 3d; 245A.05; 245A.06; 245A.07; 245A.08; 245A.13, subdivisions 7, 8; 245A.14, by adding a subdivision; 245A.16, subdivision 1; 245B.08, subdivision 3; 246.57, by adding a subdivision; 252.275, subdivision 4b; 252A.02, subdivisions 12, 13, by adding a subdivision; 252A.111, subdivision 6; 252A.16, subdivision 1; 252A.19, subdivision 2; 252A.20, subdivision 1; 254B.02, subdivision 3; 254B.03, subdivision 1; 254B.04, subdivision 1; 254B.09, by adding a subdivision; 256.01, subdivisions 2, 18, by adding a subdivision; 256.045, subdivisions 3, 3b, 4; 256.476, subdivisions 1, 2, 3, 4, 5, 8; 256.482, subdivision 8; 256.955, subdivision 2b; 256.9657, subdivision 2; 256.969, subdivisions 2b, 3a, by adding a subdivision; 256.973, by adding a subdivision; 256.975, by adding subdivisions; 256B.04, by adding a subdivision; 256B.055, subdivision 3a; 256B.056, subdivisions 1a, 3, 4, 5; 256B.057, subdivision 9, by adding a subdivision; 256B.0625, subdivisions 3b, 7, 13, 13a, 17, 17a, 18a, 19a, 19c, 20, 30, 34, by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, 5, 7, 8, 10, 11, by adding subdivisions; 256B.0635, subdivisions 1, 2; 256B.0911, subdivisions 1, 3, 5, 6, 7, by adding subdivisions; 256B.0913, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 256B.0915, subdivisions 1d, 3, 5; 256B.0916, subdivisions 1, 7, 9, by adding a subdivision; 256B.0917, subdivision 7; 256B.092, subdivisions 2a, 5; 256B.093, subdivision 3; 256B.095; 256B.0951, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 256B.0952, subdivisions 1, 4; 256B.431, subdivision 17, by adding subdivisions; 256B.434, subdivisions 4, 10, by adding subdivisions; 256B.49, by adding subdivisions; 256B.501, by adding a subdivision; 256B.69, subdivisions 4, 5, 5b, 23, by adding a subdivision; 256B.75; 256B.76; 256D.03, subdivisions 3, 4; 256D.053, subdivision 1; 256D.35, by adding subdivisions; 256D.44, subdivision 5; 256I.05, subdivision 1e; 256J.09, subdivisions 1, 2, 3, by adding subdivisions; 256J.15, by adding a subdivision; 256J.24, subdivision 10; 256J.26, subdivision 1; 256J.31, subdivisions 4, 12; 256J.32, subdivision 7a; 256J.42, by adding a subdivision; 256J.45, subdivision 1; 256J.46, subdivisions 1, 2a, by adding a subdivision; 256J.50, subdivisions 1, 7; 256J.56; 256J.57, subdivision 2; 256J.62, subdivision 9; 256J.625, subdivisions 1, 2, 4; 256J.751; 256K.03, subdivision 1; 256K.07; 256K.25, subdivisions 1, 3, 4, 5, 6; 256L.06, subdivision 3; 256L.12, subdivision 9, by adding a subdivision; 256L.16; 260C.201, subdivision 1; 268.0122, subdivision 2; 626.556, subdivisions 3, 3c, 10b, 10i; 626.557, subdivisions 3, 9d; 626.5572, subdivision 17; Laws

1995, chapter 178, article 2, section 36; Laws 1995, chapter 207, article 3, section 21, as amended; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 1999, chapter 152, sections 1, 4; Laws 1999, chapter 245, article 3, section 45, as amended; Laws 1999, chapter 245, article 4, section 110; proposing coding for new law in Minnesota Statutes, chapters 62S; 144; 144A; 145; 145A; 246; 256; 256B; 256I; 256J; 299A; repealing Minnesota Statutes 2000, sections 144.0721, subdivision 1; 144.148, subdivision 8; 145.882, subdivisions 3, 4; 145.9245; 145.927; 252A.111, subdivision 3; 256.476, subdivision 7; 256B.037, subdivision 5; 256B.0635, subdivision 3; 256B.0911, subdivisions 2, 2a, 4, 8, 9; 256B.0912; 256B.0913, subdivisions 3, 15a, 15b, 15c, 16; 256B.0915, subdivisions 3a, 3b, 3c; 256B.0951, subdivision 6; 256B.434, subdivision 5; 256B.49, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 256E.06, subdivision 2b; 256J.42, subdivision 4; 256J.44; 256J.46, subdivision 1a; Laws 1995, chapter 178, article 2, section 48, subdivision 6; Minnesota Rules, parts 9505.2390; 9505.2395; 9505.2396; 9505.2400; 9505.2405; 9505.2410; 9505.2413; 9505.2415; 9505.2420; 9505.2425; 9505.2426; 9505.2430; 9505.2435; 9505.2440; 9505.2445; 9505.2450; 9505.2455; 9505.2458; 9505.2460; 9505.2465; 9505.2470; 9505.2473; 9505.2475; 9505.2480; 9505.2485; 9505.2486; 9505.2490; 9505.2495; 9505.2496; 9505.2500; 9505.3010; 9505.3015; 9505.3020; 9505.3025; 9505.3030; 9505.3035; 9505.3040; 9505.3065; 9505.3085; 9505.3135; 9505.3500; 9505.3510; 9505.3520; 9505.3530; 9505.3535; 9505.3540; 9505.3545; 9505.3550; 9505.3560; 9505.3570; 9505.3575; 9505.3580; 9505.3585; 9505.3600; 9505.3610; 9505.3620; 9505.3622; 9505.3624; 9505.3626; 9505.3630; 9505.3635; 9505.3640; 9505.3645; 9505.3650; 9505.3660; 9505.3670.

Reported the same back with the following amendments:

Page 21, after line 15, insert:

"Sec. 27. Minnesota Statutes 2000, section 144.148, subdivision 2, is amended to read:

Subd. 2. [PROGRAM.] (a) The commissioner of health shall award rural hospital capital improvement grants to eligible rural hospitals. Except as provided in paragraph (b). A grant shall not exceed \$300,000 per hospital. Prior to the receipt of any grant, the hospital must certify to the commissioner that at least one-quarter of the grant amount, which may include in-kind services, is available for the same purposes from nonstate resources.

(b) A grant shall not exceed \$1,500,000 per eligible rural hospital that also satisfies the following criteria:

(1) is the only hospital in a county;

(2) has 25 or fewer licensed hospital beds with a net hospital operating margin not greater than an average of two percent over the three fiscal years prior to application;

(3) is located in a medically underserved community (MUC) or a health professional shortage area (HPSA);

(4) is located near a migrant worker employment site and regularly treats significant numbers of migrant workers and their families; and

(5) has not previously received a grant under this section prior to July 1, 1999."

Page 74, after line 9, insert:

"Sec. 3. [256.956] [PURCHASING ALLIANCE STOP-LOSS FUND.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Commissioner" means the commissioner of human services.

(b) "Health plan" means a policy, contract, or certificate issued by a health plan company to a qualifying purchasing alliance. Any health plan issued to the members of a qualifying purchasing alliance must meet the requirements of chapter 62L.

(c) "Health plan company" means:

- (1) a health carrier as defined under section 62A.011, subdivision 2;
- (2) a community integrated service network operating under chapter 62N; or
- (3) an accountable provider network operating under chapter 62T.

(d) "Qualifying employer" means an employer who:

- (1) is a member of a qualifying purchasing alliance;
- (2) has at least one employee but no more than ten employees or is a sole proprietor or farmer;
- (3) did not offer employer-subsidized health care coverage to its employees for at least 12 months prior to joining the purchasing alliance; and
- (4) is offering health coverage through the purchasing alliance to all employees who work at least 20 hours per week unless the employee is eligible for Medicare.

For purposes of this subdivision, "employer-subsidized health coverage" means health coverage for which the employer pays at least 50 percent of the cost of coverage for the employee.

(e) "Qualifying enrollee" means an employee of a qualifying employer or the employee's dependent covered by a health plan.

(f) "Qualifying purchasing alliance" means a purchasing alliance as defined in section 62T.01, subdivision 2, that:

- (1) meets the requirements of chapter 62T;
- (2) services a geographic area located in outstate Minnesota, excluding the city of Duluth; and
- (3) is organized and operating before May 1, 2001.

The criteria used by the qualifying purchasing alliance for membership must be approved by the commissioner of health. A qualifying purchasing alliance may begin enrolling qualifying employers after July 1, 2001, with enrollment ending by December 31, 2003.

Subd. 2. [CREATION OF ACCOUNT.] A purchasing alliance stop-loss fund account is established in the general fund. The commissioner shall use the money to establish a stop-loss fund from which a health plan company may receive reimbursement for claims paid for qualifying enrollees. The account consists of money appropriated by the legislature. Money from the account must be used for the stop-loss fund.

Subd. 3. [REIMBURSEMENT.] (a) A health plan company may receive reimbursement from the fund for 90 percent of the portion of the claim that exceeds \$30,000 but not of the portion that exceeds \$100,000 in a calendar year for a qualifying enrollee.

(b) Claims shall be reported and funds shall be distributed on a calendar-year basis. Claims shall be eligible for reimbursement only for the calendar year in which the claims were paid.

(c) Once claims paid on behalf of a qualifying enrollee reach \$100,000 in a given calendar year, no further claims may be submitted for reimbursement on behalf of that enrollee in that calendar year.

Subd. 4. [REQUEST PROCESS.] (a) Each health plan company must submit a request for reimbursement from the fund on a form prescribed by the commissioner. Requests for payment must be submitted no later than April 1 following the end of the calendar year for which the reimbursement request is being made, beginning April 1, 2002.

(b) The commissioner may require a health plan company to submit claims data as needed in connection with the reimbursement request.

Subd. 5. [DISTRIBUTION.] (a) The commissioner shall calculate the total claims reimbursement amount for all qualifying health plan companies for the calendar year for which claims are being reported and shall distribute the stop-loss funds on an annual basis.

(b) In the event that the total amount requested for reimbursement by the health plan companies for a calendar year exceeds the funds available for distribution for claims paid by all health plan companies during the same calendar year, the commissioner shall provide for the pro rata distribution of the available funds. Each health plan company shall be eligible to receive only a proportionate amount of the available funds as the health plan company's total eligible claims paid compares to the total eligible claims paid by all health plan companies.

(c) In the event that funds available for distribution for claims paid by all health plan companies during a calendar year exceed the total amount requested for reimbursement by all health plan companies during the same calendar year, any excess funds shall be reallocated for distribution in the next calendar year.

Subd. 6. [DATA.] Upon the request of the commissioner, each health plan company shall furnish such data as the commissioner deems necessary to administer the fund. The commissioner may require that such data be submitted on a per enrollee, aggregate, or categorical basis. Any data submitted under this section shall be classified as private data or nonpublic data as defined in section 13.02.

Subd. 7. [DELEGATION.] The commissioner may delegate any or all of the commissioner's administrative duties to another state agency or to a private contractor.

Subd. 8. [REPORT.] The commissioner of commerce, in consultation with the office of rural health and the qualifying purchasing alliances, shall evaluate the extent to which the purchasing alliance stop-loss fund increases the availability of employer-subsidized health care coverage for residents residing in the geographic areas served by the qualifying purchasing alliances. A preliminary report must be submitted to the legislature by February 15, 2003, and a final report must be submitted by February 15, 2004.

Subd. 9. [SUNSET.] This section shall expire January 1, 2005."

Page 77, line 28, delete everything after "increased" and insert "by three percent effective July 1, 2000."

Page 77, delete line 29

Page 78, line 1, delete everything after "increased" and insert "by three percent effective July 1, 2000."

Page 78, delete line 2

Page 100, line 4, delete everything after "increased" and insert "by three percent effective July 1, 2000."

Page 100, line 5, delete the new language

Page 101, line 18, delete everything after "increased" and insert "by three percent effective July 1, 2000"

Page 101, line 19, delete the new language

Page 193, line 22, delete everything before "if" and insert "expenditure forecast for a biennium for which appropriations have been made,"

Page 193, line 26, delete "spending" and insert "expenditures"

Page 322, line 34, after "median" insert "for case mix class A" and delete everything after "the" and insert "set of case mix rates for the facility at the median for case mix class A."

Page 322, delete lines 35 to 36

Page 323, delete line 1

Page 353, delete section 1

Page 367, delete section 8

Page 370, delete section 9

Page 375, delete section 10

Pages 445 to 449, delete section 20

Page 489, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2000, section 144.057, is amended to read:

144.057 [BACKGROUND STUDIES ON LICENSEES AND SUPPLEMENTAL NURSING SERVICES AGENCY PERSONNEL.]

Subdivision 1. [BACKGROUND STUDIES REQUIRED.] The commissioner of health shall contract with the commissioner of human services to conduct background studies of:

(1) individuals providing services which have direct contact, as defined under section 245A.04, subdivision 3, with patients and residents in hospitals, boarding care homes, outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and home care agencies licensed under chapter 144A; residential care homes licensed under chapter 144B, and board and lodging establishments that are registered to provide supportive or health supervision services under section 157.17; ~~and~~

(2) beginning July 1, 1999, all other employees in nursing homes licensed under chapter 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of an individual in this section shall disqualify the individual from positions allowing direct contact or access to patients or residents receiving services;

(3) individuals employed by a supplemental nursing services agency, as defined under section 144A.70, who are providing services in health care facilities; and

(4) controlling persons of a supplemental nursing services agency, as defined under section 144A.70.

If a facility or program is licensed by the department of human services and subject to the background study provisions of chapter 245A and is also licensed by the department of health, the department of human services is solely responsible for the background studies of individuals in the jointly licensed programs.

Subd. 2. [RESPONSIBILITIES OF DEPARTMENT OF HUMAN SERVICES.] The department of human services shall conduct the background studies required by subdivision 1 in compliance with the provisions of chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. For the purpose of this section, the term

"residential program" shall include all facilities described in subdivision 1. The department of human services shall provide necessary forms and instructions, shall conduct the necessary background studies of individuals, and shall provide notification of the results of the studies to the facilities, supplemental nursing services agencies, individuals, and the commissioner of health. Individuals shall be disqualified under the provisions of chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. If an individual is disqualified, the department of human services shall notify the facility, the supplemental nursing services agency, and the individual and shall inform the individual of the right to request a reconsideration of the disqualification by submitting the request to the department of health.

Subd. 3. [RECONSIDERATIONS.] The commissioner of health shall review and decide reconsideration requests, including the granting of variances, in accordance with the procedures and criteria contained in chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. The commissioner's decision shall be provided to the individual and to the department of human services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action, except for the provisions under section 245A.04, subdivisions 3b, paragraphs (e) and (f); and 3c, paragraph (a).

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

Subd. 4. [RESPONSIBILITIES OF FACILITIES AND AGENCIES.] Facilities and agencies described in subdivision 1 shall be responsible for cooperating with the departments in implementing the provisions of this section. The responsibilities imposed on applicants and licensees under chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090, shall apply to these facilities and supplemental nursing services agencies. The provision of section 245A.04, subdivision 3, paragraph (e), shall apply to applicants, licensees, registrants, or an individual's refusal to cooperate with the completion of the background studies. Supplemental nursing services agencies subject to the registration requirements in section 144A.71 must maintain records verifying compliance with the background study requirements under this section."

Page 492, line 35, strike "or" and insert a comma and after "holder" insert ", or registrant"

Page 496, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 2000, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) The individual who is the subject of the disqualification may request a reconsideration of the disqualification.

The individual must submit the request for reconsideration to the commissioner in writing. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (1) or (2), must be submitted within 30 calendar days of the disqualified individual's receipt of the notice of disqualification. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (3), must be submitted within 15 calendar days of the disqualified individual's receipt of the notice of disqualification. An individual who was determined to have maltreated a child under section 626.556 or a vulnerable adult under section 626.557, and who was disqualified under this section on the basis of serious or recurring maltreatment, may request reconsideration of both the maltreatment and the disqualification determinations. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification. Removal of a disqualified individual from direct contact shall be ordered if the individual does not request reconsideration within the prescribed time, and for an individual who submits a timely request for reconsideration, if the disqualification is not set aside. The individual must present information showing that:

(1) the information the commissioner relied upon is incorrect or inaccurate. If the basis of a reconsideration request is that a maltreatment determination or disposition under section 626.556 or 626.557 is incorrect, and the commissioner has issued a final order in an appeal of that determination or disposition under section 256.045

or 245A.08, subdivision 5, the commissioner's order is conclusive on the issue of maltreatment. If the individual did not request reconsideration of the maltreatment determination, the maltreatment determination is deemed conclusive; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant ~~or~~ license holder, ~~or~~ registrant.

(b) The commissioner shall rescind the disqualification if the commissioner finds that the information relied on to disqualify the subject is incorrect. The commissioner may set aside the disqualification under this section if the commissioner finds that the ~~information the commissioner relied upon is incorrect~~ or the individual does not pose a risk of harm to any person served by the applicant ~~or~~ license holder, ~~or~~ registrant. In determining that an individual does not pose a risk of harm, the commissioner shall consider the consequences of the event or events that lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to reconsideration. In reviewing a disqualification under this section, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder ~~or~~ applicant, ~~or~~ registrant over the interests of the license holder ~~or~~ applicant, ~~or~~ registrant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in sections 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.215 (aiding suicide or aiding attempted suicide), felony violations under 609.221 to 609.2231 (assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), burglary in the first or second degree under 609.582 (burglary), 609.66 (dangerous weapon), 609.665 (spring guns), 609.67 (machine guns and short-barreled shotguns), 609.749 (harassment; stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts), a gross misdemeanor offense under 609.378 (neglect or endangerment of a child), a gross misdemeanor offense under 609.377 (malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), a felony offense under 609.377 (malicious punishment of a child), a felony offense under 609.324, subdivision 1 (other prohibited acts), a felony offense under 609.378 (neglect or endangerment of a child), 609.322 (solicitation, inducement, and promotion of prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third,

or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children, or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant ~~or~~ license holder, ~~or registrant~~ residing in the applicant's ~~or~~ license holder's, ~~or registrant's~~ home, the applicant ~~or~~ license holder, ~~or registrant~~ may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure ~~or registration~~ because the license holder ~~or~~ applicant, ~~or registrant~~ poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing or by electronic transmission to all reconsideration requests for which the basis for the request is that the information relied upon by the commissioner to disqualify is incorrect or inaccurate within 30 working days of receipt of a request and all relevant information. If the basis for the request is that the individual does not pose a risk of harm, the commissioner shall respond to the request within 15 working days after receiving the request for reconsideration and all relevant information. If the request is based on both the correctness or accuracy of the information relied on to disqualify the individual and the risk of harm, the commissioner shall respond to the request within 45 working days after receiving the request for reconsideration and all relevant information. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing or by electronic transmission of the decision.

(e) ~~Except as provided in subdivision 3c, the commissioner's decision to disqualify an individual, including the decision to grant or deny a rescission or set aside a disqualification under this section, is the final administrative agency action and shall not be subject to further review in a contested case under chapter 14 involving a negative licensing appeal taken in response to the disqualification or involving an accuracy and completeness appeal under section 13.04; if a disqualification is not set aside or is not rescinded, an individual who was disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes lists in subdivision 3d, paragraph (a), clauses (1) to (4); or for failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, pursuant to subdivision 3d, paragraph (a), clause (4), may request a fair hearing under section 256.045. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of disqualification, including for purposes of subsequent studies conducted under section 245A.04, subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.~~

(f) ~~Except as provided under subdivision 3c, if an individual was disqualified on the basis of a determination of maltreatment under section 626.556 or 626.557, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under section 626.556, subdivision 10i, or 626.557,~~

subdivision 9d, and also requested reconsideration of the disqualification under this subdivision, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. For maltreatment and disqualification determinations made by county agencies, the consolidated reconsideration shall be conducted by the county agency. Except as provided under subdivision 3c, if an individual who was disqualified on the basis of serious or recurring maltreatment requests a fair hearing on the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

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

Page 504, line 8, after "holder" insert ", registrant"

Page 544, after line 13, insert:

"Sec. 2. Minnesota Statutes 2000, section 148B.21, subdivision 6a, is amended to read:

Subd. 6a. [BACKGROUND CHECKS.] The board shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all applicants for initial licensure. An application for a license under this section must be accompanied by an executed criminal history consent form and the fee for conducting the criminal history background check. The board shall deposit all fees paid by applicants for criminal history background checks under this subdivision into the miscellaneous special revenue fund and shall reimburse the bureau of criminal apprehension for the cost of the background checks upon their completion.

Sec. 3. Minnesota Statutes 2000, section 148B.22, subdivision 3, is amended to read:

Subd. 3. [BACKGROUND CHECKS.] The board shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all licensees under its jurisdiction who did not complete a criminal history background check as part of an application for initial licensure. This background check is a one-time requirement. An application for a license under this section must be accompanied by an executed criminal history consent form and the fee for conducting the criminal history background check. The board shall deposit all fees paid by licensees for criminal history background checks under this subdivision into the miscellaneous special revenue fund and shall reimburse the bureau of criminal apprehension for the cost of the background checks upon their completion."

Page 553, line 34, delete "\$22,600,000" and insert "\$21,550,000"

Page 553, line 39, delete "\$1,400,000" and insert "\$2,450,000"

Page 559, after line 7, insert:

"[PURCHASING ALLIANCE STOP-LOSS FUNDING.] Of the general fund appropriation, \$150,000 in fiscal year 2002 and \$500,000 in fiscal year 2003 are appropriated to the commissioner for the cost of establishing the Purchasing Alliance Stop-loss fund under Minnesota Statutes, section 256.956."

Page 563, line 2, delete "590,959,000" and insert "590,638,000" and delete "599,839,000" and insert "599,866,000"

Renumber the sections in sequence and correct the internal references

Adjust amounts accordingly

Amend the title as follows:

Page 1, line 20, after the second semicolon, insert "144.148, subdivision 2;"

Page 1, line 28, after the second semicolon, insert "148B.21, subdivision 6a; 148B.22, subdivision 3;"

Page 1, lines 37 and 38, delete "260C.201, subdivision 1;

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2340, A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying provisions relating to transportation, public safety, law enforcement, streets and highways, motor vehicles, traffic regulations, local governments, and state and regional agencies and authorities; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fees; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 13.87, by adding a subdivision; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.641, subdivision 8; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 117.51; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 161.442; 161.45, subdivision 1; 162.02, subdivision 12; 162.09, subdivision 4; 167.51, subdivision 2; 168.011, subdivision 7; 168.013, subdivision 1d; 168.09, subdivision 7; 168.12, subdivision 1; 168.1291, subdivision 1; 168.27, subdivisions 12a, 20; 168.33, subdivision 7; 168.381; 168.61, subdivision 1; 169.06, by adding a subdivision; 169.073; 169.09, subdivisions 8, 9, 10, 13; 169.14, subdivisions 4, 5a; 169.18, subdivision 1, by adding a subdivision; 169.686, subdivision 1; 169.79; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 2a; 171.07, subdivisions 1, 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.183, subdivision 1; 171.185; 171.26; 171.29, subdivision 2; 171.36; 171.39; 174.03, subdivision 7, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.35; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 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.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; 297B.09, subdivision 1; 299A.01, subdivision 1b; 299A.64, subdivision 1; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 325E.11; 325E.115, subdivision 2; 326.243; 446A.085; 473.399, by adding a subdivision; 473.859, subdivision 2; 484.50; 611A.25, subdivision 3; 611A.361, subdivision 3; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168A; 169; 174; 219; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3.

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.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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.

(b) Aviation Support

	6,315,000	6,053,000
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\$65,000 the first year and \$65,000 the second year are for the civil air patrol.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$400,000 the first year and \$50,000 the second year are to facilitate on-line registration of aircraft.

\$600,000 the first year and \$600,000 the second year are for GPS navigational systems. Of these amounts, \$350,000 the first year and \$350,000 the second year are onetime appropriations that may not be added to the agency's budget base.

(c) Air Transportation Services

	135,000	138,000
Summary by Fund		
Airports	74,000	77,000
General	50,000	50,000
Trunk Highway	11,000	11,000

The commissioner shall take all feasible actions to seek a waiver from the appropriate federal authorities that would allow the commissioner to sell the airplane described in Laws 1997, chapter 159, article 1, section 2, subdivision 2, clause (c).

Subd. 3. Transit	17,889,000	17,910,000
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Summary by Fund		
General	17,549,000	17,562,000
Trunk Highway	340,000	348,000

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

(a) Greater Minnesota Transit Assistance

	17,051,000	17,051,000
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This appropriation is from the general fund. Any unencumbered balance the first year does not cancel but is available for the second year.

(b) Transit Administration

	838,000	859,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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-

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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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This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids

106,469,000	109,827,000
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This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chair of the transportation finance committee of the house of representatives and the chair of the transportation budget division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(c) Local Bridges

	4,000,000	-0-
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This appropriation is from the general fund and is to match federal money and to replace or rehabilitate local deficient bridges. Political subdivisions may use grants made from this appropriation to construct or reconstruct bridges, including:

(1) matching federal aid grants to construct or reconstruct key bridges;

(2) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a;

(3) paying the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made; and

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(4) paying 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 economical than replacing the existing bridge.

(d) Study of Local Road Program

(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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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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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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.

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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.

\$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.

\$200,000 the first year is for development of an updated state transportation plan. This is a onetime appropriation and 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.

\$100,000 in the first year is for a study of the feasibility and desirability of allowing all vehicles to use lanes on marked interstate highway I-394 presently restricted to high-occupancy vehicles only. The commissioner shall determine a time during which such use is allowed, and take all necessary steps to permit such use for the period of the study. The commissioner shall contract with an independent consultant to study the effects of opening the lanes to all vehicles on traffic flow, traffic congestion, transit and high-occupancy vehicle use, and highway safety on I-394 and other affected highways. The commissioner shall report to the legislature on the results of the study by February 1, 2002. The commissioner shall take no actions with respect to this study that would result in a loss of federal funds to the state or significant delay to a state or local transportation project financed partly with federal funds.

(d) Central Engineering Services

65,031,000

66,338,000

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(e) Design and Construction Engineering

89,835,000	91,046,000
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\$1,000,000 the first year is for planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system.

(f) State Road Operations

218,863,000	222,602,000
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\$2,000,000 the first year and \$1,000,000 the second year are for improved highway striping.

The commissioner shall spend all money available to the department of transportation under Public Law Number 105-206, section 164 (repeat offender transfer program), for hazard elimination activities under United States Code, title 23, section 152, and shall not transfer any part of these funds to any other agency.

(g) Electronic Communications

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

General	9,000	9,000
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Trunk Highway	5,608,000	5,737,000
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\$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	50,836,000	51,799,000
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Summary by Fund

General	54,000	56,000
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Airports	70,000	70,000
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Trunk Highway	50,712,000	51,673,000
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Ending June 30
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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
(c) Mankato site work	669,000
(d) Spring Lake Park truck station addition	385,000
(e) Training center remodeling	600,000
(f) Appleton shared maintenance facility	200,000
(g) Eagan driver exam station	900,000
(h) Rest areas	180,000
(i) Land acquisition	150,000
(j) Asbestos abatement	100,000
(k) Design fees	1,807,000
(l) Unheated storage buildings	600,000
(m) Salt sheds	1,000,000

Subd. 10. Transfers

(a) The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the

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state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made between funds. Transfers must be reported immediately to the chair of the transportation budget division of the senate and the chair of the transportation finance committee of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$6,400,000 the first year and \$2,400,000 the second year to the municipal turnback account in the municipal state-aid street fund, and shall retain the remaining amount in the flexible account to be credited to the county turnback account.

Subd. 11. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. The amount transferred is appropriated for the purpose of the account to which it is transferred.

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
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
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.		
(a) Office of Communications		
	390,000	398,000
Summary by Fund		
General	20,000	20,000
Trunk Highway	370,000	378,000
(b) Public Safety Support		
	7,901,000	7,991,000

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Summary by Fund

General	3,086,000	3,087,000
Trunk Highway	3,449,000	3,538,000
Highway User	1,366,000	1,366,000

\$326,000 the first year and \$326,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$244,000 the first year and \$314,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$1,800,000 the first year and \$1,800,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2001, and December 31, 2002, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2001, and December 31, 2002, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$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.

APPROPRIATIONS
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(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.

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(c) Capitol Security

	3,117,000	3,210,000
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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
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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
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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
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(b) Licensing Drivers

	24,503,000	24,268,000
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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

	APPROPRIATIONS	
	Available for the Year	
	Ending June 30	
	2002	2003
Sec. 6. TORT CLAIMS	600,000	600,000

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 4, 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>\$11,055,000</u>	<u>\$11,034,000</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~~ 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. [161.362] [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. 9. Minnesota Statutes 2000, section 161.442, is amended to read:

161.442 [RECONVEYANCE TO FORMER OWNER.]

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, ~~at the commissioner's sole discretion~~ with the consent of the owner, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner.

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. 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 prorated transactions, and a filing fee of \$7 is imposed on every other type of vehicle transaction, including prorated 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. 16. 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. 17. 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. 18. [174.36] [NOTICE OF STUDIES OF 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. 19. 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. 20. 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. 21. 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 system 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. 22. 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. 23. 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, whether new or existing, to be studied.

Sec. 24. [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. 25. 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. 26. 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. 27. 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. 28. 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~~ 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. 29. 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. 30. [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. 31. 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. 32. [473.4052] [LIGHT RAIL SPECIAL SERVICE DISTRICTS.]

Subdivision 1. [CREATION.] (a) The metropolitan council shall establish a light rail special service district to pay for the cost of operating light rail transit facilities and equipment to the extent fare revenues are insufficient to cover these costs.

(b) The council may not use any money made available through the federal congestion mitigation and air quality program to pay the operating costs of light rail transit.

Subd. 2. [AREA OF DISTRICT.] The geographic area of a light rail special service district created under subdivision 1 consists of an area comprised of any parcel of property located within a radius of one-half mile of a station for a light rail transit line. The area excludes any planned unit development approved before January 1, 2000, and any area detached from a city and school district under section 473.625.

Subd. 3. [APPLICATION.] The provisions of sections 428A.01 to 428A.101 apply to special service districts established under this section unless otherwise provided in or contrary to sections 473.4052 to 473.4054. The provisions of sections 428A.02; 428A.03, subdivision 1; 428A.06; 428A.08; 428A.09; and 428A.10, do not apply to a district established under this section.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs.

Sec. 33. [473.4053] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The terms defined in this section apply to sections 473.4052 to 473.4054, unless the context clearly requires otherwise.

Subd. 2. [FACILITY.] "Facility" means the light rail transit facility, equipment, and related improvements located within the district.

Subd. 3. [LAND AREA.] "Land area" means the land area in the district that is classified as class 3 property under section 273.13, subdivision 24.

Subd. 4. [NET TAX CAPACITY.] "Net tax capacity" means net tax capacity as defined in sections 428A.01 and 428A.03, subdivision 1, but is limited to property classified as class 3 property under section 273.13, subdivision 24.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs.

Sec. 34. [473.4054] [AUTHORITY TO IMPOSE CHARGES.]

Subdivision 1. [SERVICE CHARGES.] (a) The council shall impose annual service charges equal to the estimated amount that the operating costs of the facility will exceed fare revenues for the calendar year, plus the amount of any carryover or an operating deficit from a previous year for the facility.

(b) The service charge must be imposed as a uniform percentage of net tax capacity of the district.

Subd. 2. [APPLICATION OF OTHER LAW.] The provisions of section 428A.03, subdivisions 1a to 3, apply to a light rail transit special service district.

Subd. 3. [COLLECTION OF SERVICE CHARGES.] Service charges imposed under this section must be collected as provided in section 428A.05.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs.

Sec. 35. 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 ~~400~~ 41.5 percent of their own operating costs for all or any portion of the service.

Sec. 36. 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. 37. 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. 38. 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. 39. [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. 40. [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. 41. [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. 42. [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. 43. [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 state tax on the transfer of title of new and used motor vehicles must be deposited in the highway user tax distribution fund.

Sec. 44. [SUBMISSION TO VOTERS.]

The constitutional amendment proposed in section 43 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 the revenues from any state tax on the transfer of title of motor vehicles be deposited in the highway user tax distribution fund to be used exclusively for highway purposes?"

Yes

No"

Sec. 45. [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. 5. 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 45 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"

Delete the title and insert:

"A bill for an act relating to transportation; appropriating money to the department of transportation and other agencies; authorizing certain assessments; providing for 20-year registration of certain trailers; restricting certain zoning actions in Minneapolis; modifying funding formulas for greater Minnesota transit; authorizing department of transportation to bill for certain maintenance costs; modifying and canceling certain prior-year appropriations; increasing percentage of gasoline tax attributable to snowmobiles; proposing constitutional amendments to dedicate 60 percent of motor vehicle sales tax revenues to the highway user tax distribution fund and authorize the use of general obligation bonds for trunk highways; providing for advertising, submitting, receiving, or posting certain highway bids electronically; providing for reconveyance of highway easements; modifying provisions governing trunk highway bond proceeds and highway bond-financed property; authorizing use of unmarked motor vehicles by investigators of gambling control board and exempting their vehicles from payment of registration tax; providing for tort immunity for claims arising out of use or operation of recreational motor vehicle on a highway right-of-way; permitting use of certain trailer brakes; authorizing payment of certain engineering costs from town bridge account; authorizing establishment of rail quiet zones; allowing local road authorities to provide financial assistance to expand railroad bridges; increasing motor vehicle registration filing fee; providing for allocation of motor vehicle sales tax revenues; defining certain employees as public safety officers for purpose of public safety officer's survivor benefit; modifying financing procedures for interregional transportation corridors; modifying provisions relating to statewide communications system and clarifying appropriation of related fees; modifying provisions relating to transportation revolving loan fund; modifying restrictions on funds in state-aid disaster accounts; modifying state rail bank lease provisions; prohibiting commissioner of transportation and metropolitan council from using certain considerations in programming or constructing trunk highway projects and other highway actions; restricting authority of commissioner of transportation to erect certain towers; placing restrictions on department of transportation expenditures for study of light rail transit, high-speed rail, and commuter rail; authorizing special taxing district for light rail transit operating costs; requiring reports; amending Minnesota Statutes 2000, sections 16A.641, subdivision 8; 16B.54, subdivision 2; 161.082, subdivision 2a; 161.23, subdivision 3; 161.32, subdivisions 1, 1a, 1b, 1e; 161.442; 162.06, subdivision 3; 162.12, subdivision 3; 165.05, by adding a subdivision; 168.012, subdivision 1; 168.013, subdivision 1d; 168.33, subdivision 7; 169.67, subdivision 3; 174.24, subdivision 3b; 174.35; 174.55, subdivisions 4, 5; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 222.63, subdivision 4; 296A.18, subdivision 3; 297B.09, subdivision 1; 299A.41, subdivision 4; 446A.085; 466.03, by adding a subdivision; 473.399, by adding a subdivision; Laws 1997, chapter 159, article 2, section 4; Laws 1999, chapter 238, article 1, section 2, subdivision 7; Laws 2000, chapter 479, article 1, section 3, subdivision 3; Laws 2000, chapter 490, article 7, section 3; Laws 2000, chapter 492, article 2, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 174; 219; 473."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

House Resolution No. 15, A house resolution recognizing May 3, 2001, as a Day of Prayer in Minnesota.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1832 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 560 and 2340 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Solberg; Anderson, I., and Howes introduced:

H. F. No. 2501, A bill for an act relating to capital investment; changing the nonstate match requirements for the Itasca county school-to-work technology center; amending Laws 1998, chapter 404, section 23, subdivision 30.

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

Knoblach, Dehler and Seagren introduced:

H. F. No. 2502, A bill for an act relating to education finance; enhancing the debt service equalization aid program; modifying the maximum effort capital loan program; amending Minnesota Statutes 2000, sections 123B.53, subdivisions 1, 2, 4, 5; 123B.54; 126C.63, subdivision 8; 126C.69, subdivisions 2, 3, 9, 12, 15; 475.53, subdivision 4.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 2343, A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting obsolete references; making various technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

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

Senators Wiener, Scheid, Murphy, Larson and Kierlin.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Leppik moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2343. 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. 1247, A bill for an act relating to veterans homes; providing for the veterans homes board to administer planned giving donations; amending Minnesota Statutes 2000, section 198.16; repealing Minnesota Statutes 2000, section 198.161.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eastlund moved that the House concur in the Senate amendments to H. F. No. 1247 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1247, A bill for an act relating to veterans homes; providing for the veterans homes board to administer planned giving donations; amending Minnesota Statutes 2000, section 198.16; repealing Minnesota Statutes 2000, section 198.161.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

RECESS

RECONVENED

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

CONSENT CALENDAR

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of S. F. No. 2351.

S. F. No. 2351 was reported to the House.

Nornes moved to amend S. F. No. 2351, the unofficial engrossment, as follows:

Page 42, after line 38, insert:

"(e) The availability of the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (c), for a proposed trail between the city of Pelican Rapids and Maplewood state park, which was extended by Laws 2000, chapter 488, section 7, is canceled.

(f) \$250,000 is appropriated from the future resources fund to provide matching funds for an ISTEA grant to the commissioner of natural resources for pass-through to Ottertail county to provide easement acquisition and engineering costs for the Central Lakes trail between the city of Fergus Falls and the Douglas county border."

The motion prevailed and the amendment was adopted.

Huntley, Swapinski and Jaros moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 109, delete section 90

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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

Wasiluk moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 5, after line 15, insert:

"\$197,000 in the first year and \$203,000 in the second year is appropriated from the general fund to the agency for a program to reduce emissions of benzene and fine particulates. The commissioner shall report by January 15, 2003, detailing:

(1) reductions in air toxics, in terms of pounds and percentages reduced, that the agency has achieved; and

(2) a specific plan for the next biennium for additional reductions in terms of pounds and percentages reduced, including a schedule for reporting program outcomes."

Page 23, line 53, delete "19,977,000" and insert "19,780,000"

Page 23, line 53, delete "19,948,000" and insert "19,745,000"

Adjust fund balances accordingly

A roll call was requested and properly seconded.

The question was taken on the Wasiluk amendment and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Howes, Fuller, Walz and Wenzel moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 68, line 8, reinstate the stricken language and after "over" insert "on the effective date of this section"

Page 68, lines 9 to 15, delete the new language and reinstate the stricken language

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

Walz, Bakk, Howes, Sertich, Penas, Rukavina, Hackbarth, Fuller, Eastlund and Wenzel moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 13, after line 40, insert:

"\$600,000 each year is dedicated to the grant-in-aid system from the snowmobile trails and enforcement account in the natural resources fund made available by the increase to one percent in the unrefunded gas tax for snowmobile activity."

Adjust amounts accordingly

A roll call was requested and properly seconded.

Westrom moved to amend the Walz et al amendment to S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 1, line 10, after the period insert "At least 50 percent must be used through a formula that distributes this new appropriation to snowmobile trails that currently do not receive grants-in-aid assistance."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 9 yeas and 124 nays as follows:

Those who voted in the affirmative were:

Dorman	Juhnke	Mulder	Peterson	Westrom
Holberg	Marquart	Otremba	Wenzel	

Those who voted in the negative were:

Abeler	Dawkins	Greiling	Kelliher	Marko	Penas
Abrams	Dehler	Gunther	Kielkucki	McElroy	Pugh
Anderson, B.	Dempsey	Haas	Knoblach	McGuire	Rhodes
Anderson, I.	Dibble	Hackbarth	Koskinen	Milbert	Rifenberg
Bakk	Dorn	Harder	Krinkie	Molnau	Rukavina
Bernardy	Eastlund	Hausman	Kubly	Mullery	Ruth
Biernat	Entenza	Hilstrom	Kuisle	Murphy	Schumacher
Bishop	Erhardt	Hilty	Larson	Ness	Seagren
Boudreau	Erickson	Holsten	Leighton	Normes	Seifert
Bradley	Evans	Howes	Lenczewski	Olson	Sertich
Buesgens	Finseth	Huntley	Leppik	Opatz	Skoe
Carlson	Folliard	Jacobson	Lieder	Osskopp	Skoglund
Cassell	Fuller	Jaros	Lindner	Osthoff	Slawik
Clark, J.	Gerlach	Jennings	Lipman	Ozment	Smith
Clark, K.	Gleason	Johnson, J.	Luther	Paulsen	Solberg
Daggett	Goodno	Johnson, R.	Mahoney	Pawlenty	Stanek
Davids	Goodwin	Johnson, S.	Mares	Paymar	Stang
Davnie	Gray	Kalis	Mariani	Pelowski	Swapinski

Swenson	Tingelstad	Wagenius	Wasiluk	Winter	Spk. Sviggum
Sykora	Tuma	Walker	Westerberg	Wolf	
Thompson	Vandever	Walz	Wilkin	Workman	

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

The question recurred on the Walz et al amendment and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hausman	Westrom
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The motion prevailed and the amendment was adopted.

Ozment moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 91, after line 34, insert:

"Sec. 73. Minnesota Statutes 2000, section 116P.05, is amended to read:

116P.05 [LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES.]

Subdivision 1. [MEMBERSHIP.] (a) A legislative commission on Minnesota resources of 20 members is created, consisting of the chairs of the house and senate committees on environment and natural resources policy or designees appointed for the terms of the chairs, the chairs of the house and senate committees on environment and natural

resources finance or designees appointed for the terms of the chairs, the chairs of the house ways and means and senate finance committees or designees appointed for the terms of the chairs, seven members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and seven members of the house appointed by the speaker.

At least three members from the senate and three members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(b) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Members shall serve on the commission until their successors are appointed.

(d) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).

Subd. 2. [DUTIES.] (a) ~~The commission shall recommend a budget plan for expenditures from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. The commission, with the assistance of the committee, must develop a strategic plan as provided in section 116P.08 to guide expenditures from the trust fund.~~

(b) The commission ~~shall~~ may recommend annual expenditures to the legislature from the Minnesota future resources fund under section 116P.13.

(c) It is a condition of acceptance of the appropriations made from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources. None of the money provided may be spent unless the committee or the commission has approved the pertinent work program.

(d) ~~The~~ Any peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the Minnesota resources fund and from oil overcharge money under section 4.071, subdivision 2.

(e) The committee and commission may adopt operating procedures to fulfill its duties under sections 116P.01 to 116P.13.

Sec. 74. Minnesota Statutes 2000, section 116P.06, is amended to read:

116P.06 [~~ADVISORY~~ CITIZENS TRUST FUND COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] (a) ~~An advisory~~ A citizens trust fund committee of ~~++~~ nine citizen members shall be ~~appointed by the~~ created, three members appointed by the speaker of the house and three members appointed by the subcommittee on committees of the senate committee on rules and administration, and three members appointed by the governor to advise the ~~legislative commission on Minnesota resources legislature~~ on project proposals to receive funding from the trust fund and the development of budget and strategic plans. ~~The governor shall appoint at least one member from each congressional district. The citizen members appointed must have demonstrated knowledge of environment and natural resources issues. The governor~~ citizen members shall appoint one of the citizens as the chair.

(b) The governor's appointees must be confirmed with the advice and consent of the senate. The membership terms, compensation, removal, and filling of vacancies for citizen members of the ~~advisory~~ committee are governed by section 15.0575. Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the advisory committee does not expire until June 30, 2005.

Subd. 2. [DUTIES.] (a) The advisory committee shall:

- (1) ~~prepare and submit to the commission a draft strategic plan to guide expenditures from the trust fund;~~
- (2) ~~review the reinvest in Minnesota program during development of the draft strategic plan;~~
- (3) ~~gather input from the resources congress during development of the draft strategic plan;~~
- (4) ~~advise the commission legislature annually on project proposals to receive funding from the trust fund; and~~
- (5) (2) ~~advise the commission legislature on development of the budget plan; and~~

(3) develop a process and procedure for making trust fund expenditure recommendations, in accordance with the strategic plan, and submit them to the legislature.

(b) The advisory committee may review all project proposals for funding and ~~may~~ shall make recommendations to the ~~commission legislature~~ on whether the projects:

- (1) meet the standards and funding categories set forth in sections 116P.01 to 116P.12;
- (2) duplicate existing federal, state, or local projects being conducted within the state; and
- (3) are consistent with the most recent strategic plan adopted by the commission.

Sec. 75. Minnesota Statutes 2000, section 116P.07, is amended to read:

116P.07 [~~RESOURCES CONGRESS~~ INFORMATION GATHERING.]

~~The committee and commission must may convene a resources congress at least once every biennium and shall develop procedures for the congress public forums to gather information for establishing priorities for funding. The congress must be open to all interested individuals. The purpose of the congress is to collect public input necessary to allow the commission, with the advice of the advisory committee, to develop a strategic plan to guide expenditures from the trust fund. The congress also may be convened to receive and review reports on trust fund projects. The congress shall also review the reinvest in Minnesota program.~~

Sec. 76. Minnesota Statutes 2000, section 116P.08, subdivision 1, is amended to read:

Subdivision 1. [EXPENDITURES.] Money in the trust fund may be spent only for:

- (1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2;
- (2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;
- (3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;
- (4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;
- (5) ~~capital projects~~ acquisition, development, and enhancement for the long-term preservation and protection of unique natural resources;
- (6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;

(7) administrative and investment expenses incurred by the state board of investment in investing deposits to the trust fund; and

(8) administrative expenses subject to the limits in section 116P.09.

Sec. 77. Minnesota Statutes 2000, section 116P.08, subdivision 3, is amended to read:

Subd. 3. [STRATEGIC PLAN REQUIRED.] ~~(a)~~ The commission, with the assistance of the committee, shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The reinvest in Minnesota program must be reviewed, and information gathering under section 116P.07 must take place, during development of the strategic plan. The commission shall make the recommendations for expenditures annually from the six-year plan in up to three priority areas. The strategic plan must be updated every two years. ~~The plan is advisory only.~~ The commission shall submit the plan, as a recommendation, to the house of representatives appropriations and senate finance committees by January 1 of each odd-numbered year.

~~(b) The commission may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption.~~

Sec. 78. Minnesota Statutes 2000, section 116P.08, subdivision 4, is amended to read:

Subd. 4. [BUDGET PLAN.] (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

~~(b) Projects submitted to the commission for funding may be referred to the advisory committee for recommendation. The commission must seek advice from environment and natural resource professionals, private organizations, interested individuals, and federal, state, and local agencies to establish the priorities for funding.~~

~~(c) The commission committee must adopt a budget plan to make annual expenditures from the trust fund for the purposes provided in subdivision 1 and the priorities established by the commission. The budget plan must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the commission for review and comment and then submitted to the legislature.~~

(d) Money in the trust fund may not be spent except under an appropriation by law.

Sec. 79. Minnesota Statutes 2000, section 116P.08, subdivision 5, is amended to read:

Subd. 5. [PUBLIC MEETINGS.] All ~~advisory~~ committee and commission meetings must be open to the public. The committee and commission shall attempt to meet at least once in each of the state's congressional districts various locations around the state during each biennium.

Sec. 80. Minnesota Statutes 2000, section 116P.08, subdivision 6, is amended to read:

Subd. 6. [PEER REVIEW.] (a) Research proposals must include a stated purpose, timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review ~~panel~~ process before receiving an appropriation.

~~(b) In conducting research proposal reviews,~~ The peer review ~~panel shall~~ process must:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; and

(3) report to the ~~commission and advisory~~ committee on clauses (1) and (2).

(c) ~~The~~ Any peer review panel convened by the committee also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

Sec. 81. Minnesota Statutes 2000, section 116P.08, subdivision 7, is amended to read:

Subd. 7. [PEER REVIEW PANEL MEMBERSHIP.] (a) ~~The~~ A peer review panel convened by the committee must consist of at least five members who are knowledgeable in general research methods in the areas of environment and natural resources. Not more than two members of the panel may be employees of state agencies in Minnesota.

(b) When appropriate, the ~~commission~~ committee shall select a chair every two years who shall be responsible for convening meetings of the panel as often as is necessary to fulfill its duties as prescribed in this section. Compensation of panel members is governed by section 15.059, subdivision 3.

Sec. 82. Minnesota Statutes 2000, section 116P.09, subdivision 6, is amended to read:

Subd. 6. [CONFLICT OF INTEREST.] A commission member, ~~advisory~~ committee member, peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, ~~advisory~~ committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the legislative commission, ~~advisory~~ committee, or peer review panel, or being an employee of the commission, a person shall avoid any potential conflict of interest."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Boudreau to the Chair.

The question was taken on the Ozment amendment and the roll was called. There were 106 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Leppik	Osthoff	Stang
Abrams	Eastlund	Howes	Lindner	Ozment	Swapinski
Anderson, B.	Entenza	Huntley	Lipman	Paulsen	Swenson
Bernardy	Erhardt	Jacobson	Luther	Pawlenty	Sykora
Biernat	Erickson	Jaros	Mahoney	Paymar	Thompson
Bishop	Finseth	Jennings	Mares	Pelowski	Tingelstad
Boudreau	Folliard	Johnson, J.	Marko	Penas	Tuma
Bradley	Fuller	Johnson, R.	McElroy	Pugh	Vandever
Buesgens	Gerlach	Johnson, S.	McGuire	Rhodes	Wagenius
Cassell	Gleason	Kelliher	Milbert	Rifenberg	Walz
Clark, J.	Goodno	Kielkucki	Molnau	Ruth	Wasiluk
Clark, K.	Goodwin	Knoblach	Mulder	Schumacher	Westerberg
Daggett	Gunther	Koskinen	Mullery	Seagren	Wilkin
Davids	Haas	Krinkie	Ness	Seifert	Wolf
Davnie	Hackbarth	Kuisle	Nornes	Skoglund	Workman
Dawkins	Harder	Larson	Olson	Slawik	Spk. Sviggum
Dempsey	Hausman	Leighton	Opatz	Smith	
Dibble	Holberg	Lenczewski	Osskopp	Stanek	

Those who voted in the negative were:

Anderson, I.	Evans	Juhnke	Marquart	Sertich	Westrom
Bakk	Gray	Kalis	Murphy	Skoe	Winter
Carlson	Greiling	Kubly	Otremba	Solberg	
Dehler	Hilstrom	Lieder	Peterson	Walker	
Dorn	Hilty	Mariani	Rukavina	Wenzel	

The motion prevailed and the amendment was adopted.

Bakk, Howes, Hackbarth and Anderson, I., moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 52, after line 20, insert:

"Sec 23. [84.9257] [PASSENGERS.]

In addition to the operator, an all-terrain vehicle may carry one passenger who is under 16 years of age and who wears a safety helmet approved by the commissioner of public safety.

Sec. 24. Minnesota Statutes 2000, section 84.928, subdivision 2, is amended to read:

Subd. 2. [OPERATION GENERALLY.] A person may not drive or operate an all-terrain vehicle:

(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;

(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;

- (3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;
- (4) without a functioning stoplight if so equipped;
- (5) in a tree nursery or planting in a manner that damages or destroys growing stock;
- (6) without a brake operational by either hand or foot;
- (7) with more persons on the vehicle than it was designed for, except as allowed under section 84.9257;
- (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or
- (9) in a manner that violates operation rules adopted by the commissioner."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hackbarth; Mahoney; Howes; Milbert; Dempsey; Sviggum; Tuma; Wenzel; Rukavina; Boudreau; Erickson; Finseth; Bakk; Walz; Solberg; Larson; Clark, J.; Kielkucki; Holberg; Schumacher; Smith and Seifert moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 55, after line 4, insert:

"Sec. 28. [87A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 87A.01 to 87A.06.

Subd. 2. [PERSON.] "Person" means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or "range" means an area or facility designated or operated for the use of firearms as defined in section 97A.015, subdivision 19, or archery, and includes shooting preserves as described in section 97A.115 or any other Minnesota law.

Subd. 4. [GENERALLY ACCEPTED OPERATION PRACTICES.] "Generally accepted operation practices" means those voluntary guidelines adopted by the commissioner of natural resources for the safe operation of shooting ranges. In developing the guidelines, the commissioner shall consult with range operators. The generally accepted operation practices shall be reviewed at least every five years by the commissioner of natural resources and revised as the commissioner considers necessary for safe operation of a shooting range. The commissioner shall adopt initial guidelines by July 1, 2001.

Subd. 5. [UNIT OF GOVERNMENT.] "Unit of government" means a home rule charter or statutory city, county, town, municipal corporation, or other political subdivision, or any of their instrumentalities.

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

Sec. 29. [87A.02] [LOCAL ORDINANCES; EXISTING OPERATIONS.]

(a) A shooting range that is in operation and is in material compliance with existing law at the time of the enactment of an ordinance of a unit of government affecting, directly or indirectly, operation or use of a shooting range must be permitted to continue in operation even if the operation of the shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(b) A shooting range that operates in material compliance with generally accepted operation practices, even if not in compliance with an ordinance of a unit of government affecting, directly or indirectly, operation or use of a shooting range, must be permitted to do all of the following within its geographic boundaries if done in accordance with generally accepted operation practices:

(1) repair, remodel, improve, replace, construct, or reinforce any conforming or nonconforming building or structure as may be necessary or desirable in the interest of safety or to secure the continued use of the range, building, or structure;

(2) reconstruct, repair, restore, remodel, improve, replace, or resume the use of any conforming or nonconforming building or structure damaged by fire, collapse, erosion, explosion, act of God, or act of war; and

(3) do anything not prohibited by generally accepted operation practices, including:

(i) expand or increase its membership or opportunities for public participation; and

(ii) make those repairs or improvements necessary or desirable under generally accepted operation practices.

(c) Nothing in sections 87A.01 to 87A.06 exempts any newly constructed or remodeled building on a shooting range from compliance with fire safety, handicapped accessibility, elevator safety, bleacher safety, or other provisions of the State Building Code that have mandatory statewide application.

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

Sec. 30. [87A.03] [CLOSING OR RELOCATING SHOOTING RANGES; PAYMENT OF CERTAIN COSTS.]

Subdivision 1. [WHEN CAN CLOSE OR RELOCATE.] A shooting range may be closed under subdivision 3, or relocated under subdivision 4, by a state agency or unit of government only if, because of new, permitted development of adjacent land, the range becomes a clear, immediate, and proven safety hazard to the adjacent population and it cannot be brought into material compliance with generally accepted operation practices with range or operation improvements.

Subd. 2. [PROCEDURE.] The clear and immediate safety hazard must be proven at a contested case hearing. The hearing must be held after the commissioner provides notice to the owner and operator of the shooting range that includes a clear and precise statement of the factual basis for alleging a safety hazard. The owner and operator of the shooting range must be given an opportunity to be heard and meet the allegation. The commissioner must make written findings and conclusions as to the hazard and whether range improvements can bring the range into material compliance with the generally accepted operation practices. If the commissioner concludes that there is a clear and immediate safety hazard and the operation of the shooting range can be brought into material compliance with the generally accepted operating practices with range improvements, the state agency or unit of government that permitted the development must pay for the range improvements.

Subd. 3. [CLOSURE.] If a clear and immediate safety hazard is proven as required under subdivisions 1 and 2, a shooting range may be closed by the state agency or the unit of government if the agency or unit of government closing the shooting range pays the fair market value of the range operation as a going concern to the operators and the fair market value of the land, including improvements, to the owner of the land.

Subd. 4. [RELOCATION.] Upon request by the operator of the shooting range, the agency or unit of government must relocate the shooting range to a suitable new location if available. The agency or unit of government may use its power of eminent domain to acquire the new location.

Subd. 5. [TRANSFER OF TITLE.] The shooting range owner and operator shall transfer their interests in the property to the agency or unit of government after full and final payment under subdivision 3, or after the relocation is completed under subdivision 4.

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

Sec. 31. [87A.04] [IRREBUTTABLE PRESUMPTION; NUISANCE LIABILITY.]

In all relevant actions, there shall exist an irrebuttable presumption that a shooting range that is conducted in material compliance with generally accepted operation practices is not a public or private nuisance and does not otherwise invade or interfere with the use and enjoyment of any other land or property.

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

Sec. 32. [87A.05] [SHOOTING RANGES; NOISE STANDARDS.]

A person who owns or operates or uses a shooting range in this state is subject only to the noise standards set forth in Minnesota Rules, part 7030.0040, subpart 2, in effect on March 1, 1999.

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

Sec. 33. [87A.06] [NUISANCE ACTIONS; SUBSTANTIAL COMPLIANCE WITH GENERALLY ACCEPTED OPERATION PRACTICES.]

A person who owns, operates, or uses a shooting range in this state which is in material compliance with generally accepted operation practices is not subject to any action for nuisance, and no court of this state may enjoin or restrain the use or operation of such a range. This section does not prohibit an action for personal injury resulting from recklessness or negligence in the operation of the range or by a person using the range in a reckless or negligent manner.

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

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 3.21 that the Hackbarth et al amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Boudreau submitted the following question to the House: "Is it the judgment of the House that the Skoglund point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Skoglund point of order and the roll was called. There were 37 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Biernat	Entenza	Hilstrom	Koskinen	Murphy	Wagenius
Carlson	Evans	Hilty	Leighton	Paymar	Walker
Clark, K.	Folliard	Huntley	Luther	Pugh	
Davnie	Goodwin	Jaros	Mariani	Skoglund	
Dawkins	Gray	Johnson, R.	Marko	Slawik	
Dibble	Greiling	Johnson, S.	McGuire	Swapinski	
Dorn	Hausman	Kelliher	Mullery	Vandevveer	

Those who voted in the negative were:

Abeler	Dorman	Jennings	Mares	Penas	Sykora
Abrams	Eastlund	Johnson, J.	Marquart	Peterson	Thompson
Anderson, B.	Erhardt	Juhnke	McElroy	Rhodes	Tingelstad
Anderson, I.	Erickson	Kalis	Milbert	Rifenberg	Tuma
Bakk	Finseth	Kielkucki	Molnau	Rukavina	Walz
Bernardy	Fuller	Knoblach	Mulder	Ruth	Wasiluk
Bishop	Gerlach	Krinkie	Ness	Schumacher	Wenzel
Boudreau	Goodno	Kubly	Nornes	Seagren	Westerberg
Bradley	Gunther	Kuisle	Olson	Seifert	Westrom
Buesgens	Haas	Larson	Opatz	Sertich	Wilkin
Cassell	Hackbarth	Lenczewski	Osskopp	Skoe	Winter
Clark, J.	Harder	Leppik	Osthoff	Smith	Wolf
Daggett	Holberg	Lieder	Otremba	Solberg	Workman
Davids	Holsten	Lindner	Ozment	Stanek	Spk. Sviggum
Dehler	Howes	Lipman	Paulsen	Stang	
Dempsey	Jacobson	Mahoney	Pawlenty	Swenson	

So it was the judgment of the House that the Skoglund point of order was not well taken and the Hackbarth et al amendment was in order.

The question recurred on the Hackbarth et al amendment and the roll was called. There were 96 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Hackbarth	Krinkie	Molnau	Penas
Abrams	Dempsey	Harder	Kubly	Mulder	Peterson
Anderson, B.	Dorman	Holberg	Kuisle	Murphy	Pugh
Anderson, I.	Eastlund	Holsten	Larson	Ness	Rhodes
Bakk	Erhardt	Howes	Lieder	Nornes	Rifenberg
Bishop	Erickson	Huntley	Lindner	Olson	Rukavina
Boudreau	Finseth	Jacobson	Lipman	Osskopp	Ruth
Bradley	Fuller	Jennings	Luther	Osthoff	Schumacher
Buesgens	Gerlach	Johnson, J.	Mahoney	Otremba	Seagren
Carlson	Goodno	Juhnke	Mares	Ozment	Seifert
Cassell	Goodwin	Kalis	Marquart	Paulsen	Sertich
Clark, J.	Gunther	Kielkucki	McElroy	Pawlenty	Skoe
Daggett	Haas	Knoblach	Milbert	Pelowski	Smith

Solberg	Swenson	Tingelstad	Wasiluk	Westrom	Wolf
Stanek	Sykora	Tuma	Wenzel	Wilkin	Workman
Stang	Thompson	Walz	Westerberg	Winter	Spk. Sviggum

Those who voted in the negative were:

Bernardy	Dibble	Greiling	Johnson, S.	Mariani	Skoglund
Biernat	Dorn	Hausman	Kelliher	Marko	Slawik
Clark, K.	Entenza	Hilstrom	Koskinen	McGuire	Swapinski
Davnie	Evans	Hilty	Leighton	Mullery	Vandever
Dawkins	Folliard	Jaros	Lenczewski	Opatz	Wagenius
Dehler	Gray	Johnson, R.	Leppik	Paymar	Walker

The motion prevailed and the amendment was adopted.

Howes, Bakk, Fuller, Hackbarth and Walz moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 71, line 11, delete "15" and insert "20"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Workman, Ozment, Winter, Holsten, Seifert, Finseth, Swenson, Juhnke, Gunther, Kubly and Harder moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 112, line 27, after the first semicolon, insert "115A.917;"

Page 112, line 28, delete the second "and" and after "116.74;" insert "and 473.823, subdivision 6;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Workman et al amendment and the roll was called. There were 71 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abrams	Boudreau	Clark, J.	Dempsey	Erickson	Goodno
Anderson, B.	Bradley	Daggett	Dorman	Finseth	Gunther
Bakk	Buesgens	Davids	Eastlund	Fuller	Haas
Bishop	Cassell	Dehler	Erhardt	Gerlach	Hackbarth

Harder	Knoblach	McElroy	Paulsen	Seifert	Walz
Holberg	Krinkie	Molnau	Penas	Smith	Wenzel
Holsten	Kubly	Mulder	Peterson	Stanek	Westrom
Howes	Kuisle	Ness	Rhodes	Stang	Wilkin
Jacobson	Leppik	Nornes	Rifenberg	Swenson	Wolf
Johnson, J.	Lindner	Osskopp	Ruth	Sykora	Workman
Juhnke	Lipman	Otremba	Schumacher	Tingelstad	Spk. Sviggum
Kielkucki	Mares	Ozment	Seagren	Vandevveer	

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

Rukavina, Fuller, Bakk, Workman, Walz, Finseth, Solberg and Peterson moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 50, after line 21, insert:

"Sec. 21. Minnesota Statutes 2000, section 84.86, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED RULES.] (a) With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a

fee from each person who receives the youth and young adult training or the adult training. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees must be deposited in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

(b) For operation of snowmobiles on waters of the state during daylight hours, the commissioner must not set a maximum speed limit nor establish a speed that is presumed unreasonable."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Leppik, Ozment, Jacobson, Westerberg, Entenza, Abeler, Kelliher, Lipman, Tingelstad, Hausman, Tuma and Wagenius moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 60, after line 9, insert:

"Sec. 34. Minnesota Statutes 2000, section 89.012, is amended to read:

89.012 [UNIT FOREST RESOURCE PLANS.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) Each geographic administrative unit of the division of forestry identified by the commissioner as an appropriate unit for forest resource planning shall have a unit forest resource plan which is consistent with the forest resource management policy and plan, including state reforestation and road policies. The scope and content of the plan shall be determined by the commissioner. A unit plan shall not be implemented until approved by the commissioner.

(b) A unit plan shall set forth the specific goals and objectives for the management, protection, development, and production of forest resources in the administrative unit. A unit plan shall be integrated with other uses not managed under the multiple use, sustained yield principles policy when those uses have been authorized and approved according to law, including compliance with environmental review procedures. Unit plans shall be revised as necessary to remain consistent with the forest resource management plan.

Subd. 2. [RIPARIAN AREAS.] Unit forest resource plans shall provide direction for the management and protection of forest riparian areas on lands administered by the commissioner and shall consider the role of lands administered by the commissioner in managing riparian forest areas consistent with the goals and desired future

conditions established by the regional forest resource committee for the relevant areas under section 89A.06, subdivision 2. Permits to cut timber from lands administered by the commissioner shall specify requirements for the protection of riparian areas based on the direction for management contained in the unit forest resource plans and shall be consistent with the site-level guidelines developed under section 89A.05 and unit forest resource plans."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Leppik et al amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Goodwin	Larson	Osthoff	Stanek
Abrams	Dempsey	Greiling	Lenczewski	Ozment	Sykora
Bernardy	Dibble	Hausman	Leppik	Paulsen	Thompson
Biernat	Dorman	Hilstrom	Lipman	Pawlenty	Tingelstad
Boudreau	Entenza	Jacobson	Luther	Paymar	Tuma
Bradley	Erhardt	Johnson, J.	Marko	Rhodes	Vandever
Carlson	Evans	Johnson, R.	McGuire	Ruth	Wagenius
Clark, K.	Folliard	Johnson, S.	Milbert	Seagren	Walker
Davnie	Gleason	Kelliher	Mullery	Skoglund	Wasiluk
Dawkins	Goodno	Koskinen	Opatz	Slawik	Westerberg

Those who voted in the negative were:

Anderson, B.	Finseth	Jaros	Mares	Pelowski	Stang
Anderson, I.	Fuller	Jennings	Mariani	Penas	Swapinski
Bakk	Gerlach	Juhnke	Marquart	Peterson	Swenson
Bishop	Gunther	Kalis	McElroy	Pugh	Walz
Buesgens	Haas	Kielkucki	Molnau	Rifenberg	Wenzel
Cassell	Hackbarth	Knoblach	Mulder	Rukavina	Westrom
Clark, J.	Harder	Krinkie	Murphy	Schumacher	Wilkin
Daggett	Hilty	Kubly	Ness	Seifert	Winter
Davids	Holberg	Kuisle	Nornes	Sertich	Wolf
Dorn	Holsten	Lieder	Olson	Skoe	Workman
Eastlund	Howes	Lindner	Osskopp	Smith	Spk. Sviggum
Erickson	Huntley	Mahoney	Otremba	Solberg	

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

Erhardt moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 68, delete section 46

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Hausman moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 5, line 35, delete "3,590,000" and insert "2,565,000"

Page 7, line 2, delete "-0-" and insert "19,506,000"

Page 7, line 4, delete "-0-" and insert "18,344,000"

Page 7, line 5, delete "-0-" and insert "1,162,000"

Page 42, delete lines 39 to 59

Page 43, delete lines 1 to 8

Page 110, delete lines 6 to 36

Page 111, delete lines 1 to 24

Re-number the sections in sequence

Adjust amounts accordingly

Re-number or re-letter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hausman amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

Holsten and Osthoff moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 15, line 3, delete "\$5,167,000" and insert "\$5,685,000"

Page 15, line 4, delete "\$5,783,000" and insert "\$6,301,000"

Page 16, line 14, delete "and"

Page 16, line 18, delete the period, and insert "; and"

Page 16, after line 18, insert:

"(12) \$518,000 the first year and \$518,000 the second year are available for aquatic plant restoration."

Page 16, line 21, delete "(11)" and insert "(12)"

The motion prevailed and the amendment was adopted.

Olson and Dehler moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 52, after line 36, insert:

"Sec. 25. Minnesota Statutes 2000, section 85.055, subdivision 1, is amended to read:

Subdivision 1. [FEES.] The fee for state park permits for:

(1) an annual use of state parks is ~~\$20~~ \$25;

(2) a second vehicle state park permit is ~~\$15~~ \$18;

(3) a state park permit valid up to two days is ~~\$4~~ \$6;

(4) a daily vehicle state park permit for groups is ~~\$2~~ \$4;

(5) an employee's state park permit is without charge; and

(6) a state park permit for handicapped persons under section 85.053, subdivision 7, clauses (1) and (2), is ~~\$12~~ \$15.

The fees specified in this subdivision include any sales tax required by state law."

Page 112, after line 23, insert:

"Sec. 97. [REPORT REQUIRED.]

By November 1, 2002, the parks and recreation division of the department of natural resources shall report to the legislature with recommendations for legislative and departmental changes to provide a higher level of funding for state park operations from user fees."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Finseth to the Chair.

The question was taken on the Olson and Dehler amendment and the roll was called. There were 12 yeas and 120 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Jaros	Knoblach	Osthoff	Skoe
Dehler	Huntley	Jennings	Olson	Rukavina	Swapinski

Those who voted in the negative were:

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

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

Bernardy, Westerberg and Tingelstad moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 3, line 24, after the period insert "Priority for grants shall be given to phase two proposals that can protect drinking water supplies directly upstream from drinking water intakes."

A roll call was requested and properly seconded.

The question was taken on the Bernardy et al amendment and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the amendment was adopted.

Kelliher moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 8, line 18, delete "11,423,000" and insert "11,023,000"

Page 8, line 18, delete "11,300,000" and insert "10,900,000"

Page 21, after line 34, insert:

"\$400,000 in the first year and \$400,000 in the second is from the general fund for continuing research on malformed amphibians.

The funding must be used for

- (1) a research coordinator at the agency;
- (2) collection of malformed amphibians, water samples, or other data in the field; and
- (3) grants for research on the causes of malformities.

This grant funding is available only if it is matched on an equal basis by money or in-kind services from nonstate sources."

Adjust fund balances accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Stanek	Sykora	Walz	Wilkin	Spk. Sviggum
Stang	Tingelstad	Westerberg	Wolf	
Swenson	Vandev eer	Westrom	Workman	

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

MOTION FOR RECONSIDERATION

Stanek moved that the vote whereby the Bernardy et al amendment to S. F. No. 2351, the unofficial engrossment, as amended was adopted earlier today, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Stanek motion and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed.

The Bernardy, Westerberg and Tingelstad amendment to S. F. No. 2351, the unofficial engrossment, as amended, was again reported to the House and reads as follows:

Page 3, line 24, after the period insert "Priority for grants shall be given to phase two proposals that can protect drinking water supplies directly upstream from drinking water intakes."

A roll call was requested and properly seconded.

The question was taken on the Bernardy et al amendment and the roll was called. There were 118 yeas and 14 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Gerlach	Holsten	Kuisle	Stang
Erhardt	Goodno	Johnson, J.	Ness	Spk. Sviggum
Finseth	Holberg	Kielkucki	Penas	

The motion prevailed and the amendment was adopted.

Entenza moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 10, after line 2, insert:

"\$125,000 the first year and \$125,000 the second year are to preserve at least 10,000 acres of late successional white and red pine forest land. Of this amount, \$200,000 may be spent to acquire easements from willing private landowners. The forest land preserved with this appropriation must be held until the same amount, type, and quality of forest land that was destroyed by the

July 1999 blowdown in the Boundary Waters Canoe Area wilderness has fully regenerated. This is a one-time appropriation and is available until June 30, 2003."

Correct the subdivision and section totals and the summaries by fund accordingly

A roll call was requested and properly seconded.

The question was taken on the Entenza amendment and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hausman	Larson	Milbert	Skoglund
Bernardy	Entenza	Hilstrom	Leighton	Mullery	Slawik
Biernat	Evans	Jacobson	Lenczewski	Opatz	Tuma
Carlson	Folliard	Jaros	Lieder	Paulsen	Wagenius
Clark, K.	Gleason	Johnson, R.	Luther	Paymar	Walker
Davnie	Goodwin	Johnson, S.	Mahoney	Pelowski	Wasiluk
Dawkins	Gray	Kelliher	Mariani	Pugh	Westerberg
Dibble	Greiling	Koskinen	McGuire	Skoe	

Those who voted in the negative were:

Abrams	Eastlund	Huntley	McElroy	Rifenberg	Tingelstad
Anderson, B.	Erhardt	Jennings	Molnau	Rukavina	Vandever
Anderson, I.	Erickson	Johnson, J.	Mulder	Ruth	Walz
Bakk	Finseth	Juhnke	Murphy	Schumacher	Wenzel
Bishop	Fuller	Kalis	Ness	Seagren	Westrom
Boudreau	Gerlach	Kielkucki	Nornes	Seifert	Wilkin
Bradley	Goodno	Knoblach	Olson	Sertich	Winter
Buesgens	Gunther	Krinkie	Osskopp	Smith	Wolf
Cassell	Haas	Kubly	Osthoff	Solberg	Workman
Clark, J.	Hackbarth	Kuisle	Otremba	Stanek	Spk. Sviggum
Daggett	Harder	Leppik	Ozment	Stang	
Davids	Hilty	Lindner	Pawlenty	Swapinski	
Dehler	Holberg	Lipman	Penas	Swenson	
Dempsey	Holsten	Mares	Peterson	Sykora	
Dorman	Howes	Marquart	Rhodes	Thompson	

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

Wagenius and Davnie moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 42, after line 50, insert:

"Of the amount appropriated for grants under the environmental assistance grant and loan program, Minnesota Statutes, section 115A.0716, up to \$250,000 in the second year may be used for grants to Minnesota corporations that commit to convert their

wood treatment operations from treating wood with chromated copper arsenate wood preservative to a wood preservative that does not contain arsenic. The grants shall be used to offset the costs associated with the conversion, including equipment changes, labor costs, and cost associated with cleanup."

Page 46, after line 23, insert:

"Sec. 14. [16C.26] [WOOD TREATED WITH ARSENIC.]

No agency may purchase wood treated with arsenic, inorganic arsenic, or an arsenic copper combination such as chromated copper arsenate wood preservative fungicide, or any product containing wood that has been treated with one of those substances.

[EFFECTIVE DATE.] This section is effective January 1, 2005."

Adjust fund balances accordingly

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 Wagenius and Davnie amendment and the roll was called. There were 98 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Huntley	Lipman	Paymar	Thompson
Bakk	Entenza	Jacobson	Luther	Pelowski	Tingelstad
Bernardy	Erhardt	Jaros	Mahoney	Penas	Tuma
Biernat	Erickson	Jennings	Mariani	Peterson	Vandever
Bishop	Evans	Johnson, J.	Marko	Pugh	Wagenius
Boudreau	Folliard	Johnson, R.	Marquart	Rhodes	Walker
Carlson	Gleason	Johnson, S.	McGuire	Ruth	Walz
Cassell	Goodwin	Juhnke	Milbert	Schumacher	Wasiluk
Clark, K.	Gray	Kalis	Mullery	Seagren	Wenzel
Daggett	Greiling	Kelliher	Murphy	Sertich	Westerberg
Davnie	Haas	Koskinen	Nornes	Skoglund	Wilkin
Dawkins	Hackbarth	Kubly	Opatz	Slawik	Winter
Dehler	Harder	Larson	Osthoff	Smith	Wolf
Dempsey	Hausman	Leighton	Otremba	Solberg	
Dibble	Hilstrom	Lenczewski	Ozment	Stanek	
Dorman	Hilty	Leppik	Paulsen	Swapinski	
Dorn	Howes	Lieder	Pawlenty	Sykora	

Those who voted in the negative were:

Abrams	Bradley	Davids	Gerlach	Holberg	Knoblach
Anderson, B.	Buesgens	Finseth	Goodno	Holsten	Krinkie
Anderson, I.	Clark, J.	Fuller	Gunther	Kielkucki	Kuise

Lindner	Molnau	Olson	Rukavina	Stang	Workman
Mares	Mulder	Osskopp	Seifert	Swenson	Spk. Sviggum
McElroy	Ness	Rifenberg	Skoe	Westrom	

The motion prevailed and the amendment was adopted.

Workman and Paulsen moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 112, after line 1, insert:

"Sec. 96. [TRANSFER OF LAND IN HENNEPIN COUNTY; TEMPORARY PROHIBITION.]

(a) The land described in paragraph (b), which is being used for park and open space purposes, may not be sold or otherwise conveyed by Hennepin county before July 1, 2002.

(b) The land referred to in this section is located in Hennepin county and is described as:

(1) That part of the Northeast Quarter of Section 4, Township 116, Range 22, described as follows to wit: Beginning at the east one quarter corner of said Section; thence west along the south line of said quarter section to a point which, measured along said line, is 1201 feet east of the point of intersection of said line with the southerly right-of-way line of the Chicago, Milwaukee & St. Paul Railway; thence at right angles north a distance of 235 feet; thence south 70 degrees west 134.7 feet; thence south 86 degrees, 50 minutes west 147 feet; thence north 55 degrees, 50 minutes west 94.5 feet; thence north 21 degrees, 50 minutes west 168.5 feet more or less to the northerly line of the right-of-way, now abandoned, of Chicago, Milwaukee & St. Paul Railway Company; thence northeasterly along the northerly line of said abandoned right-of-way to the intersection of said line with the center line of the County Road (now known as Indian Chief Road); thence north along the center line of said road to the intersection of said line with the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which point of intersection is 503 feet north of the center of said abandoned right-of-way; thence northeasterly along said south line of said present right-of-way a distance of 340 feet more or less to its intersection with the east line of said Section 4; thence south along the east line of said Section to the point of beginning;

Except that part described as follows to wit: That part of the Northeast Quarter of Section 4, Township 116, Range 22 lying south of the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which lies easterly of the easterly right-of-way line of the County Road (now known as Indian Chief Road); and which lies northerly of the northerly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;

And, except that part described as follows to wit: That part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 116, Range 22 lying southeasterly of the southeasterly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;

(2) those portions of the Northeast Quarter of the Northeast Quarter and of the Southeast Quarter of the Northeast Quarter all in Section 4, Township 116 North, Range 22 West, lying westerly of the center line of Indian Chief road, formerly county road, which lies between the southeasterly right-of-way line of the Twin Cities and Western Railroad, formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and the northerly right-of-way line of the abandoned Chicago, Milwaukee and St. Paul Railway Company; and

(3) that part of the Southwest Quarter of the Northeast Quarter of Section 4, Township 116 North, Range 22 West, described as commencing at the east quarter corner of said Section 4; thence on an assumed bearing of West along the south line of said Northeast Quarter to a point distant 1201 feet easterly from its intersection with the southeasterly right-of-way line of the Twin Cities and Western Railroad, formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence on a bearing of North, 235 feet; thence South 70 degrees West, 134.7 feet; thence South 86 degrees 50 minutes West, 147 feet; thence North 55 degrees 50 minutes West, 94.5 feet; thence North 21 degrees 50 minutes West, 101.78 feet; thence South 63 degrees 18 minutes West, 11.96 feet; thence southwesterly 580.07 feet along a tangential curve to the right having a radius of 1910.08 feet and a central angle of 17 degrees 24 minutes to a point hereinafter referred to as Point "A"; thence South 80 degrees 42 minutes West, 8.5 feet, more or less, to said southeasterly right-of-way line, being the actual point of beginning; thence North 80 degrees 42 minutes East to said Point "A"; thence northeasterly 580.07 feet along said curve having a radius of 1910.08 feet; thence North 63 degrees 18 minutes East 11.96 feet; thence North 21 degrees 50 minutes West 50.18 feet, more or less, to the northerly right-of-way line of the abandoned Chicago, Milwaukee and St. Paul Railway Company; thence northeasterly along said northerly right-of-way line 267.8 feet, more or less, to its intersection with said southeasterly right-of-way line of said Twin Cities and Western Railroad; thence northwesterly along said southeasterly right-of-way line 119 feet, more or less, to an angle point in said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way line 408.13 feet to an angle point in said southeasterly right-of-way line; thence northwesterly along said southeasterly right-of-way line 60 feet to an angle point in said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way line to the point of beginning.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Folliard and Wagenius moved to amend the Workman and Paulsen amendment to S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 1, line 4 of the Workman and Paulsen amendment, delete "TRANSFER" and insert "SALE" and delete "; TEMPORARY"

Page 1, line 5, delete "PROHIBITION"

Page 1 of the Workman and Paulsen amendment, delete lines 6 to 8, and insert:

"(a) In the event of a sale of the land described in paragraph (b), Hennepin county shall sell the land, subject to a conservation easement, to the city of Eden Prairie, a nonprofit conservation organization, or another governmental subdivision or agency for a price and subject to the terms agreed to by the parties."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 118 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bishop	Clark, J.	Davids	Dehler
Abrams	Bernardy	Carlson	Clark, K.	Davnie	Dempsey
Anderson, B.	Biernat	Cassell	Daggett	Dawkins	Dibble

Dorn	Harder	Koskinen	McGuire	Pugh	Sykora
Eastlund	Hausman	Krinkie	Milbert	Rhodes	Thompson
Entenza	Hilstrom	Kubly	Mulder	Rukavina	Tingelstad
Erhardt	Hilty	Larson	Mullery	Ruth	Tuma
Erickson	Holsten	Leighton	Murphy	Schumacher	Vandever
Evans	Howes	Lenczewski	Ness	Seagren	Wagenius
Finseth	Huntley	Leppik	Nornes	Seifert	Walker
Folliard	Jacobson	Lieder	Olson	Sertich	Walz
Fuller	Jaros	Lindner	Opatz	Skoe	Wasiluk
Gerlach	Jennings	Lipman	Otremba	Skoglund	Wenzel
Gleason	Johnson, J.	Luther	Ozment	Slawik	Westerberg
Goodwin	Johnson, R.	Mahoney	Paulsen	Smith	Westrom
Gray	Johnson, S.	Mares	Pawlenty	Solberg	Winter
Greiling	Juhnke	Mariani	Paymar	Stanek	Wolf
Gunther	Kalis	Marko	Pelowski	Stang	Workman
Haas	Kelliher	Marquart	Penas	Swapinski	
Hackbarth	Knoblach	McElroy	Peterson	Swenson	

Those who voted in the negative were:

Anderson, I.	Dorman	Kielkucki	Osthoff	Spk. Sviggum
Bradley	Goodno	Kuise	Rifenberg	
Buesgens	Holberg	Molnau	Wilkin	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Workman and Paulsen amendment, as amended, and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Holberg

The motion prevailed and the amendment, as amended, was adopted.

Juhnke; Wasiluk; Johnson, S.; Kelliher; Thompson; Wagenius; Dibble and Peterson moved to amend S. F. No. 2351, the unofficial engrossment, as amended, as follows:

Page 15, line 3, delete "\$5,685,000" and insert "\$5,297,000"

Page 15, line 4, delete "\$6,301,000" and insert "\$6,013,000"

Page 15, line 15, delete "\$1,980,000" and insert "\$1,542,000"

Page 15, line 16, delete "\$1,980,000" and insert "\$1,642,000"

Page 15, delete lines 41 to 45

Page 20, line 2, delete "3,692,000" and insert "4,277,000"

Page 20, line 2, delete "3,716,000" and insert "4,246,000"

Page 20, line 39, delete "\$1,406,000" and insert "\$1,794,000"

Page 20, line 40, delete "\$1,406,000" and insert "\$1,694,000"

Page 21, line 20, delete "and"

Page 21, delete lines 21 to 26 and insert "\$75,000 each year is for management assistance to lake associations and shoreland owners;

(8) \$218,000 in each year is to provide technical assistance to local units of government, citizen organizations, and resource agencies regarding the restoration or reconstruction of degraded open areas and aquatic communities;

(9) \$225,000 in each year is to provide and interpret ecological data from the natural heritage information system to growing communities interested in natural area stewardship; and

(10) \$245,000 in the first year and \$145,000 in the second is for research and monitoring rare resources, including native plants and nongame wildlife."

Page 21, line 28, delete "(7)" and insert "(10)"

Page 23, line 53, delete "19,977,000" and insert "19,392,000"

Page 23, line 53, delete "19,948,000" and insert "19,418,000"

Adjust fund balances accordingly

Renumber clauses and sections in sequence

A roll call was requested and properly seconded.

The question was taken on the Juhnke et al amendment and the roll was called. There were 56 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

MOTION FOR RECONSIDERATION

Westerberg moved that the vote whereby the first Howes et al amendment to S. F. No. 2351, the unofficial engrossment, as amended, was not adopted earlier today, be now reconsidered. The motion did not prevail.

S. F. No. 2351, A bill for an act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 16A.531, subdivision 1, by adding subdivisions; 17.038; 17.1025; 17.117; 17.457,

subdivision 10; 17.85; 18B.065, subdivision 5; 18C.425, subdivisions 2, 6; 18E.04, subdivisions 2, 4, 5; 21.85, subdivision 12; 27.041, subdivision 2; 28A.04, subdivision 1; 28A.085, subdivision 4; 29.22, subdivision 2; 31.39; 32.392; 32.394, subdivisions 8a, 8e; 34.07; 41A.09, subdivisions 3a, 5a; 84.025, subdivision 7; 84.0887, subdivision 4; 84.83, subdivision 3; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.32, subdivision 1; 86A.21; 89.001, by adding a subdivision; 89.012; 89A.01, subdivision 3; 89A.05, subdivisions 1, 2a, 4; 89A.06, subdivisions 2, 2a; 89A.08, subdivision 4; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 115.03, by adding a subdivision; 115.073; 115.55, subdivision 3; 115.56, subdivision 4; 115A.0716, by adding a subdivision; 115A.54, subdivision 2a; 115A.908, subdivisions 1, 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 2, 3, 4, 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d, 4h; 116.70, subdivision 1; 116.994; 116C.834, subdivision 1; 116P.06, subdivision 1; 223.17, subdivision 3; 231.16; 268.035, subdivision 20; 297A.94; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 325E.112, subdivision 3; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivisions 1, 1a; 473.845, subdivisions 3, 7, 8; 473.846; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 28A; 32; 41B; 84; 89; 103G; 116; 116P; 297H; 626; repealing Minnesota Statutes 2000, sections 31.11, subdivision 2; 41A.09, subdivision 1a; 86.71; 86.72; 89A.07, subdivisions 1, 2, 3; 103G.650; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115B.02, subdivision 1a; 115B.19; 115B.22, subdivision 8; 115B.42, subdivision 1; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.12; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; 297H.13, subdivisions 3, 4; 325E.113; 473.845, subdivisions 1, 4; Laws 2000, chapter 337, section 2; Minnesota Rules, parts 1560.9000, subpart 2; 7002.0210; 7002.0220; 7002.0230; 7002.0240; 7002.0250; 7002.0270; 7002.0280; 7002.0290; 7002.0300; 7002.0305; 7002.0310; 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450.

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 102 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Jacobson	Luther	Pawlenty	Swenson
Abrams	Erhardt	Jennings	Mahoney	Pelowski	Sykora
Anderson, B.	Erickson	Johnson, J.	Mares	Penas	Thompson
Bakk	Finseth	Johnson, S.	Marko	Peterson	Tingelstad
Bernardy	Fuller	Juhnke	Marquart	Rhodes	Tuma
Bishop	Gerlach	Kelliher	McElroy	Rifenberg	Vandever
Boudreau	Goodno	Kielkucki	Milbert	Rukavina	Walker
Bradley	Goodwin	Knoblach	Molnau	Ruth	Walz
Buesgens	Gunther	Krinkie	Mulder	Schumacher	Wasiluk
Cassell	Haas	Kubly	Murphy	Seagren	Wenzel
Clark, J.	Hackbarth	Kuisle	Ness	Seifert	Westerberg
Daggett	Harder	Larson	Nornes	Skoe	Westrom
Davids	Hilstrom	Lenczewski	Osskopp	Slawik	Wilkin
Dawkins	Hilty	Leppik	Osthoff	Smith	Winter
Dehler	Holberg	Lieder	Otremba	Solberg	Wolf
Dempsey	Holsten	Lindner	Ozment	Stanek	Workman
Dorman	Howes	Lipman	Paulsen	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Dorn	Greiling	Koskinen	Opatz	Wagenius
Biernat	Entenza	Hausman	Leighton	Paymar	
Carlson	Evans	Huntley	Mariani	Pugh	
Clark, K.	Folliard	Jaros	McGuire	Sertich	
Davnie	Gleason	Johnson, R.	Mullery	Skoglund	
Dibble	Gray	Kalis	Olson	Swapinski	

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

Hausman was excused between the hours of 5:30 p.m. and 6:50 p.m.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day, immediately preceding the remaining bills on the Calendar for the Day, for Tuesday, May 1, 2001:

S. F. No. 1326.

CALENDAR FOR THE DAY

S. F. No. 1326 was reported to the House.

Pelowski moved to amend S. F. No. 1326, the unofficial engrossment, as follows:

Page 1, line 19, delete ".75" and insert "two"

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Pelowski amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dibble	Greiling	Juhnke	Lieder	Mullery
Bakk	Dorn	Hilstrom	Kalis	Luther	Murphy
Bernardy	Entenza	Hilty	Kelliher	Mahoney	Opatz
Biernat	Evans	Huntley	Koskinen	Mariani	Osthoff
Carlson	Folliard	Jaros	Kubly	Marko	Otremba
Clark, K.	Gleason	Jennings	Larson	Marquart	Paymar
Davnie	Goodwin	Johnson, R.	Leighton	McGuire	Pelowski
Dawkins	Gray	Johnson, S.	Lenczewski	Milbert	Peterson

Pugh	Sertich	Slawik	Thompson	Wasiluk
Rukavina	Skoe	Solberg	Wagenius	Winter
Schumacher	Skoglund	Swapinski	Walker	

Those who voted in the negative 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	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

Mariani moved to amend S. F. No. 1326, the unofficial engrossment, as follows:

Page 2, after line 16, insert:

"(6) [PRESERVING POLITICAL SUBDIVISIONS.] A county, city, or town must not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient contiguous territory."

Renumber the remaining paragraphs in sequence

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Mariani amendment and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative 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	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

Mariani moved to amend S. F. No. 1326, the unofficial engrossment, as follows:

Page 2, delete lines 17 to 24 and insert:

"(6) [COMMUNITIES OF INTEREST.] The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding principles. For purposes of this principle, "communities of interest" include, but are not limited to, political subdivisions, neighborhoods, or other geographic areas where there are clearly recognizable similarities of social, political, cultural, ethnic, or economic interests."

A roll call was requested and properly seconded.

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

Those who voted in the negative were:

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

Nornes	Pawlenty	Seagren	Swenson	Walz	Workman
Olson	Penas	Seifert	Sykora	Westerberg	Spk. Sviggum
Osskopp	Rhodes	Smith	Tingelstad	Westrom	
Ozment	Rifenberg	Stanek	Tuma	Wilkin	
Paulsen	Ruth	Stang	Vandevveer	Wolf	

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

Anderson, I., moved to amend S. F. No. 1326, the unofficial engrossment, as follows:

Page 2, line 25, after the headnote, insert "The districts should be politically competitive, where that can be done in compliance with the preceding principles."

A roll call was requested and properly seconded.

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

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandevveer
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	Kuisle	Ozment	Swenson	
Dauids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

Luther moved to amend S. F. No. 1326, the unofficial engrossment, as follows:

Page 2, after line 26, insert:

"(8) [INCUMBENTS.] The districts must not be drawn for the purpose of protecting or defeating an incumbent."

Renumber the remaining paragraphs in sequence

A roll call was requested and properly seconded.

The question was taken on the Luther amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Dorman	Holberg	Mares	Rhodes	Vandev eer
Abrams	Eastlund	Holsten	McElroy	Rifenberg	Walz
Anderson, B.	Erhardt	Howes	Molnau	Ruth	Westerberg
Bishop	Erickson	Jacobson	Mulder	Seagren	Westrom
Boudreau	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	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	
Dempsey	Harder	Lipman	Penas	Tuma	

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

S. F. No. 1326, A joint resolution relating to redistricting; establishing districting principles for legislative and congressional plans.

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

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandev eer
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	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

S. F. No. 665 was reported to the House.

Smith moved that S. F. No. 665 be returned to the General Register. The motion prevailed.

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 489, A bill for an act relating to commerce; providing for the procurement of surety bonds; proposing coding for new law in Minnesota Statutes, chapter 574.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 873, A bill for an act relating to public lands; allowing private easements across tax-forfeited land; changing certain exchange requirements; modifying county lease terms for tax-forfeited land; authorizing a conveyance of certain Benton county land; authorizing public and private sales and conveyances of certain tax-forfeited lands in Aitkin, Cook, Hubbard, Lake, Meeker, Ramsey, St. Louis, and Washington counties; amending Minnesota Statutes 2000, section 282.04, subdivision 1, and by adding a subdivision; Laws 1998, chapter 389, article 16, section 31, subdivisions 2, as amended, and 4, as amended.

The Senate has appointed as such committee:

Senators Kinkel, Tomassoni and Pariseau.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2107, A bill for an act relating to education; specifying student conduct as grounds for dismissal or removal from class; amending Minnesota Statutes 2000, sections 121A.45, subdivision 2, by adding a subdivision; 121A.61, subdivision 2.

The Senate has appointed as such committee:

Senators Neuville, Ranum and Pappas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2360.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2360, A bill for an act relating to state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; modifying provisions relating to state and local government; providing for economic development; regulating various criminal justice, judiciary, housing, technology, and election provisions; authorizing local bonds and airport impact mitigations; providing for a credit enhancement program; authorizing contingency property tax levies in the metropolitan area; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 3.3005, subdivision 2, by adding a subdivision; 3.98, subdivision 2; 8.15, by adding a subdivision; 10A.01, subdivisions 9, 18; 10A.20, subdivision 6b, by adding a subdivision; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivisions 1, 2, 10; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3a, 5, 7, by adding a subdivision; 10A.322; 10A.323; 16A.10, subdivision 2; 16A.103, subdivisions 1, 1a; 16A.152, subdivision 7; 16B.25, subdivision 2; 16B.335, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.88, subdivision 2; 16C.22; 16E.04, subdivision 2; 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 181.945; 200.02, subdivisions 7, 23; 211A.12; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; 270A.07, subdivision 1; 290.06, subdivision 23; 326.90, subdivision 1; 349.165, subdivisions 1, 3; 357.18, subdivision 3; 403.11, subdivision 1; 403.113, subdivisions 1, 3; 462.353, subdivision 4; 462.358, subdivision 2b; 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; 473.195, by adding a subdivision; 473.255, subdivisions 1, 2; 473.517, subdivision 3; 473.901, subdivision 1; 480.182; 517.08, subdivisions 1b, 1c; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, section 12, subdivision 3; Laws 1999, chapter 250, article 1, section 34; Laws 2000, chapter 488, article 8, section 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 8; 11A; 15A; 16B; 16E; 116J; 137; 268; 336; 462; 462A; 473; repealing Minnesota Statutes 2000, sections 8.15, subdivision 2; 16E.08; 129D.06; 179A.07, subdivision 7; 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.

The bill was read for the first time.

Krinkie moved that S. F. No. 2360 and H. F. No. 218, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Davids moved that the name of Mahoney be added as an author on H. F. No. 2492. The motion prevailed.

Abrams moved that the names of Dempsey and Milbert be added as authors on H. F. No. 2498. The motion prevailed.

Davids moved that the name of Mahoney be added as an author on H. F. No. 2499. The motion prevailed.

Krinkie moved that H. F. No. 1733 be recalled from the Committee on State Government Finance and be referred to the Committee on Ways and Means. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2343:

Leppik, Stang, Cassell, Dehler and Seifert.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Bishop announced his intention to place S. F. No. 2340 on the Fiscal Calendar for Wednesday, May 2, 2001.

PROTEST AND DISSENT

Pursuant to Article IV, Section 11 of the Minnesota State Constitution the undersigned members protest and dissent from the comments Representative Arlon Lindner e-mailed to all the members of the House of Representatives yesterday during the proceedings of the House.

Representative Lindner showed a lack of respect and tolerance for other religions when he denounced the visit of the Dalai Lama to a joint session of the Minnesota Legislature. Representative Lindner stated that the Dalai Lama was the leader of a "cult." Representative Lindner continued that Buddhist principles are incompatible with the "governing principles of American society."

America's greatness comes from its tradition of religious tolerance and respect. The Pilgrims came to America fleeing religious persecution and found a place where they could worship in freedom and peace. While residents of other countries fear that government representatives will criticize and repress their religious practices, Americans know that they are free from such intolerance.

Contrary to the bigoted statement of Representative Lindner, we wish to show our respect for all people of Buddhist belief and our desire to respectfully listen to the Dalai Lama when he visits the Legislature. As a Nobel Peace Prize winner, leader of the Tibetan people and spiritual leader of Buddhist people, we are fortunate to have the Dalai Lama as a distinguished guest on May 9.

We forcefully protest and dissent the unfortunate and derogatory comments of Representative Lindner and ask that he apologize.

Signed:

TOM PUGH
WES SKOGLUND
BETTY FOLLIARD

IRV ANDERSON
ANTHONY SERTICH
DOUG PETERSON

ROBERT J. LEIGHTON
LOREN A. SOLBERG
BARBARA GOODWIN
CONNIE BERNARDY
MINDY GREILING
SHELDON JOHNSON
TOM HUNTLEY
DARLENE LUTHER
JOHN DORN
LYNDON R. CARLSON
BILL HILTY
GARY W. KUBLY
GENE PELOWSKI
KAREN CLARK
DOUG FULLER
SHARON MARKO
MATT ENTENZA
MARGARET ANDERSON KELLIHER
CARLOS MARIANI
ALAN R. JUHNKE
MARK S. GLEASON
MICHAEL PAYMAR
LUANNE KOSKINEN
LEN BIERNAT
MARK THOMPSON
THOMAS BAKK
SCOTT WASILUK
ALICE HAUSMAN

D. SCOTT DIBBLE
JOE MULLERY
TIM MAHONEY
ROD SKOE
NORA SLAWIK
JIM DAVNIE
PAUL MARQUART
DEBRA HILSTROM
TED WINTER
JOE OPATZ
GREGORY GRAY
THOMAS RUKAVINA
MIKE JAROS
LESLIE SCHUMACHER
RUTH JOHNSON
DAN LARSON
DALE SWAPINSKI
MARY JO MCGUIRE
NEVA WALKER
RON ABRAMS
PEGGY LEPPIK
JIM RHODES
BERNIE LIEDER
GERI EVANS
LOREN JENNINGS
ANDY DAWKINS
HENRY KALIS
JEAN WAGENIUS

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:30 a.m., Wednesday, May 2, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Wednesday, May 2, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

