

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

 ONE HUNDRED THIRTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 16, 2002

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

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

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

The roll was called and the following members were present:

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

A quorum was present.

Anderson, B., and Kalis were excused.

Stanek was excused until 4:40 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
3463		369	8:30 a.m. May 10	May 10

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1671, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of 3/16 of one percent on taxable sales for natural resource purposes.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT; CONSERVATION"

Page 2, after line 28, insert:

"ARTICLE 2

CONSTITUTIONAL AMENDMENT; INFORMATION

Section 1. [3.215] [INFORMATION.]

At least 90 days before a general election at which a proposed constitutional amendment is to be submitted to voters, the secretary of state must post on the office of secretary of state Web site the statement of the purpose and effect of the amendment prepared by the attorney general under section 3.21. In addition, the secretary of state, in consultation with the attorney general, must prepare and post a voter guide that summarizes impartially the issues presented to the voters by the constitutional amendment and the arguments commonly advanced in support of and opposition to the amendment. The secretary of state must also provide Internet links to information provided by supporters and opponents of the amendment.

ARTICLE 3

CONSTITUTIONAL AMENDMENT; EDUCATION

Section 1. [CONSTITUTIONAL AMENDMENT.]

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

Sec. 16. [EDUCATION EXCELLENCE FUND.] Beginning July 1, 2005, the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated and must be deposited in the education excellence fund and may be spent only to improve, enhance, and sustain public education. The money dedicated under this section shall be appropriated by law and shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. An education excellence fund is created in the state treasury.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 2002 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2005, to improve, enhance, and sustain public education by dedicating the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on taxable sales?"

Yes
No"

Sec. 3. [126C.09] [EDUCATION EXCELLENCE FUND.]

The education excellence fund is established in the Minnesota Constitution, article XI, section 16. The money deposited in the fund is appropriated to increase the general education formula allowance under section 126C.10, subdivision 2.

Sec. 4. Minnesota Statutes 2001 Supplement, section 126C.10, subdivision 2, is amended to read:

Subd. 2. [BASIC REVENUE.] (a) The basic revenue for each district equals the formula allowance times the adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 2001 is \$3,964. The formula allowance for fiscal year 2002 is \$4,068. The formula allowance for fiscal year 2003 and subsequent years is \$4,601.

(b) For fiscal year 2006 and later, the formula allowance in paragraph (a) is increased by the revenue available in the education excellence account for that year established under section 126C.09 divided by the adjusted marginal cost pupil units for that year.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 and 2 apply to sales and uses occurring after June 30, 2005. Sections 3 and 4 are effective July 1, 2005, if the constitutional amendment proposed in sections 1 and 2 is adopted by the voters."

Amend the title as follows:

Page 1, line 2, delete "natural resources" and insert "constitutional amendments" and delete "an amendment" and insert "amendments"

Page 1, line 6, before the period, insert "and for an education excellence fund; requiring the secretary of state to prepare and post a voter guide on proposed constitutional amendments; creating an education excellence fund; amending Minnesota Statutes 2001 Supplement, section 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 126C"

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

The report was adopted.

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

S. F. No. 1438, A bill for an act relating to public employment; ratifying certain labor agreements and proposals; modifying public employee compensation provisions; amending Minnesota Statutes 2000, sections 3.855, subdivision 3; 15A.0815, subdivision 1, and by adding a subdivision; 136F.07; 136F.40, subdivision 2; and 179A.15; repealing Minnesota Statutes 2000, section 43A.18, subdivisions 4a and 5.

Reported the same back with the following amendments to the unofficial engrossment:

Page 1, line 10, delete "and includes" and insert "but does not include"

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

The report was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2498, A bill for an act relating to the financing and operation of government in this state; providing a sales tax rebate; providing property tax reform; making changes to income, franchise, sales and use, property, motor vehicle sales, motor vehicle registration, mortgage registry, deed, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, minerals, estate, and special taxes; changing and allowing tax credits, subtractions, and exemptions, including an income tax subtraction for capital gains; providing a biomedical innovation initiative; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; imposing a state general tax levy on certain property; providing a property tax homestead credit; imposing general levy limits; providing for property tax levy reverse referenda; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; abolishing certain property tax levies for transit and establishing a transit fund; providing and modifying certain aids to local units of government; changing levy authority; reducing certain utility taxes and requiring a corresponding rate reduction; changing certain provisions relating to biomass facilities; providing for disposition of local lodging tax proceeds; providing priorities for disposition of production tax proceeds by the iron range resources and rehabilitation board; providing for certain payments in lieu of taxes; reducing rates on lawful gambling taxes; reducing rates on solid waste management taxes; providing for state takeover of certain costs of district court administration and out-of-home placement; providing for uniform sales and use tax administration; providing for taxation and incentive payments on forest lands; providing for electronic filing and payment of taxes; changing procedures for disposition of seized contraband; abolishing certain health care provider taxes and health plan premium taxes; providing for deposit of certain tobacco settlement and cigarette tax proceeds to the health care access fund; changing tax increment financing provisions and authorizing certain grants, duration extensions, and expenditures; requiring registration of tax increment financing consultants; creating a health care access fund reserve; reducing the tax on life insurance premiums; increasing property tax refunds and changing calculation of rent constituting property taxes for purposes of property tax refunds; reducing taconite production tax and occupation tax rates; providing special authority to certain political subdivisions; authorizing special taxing districts; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; changing revenue recapture provisions; authorizing abatements and waivers of fees and certain taxes in disaster areas; changing and imposing fees; changing debt collection provisions for student loans; providing certain duties and powers to the commissioner of revenue; authorizing publication of names of certain delinquent taxpayers; authorizing border city allocations; changing provisions relating to tax-forfeited lands and providing for tax-forfeited lands transfers; defining terms; classifying data; establishing a legislative commission; requiring studies; imposing a criminal penalty; appropriating money; amending Minnesota Statutes 2000, sections 16D.08, subdivision 2; 62J.041, subdivision 1; 62Q.095, subdivision 6; 69.021, subdivision 5; 84.922, by adding a subdivision; 88.49, subdivisions 5, 9a; 88.491, subdivision 2; 97A.065, subdivision 2; 103D.905, subdivision 3; 115B.24, subdivision 2; 123B.55; 126C.01, subdivision 3; 126C.13, subdivision 4; 126C.17, by adding a subdivision; 144.3831, subdivision 2; 168.013, subdivision 1a; 174.24, subdivision 3b; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 214.16, subdivisions 2, 3; 216B.2424, subdivision 5; 239.101, subdivision 3; 260.765, by adding a subdivision; 260.771, by adding a subdivision; 270.06; 270.07, subdivision 3; 270.11, by adding a subdivision; 270.12, subdivision 2; 270.271, subdivisions 1, 3; 270.60, subdivision 4, by adding a subdivision; 270.70, subdivision 13; 270.73, subdivision 1; 270.771; 270.78; 270A.03, subdivisions 5, 7; 270A.11; 270B.01, subdivision 8; 270B.02, subdivisions 2, 3; 270B.03, subdivision 6; 270B.14, subdivision 1; 271.01, subdivision 5; 271.21, subdivision 2; 272.02, subdivisions 9, 10, 22, by adding subdivisions; 273.061, subdivisions 1, 2, 8; 273.072, subdivision 1; 273.111, subdivisions 1a, 14, by adding subdivisions; 273.1104, subdivision 2; 273.111, subdivision 4; 273.121; 273.124, subdivisions 8, 13, 14; 273.13, subdivisions 22, 23, 24, 25, 31; 273.1392; 273.1393; 273.1398, subdivisions 1a, 4a, by adding subdivisions; 274.01, subdivision 1; 274.13, subdivision 1; 275.02; 275.065,

subdivisions 1, 3, 5a, 6, 8, by adding a subdivision; 275.066; 275.07, subdivision 1; 275.16; 275.62, subdivision 1; 275.70, subdivision 5, by adding subdivisions; 276.04, subdivision 2; 276.11, subdivision 1; 276A.01, subdivision 3; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.04, subdivision 2; 287.035; 287.04; 287.08; 287.12; 287.13, by adding a subdivision; 287.20, subdivisions 2, 9; 287.21, subdivision 1; 287.28; 289A.02, subdivision 7, by adding a subdivision; 289A.08, subdivision 16; 289A.11, subdivision 1; 289A.12, subdivision 3; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.31, subdivision 7; 289A.50, subdivisions 2, 2a; 289A.60, subdivisions 7, 21; 290.01, subdivisions 6b, 7, 19, 19b, 19c, 19d, 22, 29, 31, by adding a subdivision; 290.014, subdivision 5; 290.05, subdivision 1; 290.06, subdivisions 2c, 22; 290.067, subdivisions 1, 2, 2b; 290.0671, subdivisions 1, 1a, 7; 290.0674, subdivisions 1, 2; 290.0675, subdivisions 1, 3; 290.068, subdivisions 1, 3, 4; 290.091, subdivisions 2, 3; 290.0921, subdivisions 1, 2, 3, 6; 290.0922, subdivision 2; 290.093; 290.095, subdivision 2; 290.17, subdivisions 1, 4; 290.191, subdivisions 2, 3; 290.21, subdivision 4; 290.9725; 290A.03, subdivisions 6, 11, 12, 13, 15; 290A.04, subdivisions 2, 2a, 4; 290A.15; 291.005, subdivision 1; 295.55, subdivision 4; 296A.15, subdivisions 1, 7; 296A.16, subdivision 2; 296A.21, subdivisions 1, 4; 296A.24, subdivisions 1, 2; 297A.01, subdivision 3; 297A.07, subdivision 3; 297A.25, subdivisions 3, 11, 28; 297A.61, subdivisions 2, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 22, 23, by adding subdivisions; 297A.62, subdivision 3; 297A.64, subdivisions 3, 4; 297A.66, subdivisions 1, 3; 297A.67, subdivisions 2, 8, 23, 24, 25, by adding subdivisions; 297A.68, subdivisions 2, 3, 5, 11, 13, 14, 18, 25, by adding subdivisions; 297A.69, subdivision 2; 297A.70, subdivisions 1, 2, 3, 4, 7, 8, 10, 13, 14; 297A.71, subdivisions 3, 6, by adding subdivisions; 297A.72, subdivision 1; 297A.75; 297A.77, subdivision 1; 297A.80; 297A.82, subdivision 3, by adding a subdivision; 297A.89, subdivision 1; 297A.90, subdivision 1; 297A.91; 297A.92, subdivision 2; 297A.94; 297A.99, subdivisions 7, 9, 11; 297B.03; 297B.09, subdivision 1; 297E.02, subdivisions 1, 4, 6; 297E.16, subdivisions 1, 2; 297F.09, subdivision 7; 297F.10, subdivision 1; 297F.16, subdivision 4; 297F.20, subdivision 3; 297F.21, subdivisions 1, 2, 3; 297G.09, subdivision 6; 297G.15, subdivision 4; 297G.16, subdivisions 5, 7; 297G.20, subdivisions 3, 4; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2, by adding a subdivision; 297H.05; 297H.06, by adding a subdivision; 297H.13, by adding a subdivision; 297I.05, by adding a subdivision; 297I.15, by adding a subdivision; 297I.20; 297I.35, subdivision 2; 297I.40, subdivisions 1, 2, 7; 297I.85, subdivision 7; 298.01, subdivisions 3, 3a, 3b, 4, 4a, 4c; 298.22, subdivision 2, by adding a subdivision; 298.225, subdivision 1; 298.24, subdivision 1; 298.27; 298.28, subdivisions 6, 9a; 298.2961, subdivision 2; 298.75, subdivisions 1, 2, by adding a subdivision; 299D.03, subdivision 5; 345.41; 345.42, by adding a subdivision; 349.19, subdivision 2a; 357.021, subdivision 1a; 461.12, by adding a subdivision; 469.040, subdivision 5; 469.169, by adding a subdivision; 469.1732, subdivision 1; 469.174, subdivisions 1, 3, 10, 10a, 12, 25; 469.175, subdivisions 1, 3, 6, 6b, by adding a subdivision; 469.176, subdivisions 1b, 1c, 1e, 3, 4, 4g, by adding a subdivision; 469.1763, subdivision 6; 469.177, subdivisions 1, 11, by adding a subdivision; 469.1771, subdivision 1; 469.178, by adding a subdivision; 469.1791, subdivisions 1, 3, 9; 469.1812, subdivision 2; 469.1813, subdivisions 4, 6; 469.190, subdivision 3; 469.202, subdivision 2; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; 473.843, subdivision 3; 473F.08, subdivision 3; 473H.10, subdivision 3; 475.58, subdivision 1; 477A.011, subdivisions 35, 36; 477A.0121, by adding a subdivision; 477A.0122, by adding a subdivision; 477A.013, subdivisions 1, 9; 477A.03, subdivision 2, by adding a subdivision; 477A.12; 477A.14; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; Laws 1986, chapter 396, section 5; Laws 1997, chapter 231, article 10, section 25; Laws 1998, chapter 389, article 16, section 35, subdivision 1; Laws 1999, chapter 216, article 7, section 46, subdivision 3; Laws 1999, chapter 243, article 4, section 19; Laws 2000, chapter 490, article 8, section 17; Laws 2000, chapter 490, article 11, section 26; proposing coding for new law in Minnesota Statutes, chapters 3; 12; 16A; 62Q; 103B; 116J; 123B; 144F; 245; 256L; 270; 272; 273; 275; 290; 290A; 295; 296A; 297A; 469; 471; 473; 477A; 480; 484; proposing coding for new law as Minnesota Statutes, chapters 126C; 216B; 290C; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 16A.1521; 16A.76; 62T.10; 126C.13, subdivisions 1, 2, 3; 144.1484, subdivision 2; 256L.02, subdivision 3; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivision 24a; 273.1382; 273.1399; 275.078; 275.08, subdivision 1e; 289A.60, subdivision 15; 290.06, subdivisions 25, 26; 290.0673; 290.095, subdivisions 1a, 7; 290.191, subdivision 4; 290.21, subdivision 3; 290.23; 290.25; 290.31, subdivisions 2, 2a, 3, 4, 5, 19; 290.35; 290.9726, subdivision 7; 290A.04, subdivision 2j; 290A.18, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59; 296A.16, subdivision 6; 296A.24, subdivision 3; 297A.61, subdivision 16; 297A.62, subdivision 2; 297A.64, subdivision 1; 297A.68, subdivision 21; 297A.71, subdivisions 2, 15, 16, 21; 297B.032; 297E.16, subdivision 3; 297F.21, subdivision 4; 297G.20, subdivision 5; 297I.05, subdivisions 5, 8; 297I.30, subdivision 3; 298.01, subdivisions 3c, 3d, 4d, 4e; 469.1732, subdivision 2; 469.1734, subdivision 4; 469.1782, subdivision 1; 473.446, subdivision 8; Laws 1988, chapter 426, section 1; Laws 1988,

chapter 702, section 16; Laws 1992, chapter 511, article 2, section 52, as amended; Laws 1996, chapter 471, article 8, section 45; Laws 1999, chapter 243, article 6, section 14; Laws 1999, chapter 243, article 6, section 15; Laws 2000, chapter 490, article 6, section 17; Minnesota Rules, parts 8120.0200; 8120.0500; 8120.0700; 8120.0900; 8120.1300; 8120.1600; 8120.2000; 8120.2100; 8120.2200; 8120.2300; 8120.2500; 8120.2700; 8120.2800; 8120.3000; 8120.3200; 8120.4300; 8120.4400; 8120.4500; 8120.4600; 8120.4900; 8120.5000; 8120.5100; 8120.5300.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3163, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain legislation; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2000, sections 13.04, subdivision 2; 13.461, subdivision 7; 13.4963, subdivision 2; 13.4967, subdivision 3; 13.741, subdivision 1; 13.7411, subdivision 5; 13D.05, subdivision 2; 15A.086; 16D.11, subdivision 6; 17A.04, subdivision 1; 31.51, subdivision 3; 32.073; 41A.09, subdivision 8; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.047, subdivision 4; 48.24, subdivision 5; 115A.06, subdivision 5a; 115A.59; 115A.9157, subdivision 6; 115B.20, subdivisions 1, 2, 5; 115B.25, subdivision 2; 115B.26; 115B.28, as amended; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.31, subdivisions 1, 2, 4; 115B.32; 115B.33; 115B.34; 115B.35, subdivisions 2, 3, 4, 8, 9; 115B.36; 115B.37; 115C.08, subdivisions 4, 5; 116J.615; 116J.616; 119A.11, subdivision 3; 119A.20, subdivision 1; 119A.37, subdivision 3; 119A.46, subdivision 6; 122A.20, subdivision 1; 126C.10, subdivision 26; 144E.43, subdivision 1; 148.71, subdivision 3; 219.98; 221.185, subdivision 5a; 222.631, subdivision 1; 260B.171, subdivision 5; 270.708, subdivision 1; 270B.15; 297B.035, subdivision 3; 297I.05, subdivision 12; 297I.30, subdivisions 1, 5; 299F.11, subdivision 2; 349.163, subdivision 6; 349A.10, subdivision 5; 352D.02, subdivision 1; 383C.19; 401.05, subdivision 3; 437.08; 437.09; 437.10; 458D.02, subdivisions 2, 3; 458D.23; 469.110, subdivision 2; 469.116, subdivision 7; 469.118, subdivisions 1, 2, 4; 469.119, subdivision 1; 469.122; 469.154, subdivision 5; 471.415, subdivision 2; 501B.61, as amended; 514.94; 524.2-301; 524.2-604; 524.2-609; 583.24, subdivision 4; 609.26, subdivision 5; 609.341, subdivision 17; Minnesota Statutes 2001 Supplement, sections 16A.151, by adding a subdivision; 17B.15, subdivision 1; 60K.31, subdivision 1; 60K.32; 60K.34, subdivision 1; 60K.39, subdivisions 5, 6; 60K.48; 60K.51, subdivision 6; 60K.52, subdivision 1; 61B.23, subdivision 15; 119A.22; 126C.10, subdivision 4; 136G.03, subdivision 20; 144.057, subdivision 4; 169.073; 214.01, subdivision 3; 216B.098, subdivision 2; 216B.2424, subdivision 5; 216B.2425, subdivision 3; 268.052, subdivision 1; 270.07, subdivision 3a; 275.28, subdivision 1; 275.70, subdivision 5; 290A.03, subdivision 13; 297A.668, subdivision 3; 336.9-334; 356.62; 376.08, subdivision 2; 501B.60, subdivision 3; 514.661, subdivision 5; 626.556, subdivision 11; Laws 1995, chapter 220, sections 141, 142, as amended; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 2000, chapter 399, article 1, section 139; Laws 2001, chapter 171, section 12; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2000, sections 115B.27; 115B.35, subdivisions 1, 5, 6; 116.19; 221.0315; 437.11; 462A.072; 557.11; Minnesota Statutes 2001 Supplement, sections 16A.1286, subdivisions 4, 5; Laws 1997, chapter 85, article 4, section 28; Laws 1999, chapter 159, section 79; Laws 1999, chapter 231, section 180; Laws 2001, chapter 161, section 4; Laws 2001, chapter 162, section 4; Laws 2001, First Special Session chapter 2, section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3431.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3431

A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, Potlatch Corporation, Harsco, Incorporated, and SPX-DeZurik employees; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 268.085, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88.

May 15, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3431, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3431 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

UNEMPLOYMENT INSURANCE

Section 1. Minnesota Statutes 2000, section 268.051, subdivision 8, is amended to read:

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

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

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

Sec. 2. Minnesota Statutes 2000, section 270B.14, subdivision 8, is amended to read:

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

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

Sec. 3. [UNEMPLOYMENT INSURANCE; FOOD SERVICES.]

Notwithstanding the provisions of Minnesota Statutes, section 268.085, subdivision 8, wage credits from an employer are not subject to the provisions of Minnesota Statutes, section 268.085, subdivision 7, if those wage credits were earned by an employee of a private employer performing work pursuant to a contract between the employer and an elementary or secondary school and the employment was related to food services provided to the school by the employer. This section expires December 31, 2004.

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

Sec. 4. [2003 UNEMPLOYMENT INSURANCE BASE TAX RATE.]

Notwithstanding Minnesota Statutes, section 268.051, subdivision 2, and Laws 2001, First Special Session chapter 2, article 2, section 32, subdivision 2, the unemployment insurance base tax rate for employers is 0.38 percent for calendar year 2003.

Sec. 5. [EXTRA UNEMPLOYMENT BENEFITS.]

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

- (1) the applicant was laid off from the Farmland Foods Company in Freeborn county on or after July 8, 2001;

(2) the applicant was laid off by Fingerhut Companies, Incorporated on or after January 1, 2002, and worked at one of that employer's facilities in the St. Cloud, Eveleth, or Mora areas; or

(3) the applicant was laid off by Northwest Airlines, Sun Country Airlines, Mesaba Airlines, United Airlines, LSG Sky Chefs, Air Wisconsin, American Airlines, American TransAir, Champion Air, Chautaugua Airlines, Continental Airlines, Emery Worldwide Air, Great Lakes Airlines, PanAm International, Skyway Airlines, or U.S. Airways on or after September 11, 2001, and before June 1, 2002.

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

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

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

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

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

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

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under the state dislocated worker program, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if:

(i) the applicant's chosen training program does not offer an available start date within 30 days;

(ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and

(iii) the applicant is scheduled to begin training in no more than 60 days.

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

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

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

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

Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment and is effective retroactive to June 1, 2001.

Sec. 6. [FINDINGS.]

The legislature finds that the extra benefits provided to workers in this act are appropriate because the affected employees or their employers meet one of the following criteria:

(a) Benefit extensions may be appropriate where:

(1) taking into consideration the effect of the layoff affecting the applicant, the unemployment rate in the applicant's county of employment is higher than the statewide average rate of unemployment;

(2) the employer involved in the layoff has permanently ceased operations at the location where the employee worked;

(3) the community or communities in which the employees worked is disproportionately affected by the layoff; and

(4) the community or communities in which the affected employees live is in a remote location where opportunities for reemployment are limited.

(b) Benefit extensions may be appropriate in some cases where the affected employees were part of layoffs that resulted from an act of war or terrorism.

Sec. 7. [PAYMENT OF SPECIAL STATE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS.]

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

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

Subd. 3. [EXPIRATION.] This program expires December 28, 2002. No payments under this section shall be paid for any week after the expiration date.

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

Sec. 8. [ADVISORY COUNCIL REPORT TRUST FUND SOLVENCY.]

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

Sec. 9. [REED ACT FEDERAL FUNDS APPROPRIATION.]

\$12,000,000 of the approximately \$163,000,000 of federal "Reed Act" money transferred to the state of Minnesota on March 13, 2002, pursuant to section 209 of the Temporary Extended Unemployment Compensation Act of 2002, is appropriated from the unemployment insurance program trust fund to the commissioner of economic security for unemployment insurance program administration. The amount appropriated must be transferred to the appropriate account used to pay unemployment insurance program administration costs.

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

Sec. 10. [WORKFORCE DEVELOPMENT FUND TRANSFERS.]

Notwithstanding Laws 2001, First Special Session chapter 4, article 2, sections 31 and 32, the amount actually collected in calendar years 2002 and 2003, to a maximum of \$12,000,000, net of collection costs, and otherwise required to be deposited in the unemployment insurance technology initiative account by those sections shall be deposited into the workforce development fund created under Minnesota Statutes, section 268.022.

[EFFECTIVE DATE.] This section is effective the day following final enactment and retroactive to January 1, 2002.

Sec. 11. [TRANSFERS.]

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

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

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

ARTICLE 2

TRADE AND ECONOMIC DEVELOPMENT

Section 1. Minnesota Statutes 2000, section 48.24, subdivision 5, is amended to read:

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

- (1) the commissioner of agriculture on the purchase of agricultural land;
- (2) any Federal Reserve bank;
- (3) the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States;
- (4) the Minnesota energy and economic development authority; or
- (5) ~~the Minnesota export finance authority; or~~
- ~~(6)~~ a municipality or political subdivision within Minnesota to the extent that the guarantee or collateral is a valid and enforceable general obligation of that political body.

Sec. 2. Minnesota Statutes 2000, section 116J.58, subdivision 1, is amended to read:

Subdivision 1. [ENUMERATION.] The commissioner shall:

(1) investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;

(2) locate markets for manufacturers and processors and aid merchants in locating and contacting markets;

(3) investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the commissioner in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(4) plan and develop an effective business information service both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state;

(5) compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;

(6) conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(7) study trends and developments in the industries of the state and analyze the reasons underlying the trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;

(8) serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;

(9) cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

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

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

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

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

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2000, section 116J.9665, subdivision 1, is amended to read:

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

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

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

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

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

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

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

- (2) ~~sponsor conferences or other promotional events in the conference and service center;~~
- ~~(3)~~ sponsor, develop, and conduct educational programs related to international trade;
- ~~(4)~~ (3) establish and maintain an office in the Minnesota world trade center; and
- ~~(5)~~ (4) not duplicate programs or services provided by the commissioner of agriculture.

Sec. 5. Minnesota Statutes 2000, section 116J.9665, subdivision 6, is amended to read:

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

Sec. 6. Minnesota Statutes 2001 Supplement, section 116L.17, subdivision 5, is amended to read:

Subd. 5. [COST LIMITATIONS.] (a) Funds allocated to a grantee are subject to the following cost limitations:

- (1) no more than ten percent may be allocated for administration;
- (2) at least 50 percent must be allocated for training assistance as provided in subdivision 4, clause (2); and
- (3) no more than 15 percent may be allocated for support services as provided in subdivision 4, clause (3).

(b) A waiver of the training assistance minimum in clause (2) may be sought, but no waiver shall allow less than 30 percent of the grant to be spent on training assistance. A waiver of the support services maximum in clause (3) may be sought, but no waiver shall allow more than 20 percent of the grant to be spent on support services. A waiver may be granted below the minimum and above the maximum otherwise allowed by this paragraph if funds other than state funds appropriated for the dislocated worker program are used to fund training assistance.

Sec. 7. Minnesota Statutes 2000, section 116M.14, subdivision 4, is amended to read:

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

Sec. 8. Minnesota Statutes 2000, section 116M.18, subdivision 2, is amended to read:

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

- (1) its board of directors includes citizens experienced in development, minority business enterprises, and creating jobs in low-income areas;
- (2) it has the technical skills to analyze projects;
- (3) it is familiar with other available public and private funding sources and economic development programs;

- (4) it can initiate and implement economic development projects;
- (5) it can establish and administer a revolving loan account; and
- (6) it can work with job referral networks which assist minority and other persons in low-income areas.

Sec. 9. Minnesota Statutes 2000, section 116M.18, subdivision 3, is amended to read:

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

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

Sec. 10. Minnesota Statutes 2000, section 116M.18, subdivision 4, is amended to read:

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2000, section 116M.18, subdivision 4a, is amended to read:

Subd. 4a. [MICROENTERPRISE LOAN.] Urban challenge grants may be used to make microenterprise loans to small, beginning businesses, including a sole proprietorship. Microenterprise loans are subject to this section except that:

- (1) they may also be made to qualified retail businesses;
- (2) they may be made for a minimum of \$1,000 and a maximum of ~~\$10,000~~ \$25,000; and
- (3) they do not require a match.

Sec. 12. Minnesota Statutes 2000, section 116M.18, subdivision 5, is amended to read:

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

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

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

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

Subd. 6a. [NONPROFIT CORPORATION LOANS.] The board may make loans to a nonprofit corporation with which it has entered into an agreement under subdivision 1. These loans must be used to support a new or expanding business. This support may include such forms of financing as the sale of goods to the business on installment or deferred payments, lease purchase agreements, or royalty investments in the business. The nonprofit corporation must provide at least an equal match to the loan received by the board. The maximum loan available to the nonprofit corporation under this subdivision is \$50,000. Loans made to the nonprofit corporation under this subdivision may be made without interest. Repayments made by the nonprofit corporation must be deposited in the revolving fund created for urban initiative grants.

Sec. 14. Minnesota Statutes 2000, section 116M.18, subdivision 8, is amended to read:

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

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

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

Sec. 15. Minnesota Statutes 2000, section 298.22, subdivision 7, is amended to read:

Subd. 7. [~~GIANTS RIDGE RECREATION AREA~~ PROJECT AREA DEVELOPMENT AUTHORITY.] (a) In addition to the other powers granted in this section and other law and notwithstanding any limitations contained in subdivision 5, the commissioner, for purposes of fostering economic development and tourism within the Giants Ridge recreation area or the Ironworld Discovery Center area, may spend any money made available to the agency under section 298.28 to acquire real or personal property or interests therein by gift, purchase, or lease and may convey by lease, sale, or other means of conveyance or commitment any or all ~~of those~~ property interests acquired owned or administered by the commissioner within such areas.

(b) In furtherance of development of the Giants Ridge recreation area or the Ironworld Discovery Center area, the commissioner may establish and participate in charitable foundations and nonprofit corporations, including a corporation within the meaning of section 317A.011, subdivision 6.

(c) The term "Giants Ridge recreation area" refers to an economic development project area established by the commissioner in furtherance of the powers delegated in this section within St. Louis county in the western portions of the town of White and in the eastern portion of the westerly, adjacent, unorganized township.

(d) The term "Ironworld Discovery Center area" refers to an economic development and tourism promotion project area established by the commissioner in furtherance of the powers delegated in this section within St. Louis county in the south portion of the town of Balkan.

Sec. 16. Minnesota Statutes 2000, section 298.22, is amended by adding a subdivision to read:

Subd. 9. [ECONOMIC DEVELOPMENT AND TRADE PROMOTION.] In the promotion of tourism, trade, and economic development, the commissioner may expend money made available to the agency under section 298.28 in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. An expenditure for food, lodging, or travel is not governed by the travel rules of the commissioner of employee relations.

Sec. 17. Minnesota Statutes 2000, section 446A.07, subdivision 4, is amended to read:

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

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

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

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

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

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

Sec. 18. Minnesota Statutes 2000, section 446A.12, subdivision 1, is amended to read:

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

Sec. 19. Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5, is amended to read:

Subd. 5. Office of Tourism

10,219,000	10,111,000
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To develop maximum private sector involvement in tourism, \$3,500,000 the first year and \$3,500,000 the second year of the amounts appropriated for marketing activities are contingent on receipt of an equal contribution from nonstate sources that have been certified by the commissioner. Up to one-half of the match may be given in in-kind contributions.

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

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

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

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

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

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

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

Sec. 20. [REINSTATEMENT OF LAW.]

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

Sec. 21. [REPEALER.]

(a) Minnesota Statutes 2000, sections 116J.9672; and 116J.9673, are repealed.

(b) Laws 2001, First Special Session chapter 5, article 3, section 88, is repealed.

[EFFECTIVE DATE.] Paragraph (b) is effective July 1, 2002.

ARTICLE 3

BACKGROUND CHECKS

Section 1. [181.645] [EXPENSES FOR BACKGROUND CHECKS, TESTING, AND ORIENTATION.]

Except as provided by section 123B.03 or as otherwise specifically provided by law, an employer, as defined in section 181.931, or a prospective employer may not require an employee or prospective employee to pay for expenses incurred in criminal or background checks, credit checks, or orientation. An employer or prospective employer may not require an employee or prospective employee to pay for the expenses of training or testing that is required by federal or state law or is required by the employer for the employee to maintain the employee's current position, unless the training or testing is required to obtain or maintain a license, registration, or certification for the employee or prospective employee.

ARTICLE 4

REDEVELOPMENT GRANTS

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

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

- (1) the need for redevelopment in conjunction with contamination remediation needs;
- (2) the redevelopment project meets current tax increment financing requirements for a redevelopment district and tax increments will contribute to the project;
- (3) the redevelopment potential within the municipality;
- (4) proximity to public transit if located in the metropolitan area; and
- (5) multijurisdictional projects that take into account the need for affordable housing, transportation, and environmental impact.

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

Sec. 2. [BROWNFIELD SITE; ACQUISITION.]

Funds in the redevelopment accounts created in Minnesota Statutes, section 116J.561, and allocated for sites within the metropolitan area may be used for the purchase of a brownfield site for a facility to house the department of military affairs' training and community center.

ARTICLE 5

SCHOOL CONFERENCE AND ACTIVITY LEAVE

Section 1. Minnesota Statutes 2000, section 181.9412, is amended by adding a subdivision to read:

Subd. 1a. [FOSTER CHILD.] For the purpose of this section, "child" includes a foster child.

ARTICLE 6

YOUTH EMPLOYMENT

Section 1. Minnesota Statutes 2000, section 119A.45, is amended to read:

119A.45 [EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.]

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for early childhood programs, with priority to centers in counties or municipalities with the highest percentage of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or parenting time centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner must prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. Programs include Head Start, early childhood and family education programs, and other early childhood intervention programs. The commissioner must give priority to grants that involve collaboration among sponsors of programs under this section and may give priority to projects that collaborate with child care providers, including all-day and school-age child care programs, special needs care, sick child care, nontraditional hour care, and programs that include services to refugee and immigrant families. The commissioner may give priority to grants for programs that will increase their child care workers' wages as a result of the grant. At least 25 percent of the amounts appropriated for these grants up to \$50,000 must If there is work that is appropriate for youthbuild, as mutually agreed upon by the grantee and the local youthbuild program, considering safety and skills needed, and if it is demonstrated by youthbuild that using youthbuild will not increase the overall cost of the project, then priority must be given to grants for programs that utilize youthbuild under sections 268.361 to 268.366 or other youth employment and training programs for at least 25 percent of each grant awarded or \$50,000, whichever is less, of the labor portion of the construction. Eligible programs must consult with appropriate labor organizations to deliver education and training. State appropriations must be matched on a 50 percent basis with nonstate funds. The matching requirement must apply programwide and not to individual grants.

ARTICLE 7

COMPETITIVE BIDDING FOR UTILITIES

Section 1. [IDENTIFICATION AND EVALUATION; COMPETITIVE BIDDING CRITERIA.]

The commissioner of commerce shall identify and evaluate various criteria that could be used by a utility in evaluating and selecting bids submitted in a competitive bidding process established under Minnesota Statutes, section 216B.2422, subdivision 5.

To assist in the evaluation, the commissioner shall convene a series of forums at which input from citizens and stakeholders can be solicited. The commissioner shall present this evaluation in a report to the house and senate policy and finance committees with jurisdiction over energy regulatory issues and agencies by January 15, 2003."

Delete the title and insert:

"A bill for an act relating to economic development; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance taxes; providing extra benefits for airline industry, Fingerhut Companies, Inc., and Farmland Foods Company; appropriating certain federal funds for unemployment administration; providing for workforce development fund transfers; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.051, subdivision 8; 270B.14, subdivision 8; 298.22, subdivision 7, by adding a subdivision; 446A.07, subdivision 4; 446A.12, subdivision 1; Minnesota Statutes 2001 Supplement, section 116L.17, subdivision 5; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88."

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

Senate Conferees: ELLEN R. ANDERSON, DAVID H. JOHNSON, LINDA I. HIGGINS, JAMES P. METZEN AND DENNIS R. FREDERICKSON.

House Conferees: DAN MCELROY, BOB GUNTHER, KEN WOLF, GREGORY M. DAVIDS AND ANTHONY SERTICH.

McElroy moved that the report of the Conference Committee on S. F. No. 3431 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3431, A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, Potlatch Corporation, Harsco, Incorporated, and SPX-DeZurik employees; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees;

regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 268.085, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88.

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

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Erickson	Kielkucki	Mulder	Seifert
Cassell	Gerlach	Krinkie	Paulsen	Wilkin
Clark, J.	Holberg	Lindner	Pawlenty	Workman
Eastlund	Johnson, J.	Molnau	Rifenberg	

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2433.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2433

A bill for an act relating to crimes; defining the crimes of sexual conduct in third and fourth degrees to include persons who sexually penetrate vulnerable adults under certain circumstances and who are agents of special transportation service providers; prescribing penalties; amending Minnesota Statutes 2000, sections 609.341, by adding a subdivision; 609.349; Minnesota Statutes 2001 Supplement, sections 609.344, subdivision 1; 609.345, subdivision 1.

April 11, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2433, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2433 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 609.341, is amended by adding a subdivision to read:

Subd. 21. [SPECIAL TRANSPORTATION.] "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is intended exclusively or primarily to serve individuals who are vulnerable adults, handicapped, or disabled. Special transportation service includes, but is not limited to, service provided by buses, vans, taxis, and volunteers driving private automobiles.

Sec. 2. Minnesota Statutes 2000, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] (a) Except as otherwise provided in section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the sentencing guidelines.

Sec. 3. Minnesota Statutes 2001 Supplement, section 609.344, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense; ~~or~~

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.

Sec. 4. Minnesota Statutes 2001 Supplement, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense; ~~or~~

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.

Sec. 5. Minnesota Statutes 2000, section 609.349, is amended to read:

609.349 [VOLUNTARY RELATIONSHIPS.]

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), ~~and~~ (e), and (n), and 609.345, clauses (a), (b), (d), ~~and~~ (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.

Sec. 6. Minnesota Statutes 2000, section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

~~No~~ Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct when the examination is performed for the purpose of gathering evidence ~~for possible prosecution, shall be charged directly or indirectly to the complainant paid by the county in which the alleged offense was committed.~~ The Reasonable costs of the examination shall be paid by the county in which the alleged offense was committed include, but are not limited to, full cost of the rape kit examination, associated tests relating to the complainant's sexually transmitted disease status, and pregnancy status. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 and 3 to 5 are effective August 1, 2002, and apply to crimes committed on or after that date. Section 2 is effective the day following final enactment and applies to crimes committed on or after that day. Section 6 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crimes; defining the crimes of sexual conduct in third and fourth degrees to include persons who sexually penetrate vulnerable adults under certain circumstances and who are agents of special transportation service providers; requiring a mandatory sentence for violation of certain criminal sexual conduct in the second degree offenses; providing for payment of criminal sexual conduct examinations; prescribing penalties; amending Minnesota Statutes 2000, sections 609.341, by adding a subdivision; 609.343, subdivision 2; 609.349; 609.35; Minnesota Statutes 2001 Supplement, sections 609.344, subdivision 1; 609.345, subdivision 1."

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

Senate Conferees: DON BETZOLD AND THOMAS M. NEUVILLE.

House Conferees: JOHN TUMA, JAMES T. CLARK AND SHELDON JOHNSON.

Tuma moved that the report of the Conference Committee on S. F. No. 2433 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2433, A bill for an act relating to crimes; defining the crimes of sexual conduct in third and fourth degrees to include persons who sexually penetrate vulnerable adults under certain circumstances and who are agents of special transportation service providers; prescribing penalties; amending Minnesota Statutes 2000, sections 609.341, by adding a subdivision; 609.349; Minnesota Statutes 2001 Supplement, sections 609.344, subdivision 1; 609.345, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bishop	Bradley	Cassell	Daggett
Abrams	Bernardy	Blaine	Buesgens	Clark, J.	Davids
Anderson, I.	Biernat	Boudreau	Carlson	Clark, K.	Davnie

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

The bill was repassed, as amended by Conference, 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.

MESSAGES FROM THE SENATE, Continued

The following messages were received from 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. 3127, A bill for an act relating to retirement; various retirement plans; clarifying the laws applicable to the remaining local police and paid firefighter pension plans; repealing obsolete local police and paid firefighter pension plan laws; authorizing service credit purchase for certain strike periods; providing public employee pension coverage for certain foreign citizens; clarifying membership eligibility and allowable service credit for the public employees retirement association; requiring membership for charter school teachers in the teachers retirement association; providing for the payment of unpaid closed charter school retirement contributions from charter school lease aid; eliminating contribution rate increases in the local government correctional service retirement plan; establishing provisions relating to employees of the Kanabec hospital if the hospital is privatized; extending the expiration date for certain prior service credit purchase authorizations; recodifying social security coverage provisions; implementing recommended changes in salary actuarial assumptions; clarifying the restrictions on supplemental and local pension plans for plans funded from accumulated sick and vacation leave; reorganizing the

revising various general retirement provisions; instructing the revisor of statutes; authorizing the commissioner of administration to lease pension fund facilities to deferred compensation service providers; authorizing certain volunteer firefighters to receive service pensions or disability benefits without terminating active service; creating the coordinated program of the legislators retirement plan; providing a second social security referendum for legislators; modifying Minneapolis police optional annuity provision; modifying voluntary unpaid leave of absence provision for state employees; providing for an extension of the rule of 90 benefit tier for the teachers retirement association and the Duluth teachers retirement fund association; changing the effective date for certain modifications to the judges retirement plan; amending Minnesota Statutes 2000, sections 69.77; 69.80; 353.01, by adding a subdivision; 353.64, subdivision 7a; 353A.08, subdivision 6a; 353E.02, subdivision 1, by adding a subdivision; 353E.03; 353F.02, subdivision 4; 354.05, subdivision 38; 354.44, subdivision 6; 354A.011, subdivisions 15A, 27; 354A.31, subdivisions 4a, 5, 6, 7; 355.01, subdivisions 1, 3, 6, 8, by adding subdivisions; 355.02; 355.03; 355.05; 355.07; 355.08; 356.001; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.215, as amended; 356.216; 356.217; 356.219; 356.22; 356.23; 356.24, subdivisions 1b, 1c, 2; 356.245; 356.25; 356.30; 356.302; 356.303; 356.32; 356.40; 356.41; 356.50; 356.55, as amended; 356.551; 356.611; 356.65, subdivision 2; 356.87; 356.89, subdivision 3; 423A.17; 423A.171; 423B.09, subdivision 6; 424A.02, subdivision 1; 424A.09; Minnesota Statutes 2001 Supplement, sections 352.01, subdivision 11; 353.01, subdivisions 2a, 2b, 11b, 16; 353.27, subdivisions 4, 11; 354.05, subdivisions 2, 13; 356.24, subdivision 1; 356.555; 356.62; 356.65, subdivision 1; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1999, chapter 222, article 16, section 16; Laws 2000, chapter 461, article 10, section 3, as amended; Laws 2000, chapter 461, article 12, section 20; Laws 2000, chapter 461, article 18, section 10; Laws 2001, First Special Session chapter 10, article 6, section 21; proposing coding for new law in Minnesota Statutes, chapters 3A; 355; 356; proposing coding for new law as Minnesota Statutes, chapter 356B; repealing Minnesota Statutes 2000, sections 69.25; 69.26; 69.27; 69.28; 69.29; 69.30; 69.32; 69.361; 69.37; 69.38; 69.39; 69.40; 69.41; 69.42; 69.43; 69.44; 69.45; 69.46; 69.47; 69.48; 69.49; 69.50; 69.51; 69.52; 69.53; 69.62; 69.78; 297I.10, subdivision 2; 355.01, subdivisions 2, 4, 5, 9, 10; 355.11; 355.12; 355.13; 355.14; 355.15; 355.16; 355.17; 355.201; 355.202; 355.203; 355.204; 355.205; 355.206; 355.207; 355.208; 355.209; 355.21; 355.22; 355.23; 355.24; 355.25; 355.26; 355.27; 355.28; 355.281; 355.282; 355.283; 355.284; 355.285; 355.286; 355.287; 355.288; 355.29; 355.291; 355.292; 355.293; 355.294; 355.295; 355.296; 355.297; 355.298; 355.299; 355.30; 355.311; 355.391; 355.392; 355.393; 355.41; 355.42; 355.43; 355.44; 355.45; 355.46; 355.48; 355.49; 355.50; 355.51; 355.52; 355.54; 355.55; 355.56; 355.57; 355.58; 355.59; 355.60; 355.61; 355.621; 355.622; 355.623; 355.624; 355.625; 355.626; 355.627; 355.628; 355.71; 355.72; 355.73; 355.74; 355.75; 355.76; 355.77; 355.78; 355.79; 355.80; 355.81; 355.90; 356.19; 356.305; 356.306; 356.31; 356.325; 356.35; 356.36; 356.37; 356.371, subdivisions 2, 3; 356.372; 356.38; 356.39; 356.45; 356.451; 356.452; 356.453; 356.454; 356.455; 356.615; 356.71; 356.80; 356.81; 356.86; 356.865; 356.88; 356.89; 423.37; 423.371; 423.372; 423.373; 423.374; 423.375; 423.377; 423.378; 423.379; 423.38; 423.381; 423.382; 423.383; 423.384; 423.385; 423.386; 423.387; 423.388; 423.389; 423.39; 423.391; 423.392; 423.801; 423.802; 423.803; 423.804; 423.805; 423.806; 423.808; 423.809; 423.810; 423.812; 423.813; 423.814; 423.90; 423A.03; 424.01; 424.02; 424.03; 424.04; 424.05; 424.06; 424.08; 424.14; 424.15; 424.16; 424.165; 424.17; 424.18; 424.19; 424.20; 424.21; 424.22; 424.23; 424.24; 424.25; 424.27; 424.28; 424.29; Minnesota Statutes 2001 Supplement, sections 353.01, subdivision 39; 356.371, subdivision 1; 356.866; Special Session Laws 1889, chapter 425; Special Session Laws 1891, chapter 11; Laws 1897, chapters 389; 390; Laws 1915, chapter 68; Laws 1917, chapter 196; Laws 1919, chapters 68, 515; Laws 1921, chapter 118; Laws 1923, chapter 54; Laws 1925, chapter 197; Laws 1931, chapter 48; Laws 1933, chapter 122; Laws 1935, chapters 92; 192; 208; 259; Laws 1937, chapters 132; 197; 253; Laws 1939, chapters 124; 304; Laws 1941, chapters 74; 182; 196; Laws 1943, chapters 170; 267; 397; 413; 432; Laws 1945, chapters 74; 182; 277; 300; Laws 1947, chapters 40; 43; 101; 274; 329; Laws 1949, chapters 87; 144; 153; 154; 164; 191; 235; 281; 378; Laws 1951, chapters 43; 45; 48; 144; 233; 243; 420; 435; 499; Laws 1953, chapters 37; 44; 91; 235; 253; 348; 391; 401; 406; Laws 1955, chapters 42; 49; 75; 151; 187; 188; 293; 294; 348; 375; 827; Laws 1957, chapters 10; 16; 36; 127; 144; 164; 256; 257; 455; 630; 793; Laws 1959, chapters 108; 131; 191; 207; 208; 211; 437; Laws 1961, chapters 186; 290; 295; 300; 343; 376; 399; 434; 435, section 2; 443; 620; 631; 747; Extra Session Laws 1961, chapters 28; 80; Laws 1963, chapters 36; 208; 221; 271; 443; 453; 454; 464; 619; 636; 643; 670; 715; Laws 1965, chapters 174; 179; 190; 418; 457; 458; 465; 498; 536; 540; 594; 604; 605; 636; 790; Laws 1967, chapters 644; 678; 702; 708; 730; 732; 736; 751; 775; 783; 798; 807; 816; 848; Laws 1969, chapters 138; 442; 443; 552; 576; 594; 614; 641; 668; 669; 670; 671; 672; 686; 694; 716; 849; 1087; Laws 1971, chapters 51; 178; 407; 549; 614; 807; 809; 810; Extra Session Laws 1971, chapter 41; Laws 1973, chapters 286; 287; 346; 359; 432; 433; 587; Laws 1974, chapters 251; 382; Laws 1975, chapters 120; 121; 127; 254, sections 1, 2, 3, 4, 5, 6; 368, section 54; 389; 408; 423; 424; 425; Laws 1976, chapters 36; 78; 85; 99; 247; Laws 1977, chapters 83; 164,

sections 1, 3; 169; 270; 275; 374, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60; 429, section 62; Laws 1978, chapters 563, sections 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30; 579; 648; 690, sections 9, 10; 793, section 96; Laws 1979, chapters 131, section 3; 216, sections 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44; Laws 1980, chapters 341, sections 2, 3, 4, 5, 6, 9, 10; 600, sections 11, 12, 13, 14, 15, 16, 17, 18, 22; 607, article XV, section 23; Laws 1981, chapter 68, sections 31, 32, 33, 34, 35, 36, 37, 41, 42, 43; Laws 1981, chapter 224, sections 236, 237, 239, 240, 243, 244, 247, 248, 252, 253, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 270, 272, 273; Laws 1981, chapter 297, sections 1, 2; Laws 1982, chapters 402; 443; 574, sections 3, 4, 5, 6, 8; 578, article II, section 1, subdivision 8, article III, section 18; 610, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20; Laws 1983, chapters 47; 74; 84, section 1; 291, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; Laws 1984, chapter 574, sections 18, 19, 20, 22, 23, 24, 25, 26, 33; Laws 1985, chapters 259, sections 5, 6; 261, sections 14, 15, 16, 18, 20, 32, 33, 34, 35, 36; Laws 1985, First Special Session chapter 16, article 2, section 6; Laws 1986, chapters 359, sections 22, 23, 24, 25; 458, sections 23, 34; Laws 1987, chapter 372, article 2, sections 7, 8, 9, 10, 12; Laws 1988, chapter 709, articles 8, section 5; 9, section 5; Laws 1989, chapter 319, article 11, sections 2, 3, 4, 12; Laws 1990, chapter 589, article 1, section 7; Laws 1991, chapters 96; 269, article 2, sections 12, 13; Laws 1992, chapters 392, section 1; 393, section 1; 422; 431, section 1; 448; 455; 563, sections 3, 4, 5; 586, section 1; Laws 1993, chapters 72; 110; 112, section 2; 126; 202, article 1; Laws 1994, chapters 409; 410; 474; 490; 541, section 3; Laws 1995, chapter 262, article 10, section 4; Laws 1996, chapter 448, article 2, section 1; Laws 1997, chapter 233, article 1, section 58; Laws 1997, chapter 241, article 2, sections 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 20; Laws 1999, chapter 222, article 3, section 6; Laws 2000, chapter 461, article 10, section 2.

The Senate has appointed as such committee:

Senators Johnson, Dean; Pogemiller and Terwilliger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3134.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3134

A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

May 14, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3134, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3134 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 2000, section 115.55, is amended by adding a subdivision to read:

Subd. 9. [SYSTEM CLASSIFICATION.] The agency is not required to add, remove, or reclassify individual sewage treatment system technologies, designs, or system components through rulemaking or pursuant to existing rules until July 1, 2003. The agency is not required to review, assess, advise, or make regulatory determinations on an individual sewage treatment system technology, design, or system component during this period. Chambered systems, as defined in Minnesota Rules, part 7080.0020, that are installed before July 1, 2003, with smaller than standard soil sizing, but which otherwise conform with Minnesota Rules, part 7080.0178, are not required to have flow measuring devices installed and monitored unless required by local ordinance.

Sec. 2. Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] Money appropriated to the agency for waste tire management may be spent for regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, and public education on waste tire management, and grants and loans under section 115A.913.

Sec. 3. Minnesota Statutes 2000, section 115A.9561, subdivision 2, is amended to read:

Subd. 2. [RECYCLING REQUIRED.] (a) Major appliances must be recycled or reused. Each county shall ensure that its households have the opportunity to recycle used major appliances. For the purposes of this section, recycling includes:

- (1) the removal of capacitors that may contain PCBs;
- (2) the removal of ballasts that may contain PCBs;
- (3) the removal of chlorofluorocarbon refrigerant gas; and
- (4) the recycling or reuse of the metals, including mercury.

(b) To ensure that the materials removed from a major appliance are not introduced into the environment, an activity described in paragraph (a), clauses (1) to (3), must be conducted in a closed facility if the activity is conducted within 500 feet from the ordinary high water level of a waterbasin that is a public water, as those terms are described in section 103G.005, or of a watercourse identified by the public waters inventory under section 103G.201.

Sec. 4. Laws 2002, chapter 293, is amended by adding a section to read:

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment.

Sec. 5. [WATER QUALITY PERMIT PROGRESS REPORT.]

By January 15, 2003, the commissioner of the pollution control agency must submit a report to the chairs of the legislative committees with jurisdiction over environmental policy and finance regarding the agency's water quality permits. The report must address:

(1) the status of the agency's permit backlog, including, but not limited to, the number of facilities operating under expired permits, the number of on-site inspections, and the number of facilities in significant noncompliance;

(2) implementation of improvements in the permitting process and any resulting effects on staff for nonpoint source programs; and

(3) any legislative and administrative changes needed for the phosphorus and mercury components of the permits.

Sec. 6. [REPEALER.]

Minnesota Statutes 2000, section 115A.913; and Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; and 9220.0935, are repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, and 6 are effective the day following final enactment. Section 4 is effective retroactively on March 27, 2002.

ARTICLE 2

CENTRAL IRON RANGE SANITARY SEWER DISTRICT

Section 1. [CENTRAL IRON RANGE SANITARY SEWER DISTRICT; DEFINITIONS.]

Subdivision 1. [APPLICATION.] In sections 1 to 19, the definitions in this section apply.

Subd. 2. [DISTRICT.] "Central iron range sanitary sewer district" and "district" mean the area over which the central iron range sanitary sewer board has jurisdiction, which includes the area within the cities of Hibbing, Chisholm, and Buhl; the townships of Kinney, Balkan, and Great Scott; and the territory occupied by Ironworld. The district shall precisely describe the area over which it has jurisdiction by a metes and bounds description in the comprehensive plan adopted pursuant to section 5.

Subd. 3. [BOARD.] "Sanitary sewer board" or "board" means the central iron range sanitary sewer board established for the district as provided in subdivision 2.

Subd. 4. [PERSON.] "Person" means an individual, partnership, corporation, limited liability company, cooperative, or other organization or entity, public or private.

Subd. 5. [LOCAL GOVERNMENTAL UNITS.] "Local governmental units" or "governmental units" means the iron range resources and rehabilitation board, the cities of Hibbing, Chisholm, and Buhl, and the townships of Kinney, Balkan, and Great Scott.

Subd. 6. [ACQUISITION; BETTERMENT.] "Acquisition" and "betterment" have the meanings given in Minnesota Statutes, section 475.51.

Subd. 7. [AGENCY.] "Agency" means the Minnesota pollution control agency created in Minnesota Statutes, section 116.02.

Subd. 8. [SEWAGE.] "Sewage" means all liquid or water-carried waste products from whatever sources derived, together with any groundwater infiltration and surface water as may be present.

Subd. 9. [POLLUTION OF WATER; SEWER SYSTEM.] "Pollution of water" and "sewer system" have the meanings given in Minnesota Statutes, section 115.01.

Subd. 10. [TREATMENT WORKS; DISPOSAL SYSTEM.] "Treatment works" and "disposal system" have the meanings given in Minnesota Statutes, section 115.01.

Subd. 11. [INTERCEPTOR.] "Interceptor" means a sewer and its necessary appurtenances, including but not limited to mains, pumping stations, and sewage flow-regulating and flow-measuring stations, that is:

- (1) designed for or used to conduct sewage originating in more than one local governmental unit;
- (2) designed or used to conduct all or substantially all the sewage originating in a single local governmental unit from a point of collection in that unit to an interceptor or treatment works outside that unit; or
- (3) determined by the board to be a major collector of sewage used or designed to serve a substantial area in the district.

Subd. 12. [DISTRICT DISPOSAL SYSTEM.] "District disposal system" means any and all interceptors or treatment works owned, constructed, or operated by the board unless designated by the board as local water and sanitary sewer facilities.

Subd. 13. [MUNICIPALITY.] "Municipality" means any town or home rule charter or statutory city.

Subd. 14. [TOTAL COSTS.] "Total costs of acquisition and betterment" and "costs of acquisition and betterment" mean all acquisition and betterment expenses permitted to be financed out of stopped bond proceeds issued in accordance with section 13, whether or not the expenses are in fact financed out of the bond proceeds.

Subd. 15. [CURRENT COSTS.] "Current costs of acquisition, betterment, and debt service" means interest and principal estimated to be due during the budget year on bonds issued to finance costs of acquisition and betterment and all other costs of acquisition and betterment estimated to be paid during the year from funds other than bond proceeds and federal or state grants.

Subd. 16. [RESIDENT.] "Resident" means the owner of a dwelling located in the district and receiving water or sewer service.

Sec. 2. [SANITARY SEWER BOARD.]

Subdivision 1. [ESTABLISHMENT.] A sanitary sewer district is established in the cities of Hibbing, Chisholm, and Buhl; the townships of Kinney, Balkan, and Great Scott; and the territory occupied by Ironworld, to be known as the central iron range sanitary sewer district. The sewer district is under the control and management of the central iron range sanitary sewer board. The board is established as a public corporation and political subdivision of the state with perpetual succession and all the rights, powers, privileges, immunities, and duties granted to or imposed upon a municipal corporation, as provided in sections 1 to 19.

Subd. 2. [MEMBERS AND SELECTION.] The board is composed of 13 members selected as provided in this subdivision. Each of the town boards of the townships shall meet to appoint one resident to the sewer board. Four members must be selected by the governing body of the city of Hibbing. Three members must be selected by the governing body of the city of Chisholm. Two members must be selected by the governing body of the city of Buhl. One member must be selected by the iron range resources and rehabilitation board on behalf of Ironworld. Each member has one vote. The first terms are as follows: four for one year, four for two years, and five for three years, fixed by lot at the district's first meeting. Thereafter, all terms are for three years.

Subd. 3. [TIME LIMITS FOR SELECTION.] The board members must be selected as provided in subdivision 2 within 60 days after sections 1 to 19 are effective. The successor to each board member must be selected at any time within 60 days before the expiration of the member's term in the same manner as the predecessor was selected. A vacancy on the board must be filled within 60 days after it occurs.

Subd. 4. [VACANCIES.] If the office of a board member becomes vacant, the vacancy must be filled for the unexpired term in the manner provided for selection of the member who vacated the office. The office is considered vacant under the conditions specified in Minnesota Statutes, section 351.02.

Subd. 5. [REMOVAL.] A board member may be removed by the unanimous vote of the governing body appointing the member, with or without cause, or for malfeasance or nonfeasance in the performance of official duties as provided by Minnesota Statutes, sections 351.14 to 351.23.

Subd. 6. [CERTIFICATES OF SELECTION; OATH OF OFFICE.] A certificate of selection of every board member selected under subdivision 2 stating the term for which selected, must be made by the respective town clerks. The certificates, with the approval appended by other authority, if required, must be filed with the secretary of state. Counterparts of the certificates must be furnished to the board member and the secretary of the board. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6. The oath, duly certified by the official administering the same, must be filed with the secretary of state and the secretary of the board.

Subd. 7. [BOARD MEMBERS' COMPENSATION.] Each board member, except the chair, may be paid a per diem compensation in accordance with the board's bylaws for meetings and for other services as are specifically authorized by the board, not to exceed the per diem amount under Minnesota Statutes, section 15.0575, subdivision 3, and not to exceed \$1,000 in any one year. The chair may be paid a per diem compensation in accordance with the board's bylaws for meetings and for other services specifically authorized by the board, not to exceed the per diem amount under Minnesota Statutes, section 15.0575, subdivision 3, and not to exceed \$1,500 in any one year. All members of the board must be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties.

Sec. 3. [GENERAL PROVISIONS FOR ORGANIZATION AND OPERATION OF BOARD.]

Subdivision 1. [ORGANIZATION; OFFICERS; MEETINGS; SEAL.] After the selection and qualification of all board members, the board must meet to organize the board at the call of any two board members, upon seven days' notice by registered mail to the remaining board members at a time and place within the district specified in the notice. A majority of the members is a quorum at that meeting and all other meetings of the board, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members. At the first meeting the board shall select its officers and conduct other organizational business as may be necessary. Thereafter the board shall meet regularly at the time and place that the board designates by resolution. Special meetings may be held at any time upon call of the chair or any two members, upon written notice sent by mail to each member at least three days before the meeting, or upon other notice as the board by resolution may provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Except as otherwise provided in sections 1 to 19, any action within the authority of the board may be taken by the affirmative vote of a majority of the board and may be taken by regular or adjourned regular meeting or at a duly held special meeting, but in any case only if a quorum is present. Meetings of the board must be open to the public. The board may adopt a seal, which must be officially and judicially noticed, to authenticate instruments executed by its authority, but omission of the seal does not affect the validity of any instrument.

Subd. 2. [CHAIR.] The board shall elect a chair from its membership. The term of the first chair of the board expires on January 1, 2004, and the terms of successor chairs expire on January 1 of each succeeding year. The chair shall preside at all meetings of the board, if present, and shall perform all other duties and functions usually incumbent upon such an officer, and all administrative functions assigned to the chair by the board. The board shall elect a vice chair from its membership to act for the chair during temporary absence or disability.

Subd. 3. [SECRETARY AND TREASURER.] The board shall select persons who may, but need not be, members of the board, to act as its secretary and treasurer. The two offices may be combined. The secretary and treasurer shall hold office at the pleasure of the board, subject to the terms of any contract of employment that the board may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the board, and be the custodian of all books and records of the board except those that the board entrusts to the custody of a designated employee. The treasurer is the custodian of all money received by the board except as the board otherwise entrusts to the custody of a designated employee. The board may appoint a deputy to perform any and all functions of either the secretary or the treasurer. A secretary or treasurer who is not a member of the board or a deputy of either does not have the right to vote.

Subd. 4. [PUBLIC EMPLOYEES.] The executive director and other persons employed by the district are public employees and have all the rights and duties conferred on public employees under Minnesota Statutes, sections 179A.01 to 179A.25. The board may elect to have employees become members of either the public employees retirement association or the Minnesota state retirement system. The compensation and conditions of employment of the employees must be governed by rules applicable to state employees in the classified service and to the provisions of Minnesota Statutes, chapter 15A.

Subd. 5. [PROCEDURES.] The board shall adopt resolutions or bylaws establishing procedures for board action, personnel administration, keeping records, approving claims, authorizing or making disbursements, safekeeping funds, and auditing all financial operations of the board.

Subd. 6. [SURETY BONDS AND INSURANCE.] The board may procure surety bonds for its officers and employees, in amounts deemed necessary to ensure proper performance of their duties and proper accounting for funds in their custody. It may procure insurance against risks to property and liability of the board and its officers, agents, and employees for personal injuries or death and property damage and destruction, in amounts deemed necessary or desirable, with the force and effect stated in Minnesota Statutes, chapter 466.

Sec. 4. [GENERAL POWERS OF BOARD.]

Subdivision 1. [SCOPE.] The board has all powers necessary or convenient to discharge the duties imposed upon it by law. The powers include those specified in this section, but the express grant or enumeration of powers does not limit the generality or scope of the grant of powers contained in this subdivision.

Subd. 2. [SUIT.] The board may sue or be sued.

Subd. 3. [CONTRACT.] The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 4. [GIFTS, GRANTS, LOANS.] The board may accept gifts, apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, enter into any agreement required in connection with them, and hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan, or agreement relating to it. With respect to loans or grants of funds or real or personal property or other assistance from any state or federal government or its agency or instrumentality, the board may contract to do and perform all acts and things required as a condition or consideration for the gift, grant, or loan pursuant to state or federal law or regulations, whether or not included among the powers expressly granted to the board in sections 1 to 19.

Subd. 5. [COOPERATIVE ACTION.] The board may act under Minnesota Statutes, section 471.59, or any other appropriate law providing for joint or cooperative action between governmental units.

Subd. 6. [STUDIES AND INVESTIGATIONS.] The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction, and operation of the district disposal system.

Subd. 7. [EMPLOYEES, TERMS.] The board may employ on terms it deems advisable, persons or firms performing engineering, legal, or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in amounts it deems necessary against liability of the board or its officers or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 8. [PROPERTY RIGHTS, POWERS.] The board may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor, treatment works, or water facility determined to be necessary or convenient for the collection and disposal of sewage in the district. Any local governmental unit and the commissioners of transportation and natural resources are authorized to convey to or permit the use of any of the above-mentioned facilities owned or controlled by it, by the board, subject to the rights of the holders of any bonds issued with respect to those facilities, with or without compensation, without an election or approval by any other governmental unit or agency. All powers conferred by this subdivision may be exercised both within or without the district as may be necessary for the exercise by the board of its powers or the accomplishment of its purposes. The board may hold, lease, convey, or otherwise dispose of the above-mentioned property for its purposes upon the terms and in the manner it deems advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation may be exercised only in accordance with Minnesota Statutes, sections 117.011 to 117.232, and applies to any property or interest in the property owned by any local governmental unit. Property devoted to an actual public use at the time, or held to be devoted to such a use within a reasonable time, must not be so acquired unless a court of competent jurisdiction determines that the use proposed by the board is paramount to the existing use. Except in the case of property in actual public use, the board may take possession of any property on which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 9. [RELATIONSHIP TO OTHER PROPERTIES.] The board may construct or maintain its systems or facilities in, along, on, under, over, or through public waters, streets, bridges, viaducts, and other public rights-of-way without first obtaining a franchise from a county or municipality having jurisdiction over them. However, the facilities must be constructed and maintained in accordance with the ordinances and resolutions of the county or municipality relating to constructing, installing, and maintaining similar facilities on public properties and must not unnecessarily obstruct the public use of those rights-of-way.

Subd. 10. [DISPOSAL OF PROPERTY.] The board may sell, lease, or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property may be sold in the manner provided by Minnesota Statutes, section 469.065, insofar as practical. The board may give notice of sale as it deems appropriate. When the board determines that any property or any part of the district disposal system acquired from a local governmental unit without compensation is no longer required but is required as a local facility by the governmental unit from which it was acquired, the board may by resolution transfer it to that governmental unit.

Subd. 11. [AGREEMENTS WITH OTHER GOVERNMENTAL UNITS.] The board may contract with the United States or any agency thereof, any state or agency thereof, or any regional public planning body in the state with jurisdiction over any part of the district, or any other municipal or public corporation, or governmental subdivision or agency or political subdivision in any state, for the joint use of any facility owned by the board or such entity, for the operation by that entity of any system or facility of the board, or for the performance on the board's behalf of any service, including but not limited to planning, on terms as may be agreed upon by the contracting parties. Unless designated by the board as a local water and sanitary sewer facility, any treatment works or interceptor jointly used, or operated on behalf of the board, as provided in this subdivision, is deemed to be operated by the board for purposes of including those facilities in the district disposal system.

Sec. 5. [COMPREHENSIVE PLAN.]

Subdivision 1. [BOARD PLAN AND PROGRAM.] The board shall adopt a comprehensive plan for the collection, treatment, and disposal of sewage in the district for a designated period the board deems proper and reasonable. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment, and disposal of sewage in the district for each succeeding designated period as the board deems proper and reasonable. All comprehensive plans of the district shall be subject to the planning and zoning authority of St. Louis county and in conformance with all planning and zoning ordinances of St. Louis county. The first plan, as modified by the board, and any subsequent plan shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, use, and potential for use of lands adjoining waters of the state to be used for the disposal of sewage; and the impact the disposal system will have on present and future land use in the area affected. In no case shall the comprehensive plan provide for more than 325 connections to the disposal system. All connections must be charged a full assessment. Connections made after the initial assessment period ends must be charged an amount equal to the initial assessment plus an adjustment for inflation and plus any other charges determined to be reasonable and necessary by the board. Deferred assessments may be permitted, as provided for in Minnesota Statutes, chapter 429. The plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long-range capital improvements program, and any other details as the board deems appropriate. In developing the plans, the board shall consult with persons designated for the purpose by governing bodies of any governmental unit within the district to represent the entities and shall consider the data, resources, and input offered to the board by the entities and any planning agency acting on behalf of one or more of the entities. Each plan, when adopted, must be followed in the district and may be revised as often as the board deems necessary.

Subd. 2. [COMPREHENSIVE PLANS; HEARING.] Before adopting any subsequent comprehensive plan, the board shall hold a public hearing on the proposed plan at a time and place in the district that it selects. The hearing may be continued from time to time. Not less than 45 days before the hearing, the board shall publish notice of the hearing in a newspaper having general circulation in the district, stating the date, time, and place of the hearing, and the place where the proposed plan may be examined by any interested person. At the hearing, all interested persons must be permitted to present their views on the plan.

Sec. 6. [POWERS TO ISSUE OBLIGATIONS AND IMPOSE SPECIAL ASSESSMENTS.]

The central iron range sanitary sewer board, in order to implement the powers granted under sections 1 to 19 to establish, maintain, and administer the central iron range sanitary sewer district, may issue obligations and impose special assessments against benefited property within the limits of the district benefited by facilities constructed under sections 1 to 19 in the manner provided for local governments by Minnesota Statutes, chapter 429.

Sec. 7. [SYSTEM EXPANSION; APPLICATION TO CITIES.]

The authority of the sanitary sewer board to establish a sewer system under this section extends to areas within the central iron range sanitary sewer district organized into cities when requested by resolution of the governing body of the affected city or when ordered by the Minnesota pollution control agency after notice and hearing. For the purpose of any petition filed or special assessment levied with respect to any system, the entire area to be served within a city must be treated as if it were owned by a single person, and the governing body shall exercise all the rights and be subject to all the duties of an owner of the area, and shall have power to provide for the payment of all special assessments and other charges imposed upon the area with respect to the system by the appropriation of money, the collection of service charges, or the levy of taxes, which shall be subject to no limitation of rate or amount.

Sec. 8. [SEWAGE COLLECTION AND DISPOSAL; POWERS.]

Subdivision 1. [POWERS.] In addition to all other powers conferred upon the board in sections 1 to 19, it has the powers specified in this section.

Subd. 2. [DISCHARGE OF TREATED SEWAGE.] The board may discharge the effluent from any treatment works operated by it into any waters of the state, subject to approval of the agency if required and in accordance with any effluent or water quality standards lawfully adopted by the agency, any interstate agency, or any federal agency having jurisdiction.

Subd. 3. [UTILIZATION OF DISTRICT SYSTEM.] The board may require any person or local governmental unit to provide for the discharge of any sewage, directly or indirectly, into the district disposal system, or to connect any disposal system or a part of it with the district disposal system wherever reasonable opportunity for connection is provided; may regulate the manner in which the connections are made; may require any person or local governmental unit discharging sewage into the disposal system to provide preliminary treatment for it; may prohibit the discharge into the district disposal system of any substance that it determines will or may be harmful to the system or any persons operating it; and may require any local governmental unit to discontinue the acquisition, betterment, or operation of any facility for the unit's disposal system wherever and so far as adequate service is or will be provided by the district disposal system.

Subd. 4. [SYSTEM OF COST RECOVERY TO COMPLY WITH APPLICABLE REGULATIONS.] Any charges, connection fees, or other cost-recovery techniques imposed on persons discharging sewage directly or indirectly into the district disposal system must comply with applicable state and federal law, including state and federal regulations governing grant applications.

Sec. 9. [BUDGET.]

(a) The board shall prepare and adopt, on or before October 1, 2002, and each year thereafter, a budget showing for the following calendar year or other fiscal year determined by the board, sometimes referred to in sections 1 to 19 as the budget year, estimated receipts of money from all sources, including but not limited to payments by each local governmental unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for:

(1) costs of operation, administration, and maintenance of the district disposal system;

(2) cost of acquisition and betterment of the district disposal system; and

(3) debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 13, and any money judgments entered by a court of competent jurisdiction.

(b) Expenditures within these general categories, and any other categories as the board may from time to time determine, must be itemized in detail as the board prescribes. The board and its officers, agents, and employees must not spend money for any purpose other than debt service without having set forth the expense in the budget nor in excess of the amount set forth in the budget for it. No obligation to make an expenditure of the above-mentioned type is enforceable except as the obligation of the person or persons incurring it. The board may amend the budget at any time by transferring from one purpose to another any sums except money for debt service and bond proceeds or by increasing expenditures in any amount by which actual cash receipts during the budget year exceed the total amounts designated in the original budget. The creation of any obligation under section 13, or the receipt of any federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation and interest on it, whether or not specifically included in any annual budget.

Sec. 10. [ALLOCATION OF COSTS.]

Subdivision 1. [DEFINITION OF CURRENT COSTS.] The estimated cost of administration, operation, maintenance, and debt service of the district disposal system to be paid by the board in each fiscal year and the estimated costs of acquisition and betterment of the system that are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to sections 1 to 19 to be allocated in the fiscal year are referred to as current costs and must be allocated by the board as provided in subdivision 2 in the budget for that year.

Subd. 2. [METHOD OF ALLOCATION OF CURRENT COSTS.] Current costs must be allocated in the district on an equitable basis as the board may determine by resolution to be in the best interests of the district. The adoption or revision of any method of allocation used by the board must be by the affirmative vote of at least two-thirds of the members of the board.

Sec. 11. [TAX LEVIES.]

To accomplish any duty imposed on it the board may, in addition to the powers granted in sections 1 to 19 and in any other law or charter, exercise the powers granted any municipality by Minnesota Statutes, chapters 117, 412, 429, 475, sections 115.46, 444.075, and 471.59, with respect to the area in the district. The board may levy taxes upon all taxable property in the district for all or a part of the amount payable to the board, pursuant to section 10, to be assessed and extended as a tax upon that taxable property by the county auditor for the next calendar year, free from any limit of rate or amount imposed by law or charter. The tax must be collected and remitted in the same manner as other general taxes.

Sec. 12. [PUBLIC HEARING AND SPECIAL ASSESSMENTS.]

Subdivision 1. [PUBLIC HEARING REQUIREMENT ON SPECIFIC PROJECT.] Before the board orders any project involving the acquisition or betterment of any interceptor or treatment works, all or a part of the cost of which will be allocated pursuant to section 10 as current costs, the board must hold a public hearing on the proposed project. The hearing must be held following two publications in a newspaper having general circulation in the district, stating the time and place of the hearing, the general nature and location of the project, the estimated total cost of acquisition and betterment, that portion of costs estimated to be paid out of federal and state grants, and that portion of costs estimated to be allocated. The estimates must be the best available at the time of the meeting and if costs exceed the estimate, the project cannot proceed until an additional public hearing is held, with notice as required at the initial meeting. The two publications must be a week apart and the hearing at least three days after the last publication. Not less than 45 days before the hearing, notice of the hearing must also be mailed to each clerk of all local governmental units in the district, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. The project may include all or part of one or more interceptors or treatment works. A hearing must not be held on a project unless the project is within the area covered by the comprehensive plan adopted by the board under section 5, except that the hearing may be held simultaneously with a hearing on a comprehensive plan. A hearing is not required with respect to a project, no part of the costs of which are to be allocated as the current costs of acquisition, betterment, and debt service.

Subd. 2. [NOTICE TO BENEFITED PROPERTY OWNERS.] If the board proposes to assess against benefited property within the district all or any part of the allocable costs of the project as provided in subdivision 5, the board shall, not less than two weeks before the hearing provided for in subdivision 1, cause mailed notice of the hearing to be given to the owner of each parcel within the area proposed to be specially assessed and shall also give two weeks' published notice of the hearing. The notice of hearing must contain the same information provided in the notice published by the board pursuant to subdivision 1, and a description of the area proposed to be assessed. For the purpose of giving mailed notice, owners are those shown to be on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and not listed on the records of the county auditor or the county treasurer, the owners must be ascertained by any practicable means and mailed notice given them as herein provided. Failure to give mailed notice or any defects in the notice does not invalidate the proceedings of the board.

Subd. 3. [BOARD PROCEEDINGS PERTAINING TO HEARING.] Before adoption of the resolution calling for a hearing under this section, the board shall secure from the district engineer or some other competent person of the board's selection a report advising it in a preliminary way as to whether the proposed project is feasible and whether it should be made as proposed or in connection with some other project and the estimated costs of the project as recommended. No error or omission in the report invalidates the proceeding. The board may also take other steps before the hearing, as will in its judgment provide helpful information in determining the desirability and feasibility of the project, including but not limited to preparation of plans and specifications and advertisement for bids on

them. The hearing may be adjourned from time to time and a resolution ordering the project may be adopted at any time within six months after the date of hearing. In ordering the project the board may reduce but not increase the extent of the project as stated in the notice of hearing and shall find that the project as ordered is in accordance with the comprehensive plan and program adopted by the board pursuant to section 5.

Subd. 4. [EMERGENCY ACTION.] If the board by resolution adopted by the affirmative vote of not less than two-thirds of its members determines that an emergency exists requiring the immediate purchase of materials or supplies or the making of emergency repairs, it may order the purchase of those supplies and materials and the making of the repairs before any hearing required under this section. The board must set as early a date as practicable for the hearing at the time it declares the emergency. All other provisions of this section must be followed in giving notice of and conducting the hearing. Nothing in this subdivision prevents the board or its agents from purchasing maintenance supplies or incurring maintenance costs without regard to the requirements of this section.

Subd. 5. [POWER OF THE BOARD TO SPECIALLY ASSESS.] The board may specially assess all or any part of the costs of acquisition and betterment as provided in this subdivision, of any project ordered under this section. The special assessments must be levied in accordance with Minnesota Statutes, sections 429.051 to 429.081, except as otherwise provided in this subdivision. No other provisions of Minnesota Statutes, chapter 429, apply. For purposes of levying the special assessments, the hearing on the project required in subdivision 1 serves as the hearing on the making of the original improvement provided for by Minnesota Statutes, section 429.051. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the project provided for in subdivision 2.

Sec. 13. [BONDS, CERTIFICATES, AND OTHER OBLIGATIONS.]

Subdivision 1. [BUDGET ANTICIPATION CERTIFICATES OF INDEBTEDNESS.] At any time after adoption of its annual budget and in anticipation of the collection of tax and other revenues estimated and set forth by the board in the budget, except in the case of deficiency taxes levied under this subdivision and taxes levied for the payment of certificates issued under subdivision 2, the board may, by resolution, authorize the issuance, negotiation, and sale, in accordance with subdivision 4 in the form and manner and upon terms it determines, of its negotiable general obligation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total amount of tax collections and other revenues, and maturing not later than three months after the close of the budget year in which issued. The proceeds of the sale of the certificates must be used solely for the purposes for which the tax collections and other revenues are to be expended under the budget.

All the tax collections and other revenues included in the budget for the budget year, after the expenditure of the tax collections and other revenues in accordance with the budget, must be irrevocably pledged and appropriated to a special fund to pay the principal and interest on the certificates when due. If for any reason the tax collections and other revenues are insufficient to pay the certificates and interest when due, the board shall levy a tax in the amount of the deficiency on all taxable property in the district and shall appropriate this amount when received to the special fund.

Subd. 2. [EMERGENCY CERTIFICATES OF INDEBTEDNESS.] If in any budget year the receipts of tax and other revenues should for some unforeseen cause become insufficient to pay the board's current expenses, or if any public emergency should subject it to the necessity of making extraordinary expenditures, the board may by resolution authorize the issuance, negotiation, and sale, in accordance with subdivision 4 in the form and manner and upon the terms and conditions it determines, of its negotiable general obligation certificates of indebtedness in an amount sufficient to meet the deficiency. The board shall levy on all taxable property in the district a tax sufficient to pay the certificates and interest on the certificates and shall appropriate all collections of the tax to a special fund created for the payment of the certificates and the interest on them. Certificates issued under this subdivision mature not later than April 1 in the year following the year in which the tax is collectible.

Subd. 3. [GENERAL OBLIGATION BONDS.] The board may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any part of the district disposal system, including but without limitation the payment of interest during construction and for a reasonable period thereafter, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The board shall pledge its full faith and credit and taxing power for the payment of the bonds and shall provide for the issuance and sale and for the security of the bonds in the manner provided in Minnesota Statutes, chapter 475. The board has the same powers and duties as a municipality issuing bonds under that law, except that no election is required and the debt limitations of Minnesota Statutes, chapter 475, do not apply to the bonds. The board may also pledge for the payment of the bonds and deduct from the amount of any tax levy required under Minnesota Statutes, section 475.61, subdivision 1, and any revenues receivable under any state and federal grants anticipated by the board and may covenant to refund the bonds if and when and to the extent that for any reason the revenues, together with other funds available and appropriated for that purpose, are not sufficient to pay all principal and interest due or about to become due, provided that the revenues have not been anticipated by the issuance of certificates under subdivision 1.

Subd. 4. [MANNER OF SALE AND ISSUANCE OF CERTIFICATES.] Certificates issued under subdivisions 1 and 2 may be issued and sold by negotiation, without public sale, and may be sold at a price equal to the percentage of the par value of the certificates, plus accrued interest, and bearing interest at the rate determined by the board. An election is not required to authorize the issuance of the certificates. The certificates must bear the same rate of interest after maturity as before and the full faith and credit and taxing power of the board must be pledged to the payment of the certificates.

Sec. 14. [DEPOSITORIES.]

The board shall designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the board, and shall require the treasurer to deposit all or a part of the money in those institutions. The designation must be in writing and set forth all the terms and conditions upon which the deposits are made, and must be signed by the chair and treasurer and made a part of the minutes of the board.

Sec. 15. [MONEY, ACCOUNTS, AND INVESTMENTS.]

Subdivision 1. [RECEIPT AND APPLICATION.] Money received by the board must be deposited or invested by the treasurer and disposed of as the board may direct in accordance with its budget; provided that any money that has been pledged or dedicated by the board to the payment of obligations or interest on the obligations or expenses incident thereto, or for any other specific purpose authorized by law, must be paid by the treasurer into the fund to which it has been pledged.

Subd. 2. [FUNDS AND ACCOUNTS.] (a) The board's treasurer shall establish funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the board in an orderly fashion.

(b) The funds and accounts must be audited annually by a certified public accountant at the expense of the district.

Subd. 3. [DEPOSIT AND INVESTMENT.] The money on hand in those funds and accounts may be deposited in the official depositories of the board or invested as provided in this subdivision. Any amount not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by Minnesota Statutes, chapter 118A. The money may also be held under certificates of deposit issued by any official depository of the board.

Subd. 4. [BOND PROCEEDS.] The use of proceeds of all bonds issued by the board for the acquisition and betterment of the district disposal system, and the use, other than investment, of all money on hand in any sinking fund or funds of the board, is governed by the provisions of Minnesota Statutes, chapter 475, the provisions of sections 1 to 19, and the provisions of resolutions authorizing the issuance of the bonds. When received, the bond proceeds must be transferred to the treasurer of the board for safekeeping, investment, and payment of the costs for which they were issued.

Subd. 5. [AUDIT.] The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state auditor or a public accountant authorized to perform that function under Minnesota Statutes, chapter 6.

Sec. 16. [SERVICE CONTRACTS WITH GOVERNMENTAL ENTITIES OUTSIDE THE JURISDICTION OF THE BOARD.]

(a) The board may contract with the United States or any agency of the federal government, any state or its agency, or any municipal or public corporation, governmental subdivision or agency or political subdivision in any state, outside the jurisdiction of the board, for furnishing services to those entities, including but not limited to planning for and the acquisition, betterment, operation, administration, and maintenance of any or all interceptors, treatment works, and local water and sanitary sewer facilities. The board may include as one of the terms of the contract that the entity must pay to the board an amount agreed upon as a reasonable estimate of the proportionate share properly allocable to the entity of costs of acquisition, betterment, and debt service previously allocated in the district. When payments are made by entities to the board, they must be applied in reduction of the total amount of costs thereafter allocated in the district, on an equitable basis as the board deems to be in the best interests of the district, applying so far as practicable and appropriate the criteria set forth in section 10, subdivision 2. A municipality in the state of Minnesota may enter into a contract and perform all acts and things required as a condition or consideration therefor consistent with the purposes of sections 1 to 19, whether or not included among the powers otherwise granted to the municipality by law or charter.

(b) The board shall contract with a qualified entity to make necessary inspections of the district facilities, and to otherwise process or assist in processing any of the work of the district.

Sec. 17. [CONTRACTS FOR CONSTRUCTION, MATERIALS, SUPPLIES, AND EQUIPMENT.]

When the board orders a project involving the acquisition or betterment of a part of the district disposal system, it shall cause plans and specifications of the project to be made, or if previously made, to be modified, if necessary, and to be approved by the agency if required, and after any required approval by the agency, one or more contracts for work and materials called for by the plans and specifications may be awarded as provided in Minnesota Statutes, section 471.345.

Sec. 18. [PROPERTY EXEMPT FROM TAXATION.]

Any properties, real or personal, owned, leased, controlled, used, or occupied by the sanitary sewer board for any purpose under sections 1 to 19 are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and are exempt from taxation by the state or any political subdivision of the state. The properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement.

Sec. 19. [RELATION TO EXISTING LAWS.]

Sections 1 to 19 must be given full effect notwithstanding the provisions of any law or charter inconsistent with sections 1 to 19. The powers conferred on the board under sections 1 to 19 do not in any way diminish or supersede the powers conferred on the agency by Minnesota Statutes, chapters 115 to 116.

Sec. 20. [LOCAL APPROVAL.]

This article takes effect the day after each of the governing bodies of each of the local governmental units has complied with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to environment; clarifying individual sewage treatment classification; regulating appliance recycling activities; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, sections 115.55, by adding a subdivision; 115A.9561, subdivision 2; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; Laws 2002, chapter 293, by adding a section; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935."

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

Senate Conferees: LINDA I. HIGGINS, DAVID J. TOMASSONI AND DENNIS R. FREDERICKSON.

House Conferees: MARK WILLIAM HOLSTEN, HARRY MARES AND ANTHONY SERTICH.

Holsten moved that the report of the Conference Committee on S. F. No. 3134 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3134, A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Gray	Johnson, S.	Mahoney	Ozment
Abrams	Dehler	Greiling	Jordan	Mares	Paulsen
Anderson, I.	Dempsey	Gunther	Juhnke	Marko	Pawlenty
Bakk	Dibble	Haas	Kahn	Marquart	Paymar
Bernardy	Dorman	Hackbarth	Kelliher	McElroy	Pelowski
Biernat	Dorn	Harder	Kielkucki	McGuire	Penas
Bishop	Eastlund	Hausman	Knoblach	Milbert	Peterson
Blaine	Entenza	Hilstrom	Koskinen	Molnau	Pugh
Boudreau	Erhardt	Hilty	Krinkie	Mulder	Rhodes
Bradley	Erickson	Holberg	Kubly	Mullery	Rifenberg
Buesgens	Evans	Holsten	Kuise	Murphy	Rukavina
Carlson	Finseth	Howes	Larson	Ness	Ruth
Cassell	Folliard	Huntley	Leighton	Nornes	Schumacher
Clark, J.	Fuller	Jacobson	Lenczewski	Olson	Seagen
Clark, K.	Gerlach	Jaros	Leppik	Opatz	Seifert
Daggett	Gleason	Jennings	Lieder	Osskopp	Sertich
Davids	Goodno	Johnson, J.	Lindner	Osthoff	Skoe
Davnie	Goodwin	Johnson, R.	Lipman	Otremba	Skoglund

Slawik	Swapinski	Tingelstad	Walker	Westrom	Workman
Smith	Swenson	Tuma	Walz	Wilkin	Spk. Sviggum
Solberg	Sykora	Vandever	Wasiluk	Winter	
Stang	Thompson	Wagenius	Westerberg	Wolf	

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

Mr. Speaker:

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

S. F. No. 3191.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3191, A bill for an act relating to transportation; abolishing provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; changing an effective date; abolishing obsolete statute related to highway jurisdiction studies; repealing authority of commissioner of transportation over pipeline carriers; repealing rules governing design standards of driveways next to highways; amending Minnesota Statutes 2000, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; Minnesota Statutes 2001 Supplement, section 174.64, subdivision 4; repealing Minnesota Statutes 2000, sections 162.09, subdivision 5; 174.031; 221.54; Minnesota Statutes 2001 Supplement, section 221.55; Minnesota Rules, parts 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921.

The bill was read for the first time.

Kuisle moved that S. F. No. 3191 and H. F. No. 3047, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

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

Mariani was excused between the hours of 4:25 p.m. and 7:30 p.m.

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 3722, A bill for an act proposing an amendment to the Minnesota Constitution to provide for a unicameral legislature; changing article IV; article V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing by law for a unicameral legislature of 134 members; amending Minnesota Statutes 2000, sections 2.021; and 2.031, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CONSTITUTIONAL AMENDMENTS PROPOSED.]

An amendment to the Minnesota Constitution is proposed to the people.

If the amendment is adopted, article IV will read:

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 1. The legislature consists of ~~the senate and house of representatives~~ one house.

Sec. 2. The number of members who compose the ~~senate and house of representatives~~ legislature shall be prescribed by law. The representation ~~in both houses~~ shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

Sec. 3. At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. ~~Senators~~ Members shall be chosen by single districts of convenient contiguous territory. ~~No representative district shall be divided in the formation of a senate district.~~ The ~~senate~~ districts shall be numbered in a regular series.

Sec. 4. ~~Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators~~ Members shall be chosen for a term of ~~four~~ two years, except to fill a vacancy ~~and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment provided for in this article.~~ The governor shall call elections to fill vacancies in ~~either house~~ of the legislature.

Sec. 5. No ~~senator or representative~~ member shall hold any other office under the authority of the United States or the state of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor.

Sec. 6. ~~Senators and representatives~~ Members shall be qualified voters of the state, and shall have resided one year in the state and six months immediately preceding the election in the district from which elected. ~~Each house~~ The legislature shall be the judge of the election returns and eligibility of its own members. The legislature shall prescribe by law the manner for taking evidence in cases of contested seats ~~in either house~~.

Sec. 7. ~~Each house~~ The legislature may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member; but no member shall be expelled a second time for the same offense.

Sec. 8. Each member and officer of the legislature before entering upon his duties shall take an oath or affirmation to support the Constitution of the United States, the constitution of this state, and to discharge faithfully the duties of his office to the best of his judgment and ability.

Sec. 9. The compensation of ~~senators and representatives~~ members shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing ~~house of representatives~~ legislature may have been elected.

Sec. 10. The members of ~~each house~~ the legislature in all cases except treason, felony and breach of the peace, shall be privileged from arrest during the session ~~of their respective houses~~ and in going to or returning from the same. For any speech or debate in ~~either house~~ the legislature they shall not be questioned in any other place.

Sec. 11. Two or more members of ~~either house~~ the legislature may dissent and protest against any act or resolution which they think injurious to the public or to any individual and have the reason of their dissent entered in the journal.

Sec. 12. The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days. The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. "Legislative day" shall be defined by law. A special session of the legislature may be called by the governor on extraordinary occasions.

~~Neither house~~ During a session ~~of the legislature shall not adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be it is assembled without the consent of the other house~~ authorization by legislative resolution.

Sec. 13. A majority of ~~each house~~ the legislature constitutes a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members in the manner and under the penalties it may provide.

Sec. 14. ~~Each house~~ The legislature shall be open to the public during its sessions except in cases which in its opinion require secrecy.

Sec. 15. ~~Each house~~ The legislature shall elect its presiding officer and other officers as may be provided by law. ~~Both houses~~ It shall keep journals of their its proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered in the journals journal.

Sec. 16. In all elections by the legislature members shall vote viva voce and their votes shall be entered in the journal.

Sec. 17. No law shall embrace more than one subject, which shall be expressed in its title.

~~Sec. 18. All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with the amendments as on other bills.~~

Sec. 19. Every bill shall be reported on three different days in ~~each house~~ the legislature, unless, in case of urgency, two-thirds of the ~~house where the bill is pending~~ legislature deem it expedient to dispense with this rule.

Sec. 20. Every bill passed by ~~both houses~~ the legislature shall be enrolled and signed by the presiding officer ~~of each house~~. Any presiding officer refusing to sign a bill passed by ~~both houses~~ shall thereafter be disqualified from any office of honor or profit in the state. ~~Each house~~ The legislature by rule shall provide the manner in which a bill shall be certified for presentation to the governor in case of such refusal.

Sec. 21. No bill shall be passed ~~by either house~~ upon the day prescribed for adjournment. This section shall not preclude the enrollment of a bill or its transmittal ~~from one house to the other or to the executive for his signature.~~

Sec. 22. The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No law shall be passed unless voted for by a majority of all the members ~~elected to each house~~ of the legislature, and the vote entered in the journal ~~of each house~~.

Sec. 23. Every bill passed in conformity to the rules ~~of each house and the joint rules~~ of the ~~two houses~~ legislature shall be presented to the governor. If he approves a bill, he shall sign it, deposit it in the office of the secretary of state and notify the ~~house in which it originated~~ legislature of that fact. If he vetoes a bill, he shall return it with his objections to the ~~house in which it originated~~ legislature. His objections shall be entered in the journal. If, after reconsideration, two-thirds of ~~that house~~ the legislature agree to pass the bill, ~~it shall be sent, together with the governor's objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house~~ it becomes a law and shall be deposited in the office of the secretary of state. In such cases the votes ~~of both houses~~ shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal ~~of each house~~. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature by adjournment within that time prevents

its return. Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the secretary of state within 14 days after the adjournment of the legislature. Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.

If a bill presented to the governor contains several items of appropriation of money, he may veto one or more of the items while approving the bill. At the time he signs the bill the governor shall append to it a statement of the items he vetoes and the vetoed items shall not take effect. If the legislature is in session, he shall transmit to ~~the house in which the bill originated~~ it a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item is approved by two-thirds of the members ~~elected to each house~~, it is a part of the law notwithstanding the objections of the governor.

Sec. 24. Each order, resolution or vote ~~requiring the concurrence of the two houses~~ except such as relate to the business or adjournment of the legislature shall be presented to the governor and is subject to his veto as prescribed in case of a bill.

Sec. 25. During a session ~~each house the legislature~~ may punish by imprisonment for not more than 24 hours any person not a member who is guilty of any disorderly or contemptuous behavior in its presence.

Sec. 26. Passage of a general banking law requires the vote of two-thirds of the members of ~~each house of~~ the legislature.

article V, section 3, will read:

Sec. 3. The governor shall communicate by message to each session of the legislature information touching the state and country. He is commander-in-chief of the military and naval forces and may call them out to execute the laws, suppress insurrection and repel invasion. He may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to his duties. With the advice and consent of the ~~senate legislature~~ he may appoint notaries public and other officers provided by law. He may appoint commissioners to take the acknowledgment of deeds or other instruments in writing to be used in the state. He shall take care that the laws be faithfully executed. He shall fill any vacancy that may occur in the offices of secretary of state, auditor, attorney general and the other state and district offices hereafter created by law until the end of the term for which the person who had vacated the office was elected or the first Monday in January following the next general election, whichever is sooner, and until a successor is chosen and qualified.

article V, section 5, will read:

Sec. 5. In case a vacancy occurs from any cause whatever in the office of governor, the lieutenant governor shall be governor during such vacancy. The compensation of the lieutenant governor shall be prescribed by law. The last elected presiding officer of the ~~senate legislature~~ shall become lieutenant governor in case a vacancy occurs in that office. In case the governor is unable to discharge the powers and duties of his office, the same devolves on the lieutenant governor. The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.

article VIII, section 1, will read:

Section 1. The ~~house of representatives legislature~~ has the sole power of impeachment through a concurrence of a majority of all its members. All impeachments shall be tried by the ~~senate legislature~~. When sitting for that purpose, ~~senators members~~ shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the ~~senators members~~ present.

article IX, section 1, will read:

Section 1. A majority of the members elected to ~~each house of~~ the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

article IX, section 2, will read:

Sec. 2. Two-thirds of the members elected to ~~each house of~~ the legislature may submit to the electors at the next general election the question of calling a convention to revise this constitution. If a majority of all the electors voting at the election vote for a convention, the legislature at its next session, shall provide by law for calling the convention. The convention shall consist of as many delegates as there are members ~~of the house of representatives~~. Delegates shall be chosen in the same manner as members of the ~~house of representatives~~ legislature and shall meet within three months after their election. Section 5 of Article IV of the constitution does not apply to election to the convention.

article XI, section 5, 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 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 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. 2. [BALLOT PROPOSITION; SCHEDULE.]

The proposed amendment shall be submitted to the people at the 2002 general election. If the amendment is adopted, it shall apply to legislators whose terms begin in 2007 and thereafter. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide that the Minnesota House of Representatives and Senate be replaced by a single legislative body, beginning in 2007?"

Yes
No"

Sec. 3. Minnesota Statutes 2000, section 2.021, is amended to read:

2.021 [NUMBER OF MEMBERS.]

For each legislature, until a new apportionment shall have been made, The senate legislature is composed of 67 134 members and the house of representatives is composed of 134 members.

Sec. 4. Minnesota Statutes 2000, section 2.031, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE DISTRICTS.] The representatives representation in the senate and house of representatives are legislature is apportioned throughout the state in 67 senate 134 districts and 134 house districts. Each senate district is entitled to elect one senator and each house district is entitled to elect one representative member.

Sec. 5. [EFFECTIVE DATE.]

If the amendment proposed by section 1 is adopted, sections 3 and 4 shall be effective for legislators whose terms begin in 2007 and thereafter."

With the recommendation that the bill be so amended and without further recommendation.

MINORITY REPORT

May 13, 2002

We, the undersigned, being a minority of the Committee on Rules and Legislative Administration, recommend that H. F. No. 3722 be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy, without recommendation.

Signed:

JOHN TUMA
LOREN A. SOLBERG

Tuma moved that the Minority Report be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

Anderson, I.	Dempsey	Gray	Krinkie	Ness	Ruth
Bakk	Dibble	Hilstrom	Kuisle	Olson	Sertich
Bernardy	Dorman	Hilty	Leighton	Opatz	Skoe
Biernat	Dorn	Holberg	Lieder	Osskopp	Skoglund
Bishop	Entenza	Huntley	Lipman	Osthoff	Slawik
Boudreau	Erhardt	Jennings	Mahoney	Otremba	Solberg
Bradley	Evans	Johnson, R.	Marko	Paymar	Tuma
Carlson	Finseth	Johnson, S.	Marquart	Pelowski	Wagenius
Clark, K.	Folliard	Juhnke	McGuire	Peterson	Walker
Davids	Fuller	Kahn	Molnau	Pugh	Wasiluk
Davnie	Gleason	Kelliher	Mullery	Rifenberg	Wilkin
Dawkins	Goodwin	Koskinen	Murphy	Rukavina	Winter

Those who voted in the negative were:

Abeler	Gerlach	Jacobson	Mares	Schumacher	Tingelstad
Abrams	Goodno	Jaros	McElroy	Seagren	Vandever
Blaine	Greiling	Johnson, J.	Milbert	Seifert	Walz
Buesgens	Gunther	Jordan	Mulder	Smith	Westerberg
Cassell	Haas	Kielkucki	Nornes	Stanek	Westrom
Clark, J.	Hackbarth	Knoblach	Ozment	Stang	Wolf
Daggett	Harder	Larson	Paulsen	Swapinski	Workman
Dehler	Hausman	Lenczewski	Pawlenty	Swenson	Spk. Sviggum
Eastlund	Holsten	Leppik	Penas	Sykora	
Erickson	Howes	Lindner	Rhodes	Thompson	

The motion prevailed and the Minority Report on H. F. No. 3722 was substituted for the Majority Report and the Minority Report was adopted. H. F. No. 3722 was re-referred to the Committee on Governmental Operations and Veterans Affairs Policy, without recommendation.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Thursday, May 16, 2002:

H. F. Nos. 2660 and 2704.

CALENDAR FOR THE DAY

S. F. No. 3256 was reported to the House.

Dorman and Kelliher offered an amendment to S. F. No. 3256.

POINT OF ORDER

Finseth raised a point of order pursuant to rule 3.21 that the Dorman and Kelliher amendment was not in order. The Speaker ruled the point of order well taken and the Dorman and Kelliher amendment out of order.

S. F. No. 3256, A bill for an act relating to agriculture; modifying limits on the sale of prepared foods at community events or farmers' markets; amending Minnesota Statutes 2000, section 28A.15, subdivision 9.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed 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.

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

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

REPORTS OF STANDING COMMITTEES

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1671, A bill for an act relating to constitutional amendments; proposing amendments to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of 3/16 of one percent on taxable sales for natural resource purposes and for an education excellence fund; requiring the secretary of state to prepare and post a voter guide on proposed constitutional amendments; creating an education excellence fund; amending Minnesota Statutes 2001 Supplement, section 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 126C.

Reported the same back with the following amendments:

Page 2, line 9, delete everything after "law"

Page 2, delete lines 10 and 11

Page 2, line 12, delete "for those purposes"

Page 2, after line 30, insert:

"Sec. 3. Minnesota Statutes 2000, section 85A.02, is amended by adding a subdivision to read:

Subd. 19. [RECIPROCITY.] The Minnesota zoological garden shall offer free admission throughout the year to individuals and groups who are members of a Minnesota institution accredited by the American Zoo and Aquarium Association, provided the accredited Minnesota institution offers free or discounted admission to members of the Minnesota zoological garden."

Page 2, line 31, delete "3" and insert "4"

Page 3, delete lines 27 to 29

Page 3, line 30, delete "purposes"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring reciprocity for admission to the Minnesota zoo;"

Page 1, line 10, after "amending" insert "Minnesota Statutes 2000, section 85A.02, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on K-12 Education Finance.

The report was adopted.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3031

A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; providing for declaration and termination of emergencies due to bioterrorism; granting certain emergency powers; preserving certain rights of refusal; providing for the isolation and quarantine of persons; requiring a study; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.31, subdivision 2; 12.32; 13.3806, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 144.

May 16, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H. F. No. 3031, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 3031 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TITLE.]

Sections 1 to 22 may be cited as the "Minnesota Emergency Health Powers Act."

Sec. 2. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 1c. [BIOTERRORISM.] "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population.

Sec. 3. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 4d. [FACILITY.] "Facility" means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation. Facility does not include a private residence.

Sec. 4. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 6a. [MEDICAL SUPPLIES.] "Medical supplies" means any medication, durable medical equipment, instruments, linens, or any other material that a health care provider deems not essential for the continued operation of the provider's practice or facility. The term medical supplies does not apply to medication, durable medical equipment, or other material that is personal property being used by individuals or that has been borrowed, leased, or rented by individuals for the purpose of treatment or care.

Sec. 5. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9a. [PUBLIC HEALTH EMERGENCY.] "Public health emergency" means the occurrence or imminent risk of a qualifying health emergency.

Sec. 6. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9b. [QUALIFYING HEALTH EMERGENCY.] "Qualifying health emergency" means an occurrence or imminent threat of an illness or health condition in Minnesota:

(1) where there is evidence to believe the illness or health condition is caused by any of the following:

(i) bioterrorism;

(ii) the appearance of a new or novel or previously controlled or eradicated infectious agent or biological toxin;

(iii) a natural disaster;

(iv) a chemical attack or accidental release; or

(v) a nuclear attack or accident; and

(2) the illness or health condition poses a high probability of any of the following harms:

(i) a large number of deaths in the affected population;

(ii) a large number of serious or long-term disabilities in the affected population; or

(iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

Sec. 7. Minnesota Statutes 2000, section 12.21, subdivision 3, is amended to read:

Subd. 3. [SPECIFIC AUTHORITY.] In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies ~~and~~, equipment, and facilities, institute training programs and public information programs, and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and ~~with~~ Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and the movement and cessation of movement of pedestrians ~~and~~ vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes, ~~and~~; coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under section 124D.10, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs.

Sec. 8. Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1, is amended to read:

Subdivision 1. [DECLARATION OF NATIONAL SECURITY EMERGENCY.] When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster or public health emergency from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a national security emergency exists in all or any part of the state. If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37 and 12.381. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Sec. 9. Minnesota Statutes 2000, section 12.31, subdivision 2, is amended to read:

Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. It A peacetime emergency must not be continued for more than five days unless extended by resolution of the executive council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

(b) This paragraph applies to a peacetime emergency declared as a result of a public health emergency. If the legislature is sitting in session at the time of the emergency declaration, the governor may exercise the powers and duties conferred by this chapter for the period allowed under paragraph (a). If the legislature is not sitting in session when a peacetime emergency is declared or renewed, the governor may exercise the powers and duties conferred by this chapter for the period allowed under paragraph (a) only if the governor issues a call convening both houses of the legislature at the same time the governor declares or renews the peacetime emergency.

Sec. 10. Minnesota Statutes 2000, section 12.31, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF DECLARATION OF PEACETIME EMERGENCY.] A declaration of a peacetime emergency in accordance with this section authorizes the governor to exercise for a period not to exceed the time specified in this section the powers and duties conferred and imposed by this chapter for a peacetime emergency and invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan.

Sec. 11. [12.311] [DECLARATION DUE TO A PUBLIC HEALTH EMERGENCY.]

(a) Before the governor declares a national security emergency due to a public health emergency or peacetime emergency due to a public health emergency, the governor or state director of emergency management shall consult with the commissioner of public safety, the state director of homeland security, the commissioner of health, and additional public health experts and other experts. If the public health emergency occurs on Indian lands, the

governor or state director of emergency management shall consult with tribal authorities before the governor makes such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

(b) Upon the declaration of an emergency due to a public health emergency, the governor and the commissioner of health must immediately report to the leadership in the house of representatives and senate, as well as the chairs and ranking minority members of the judiciary and health committees, regarding the imposition of the public health emergency and how it may affect the public.

Sec. 12. [12.312] [TERMINATION OF DECLARATION; PUBLIC HEALTH EMERGENCY.]

Subdivision 1. [AUTOMATIC TERMINATION; RENEWAL.] Notwithstanding any other provision of this chapter, a national security emergency declared due to a public health emergency or peacetime emergency declared due to a public health emergency is terminated automatically 30 days after its original declaration unless the emergency is renewed by the governor using the procedure specified in section 12.31, subdivision 2, paragraph (b). Any renewal is terminated automatically after 30 days unless again renewed by the governor.

Subd. 2. [TERMINATION BY LEGISLATURE.] By a majority vote of each house of the legislature, the legislature may terminate a national security emergency declared due to a public health emergency or peacetime emergency declared due to a public health emergency at any time from the date of original declaration. A termination by the legislature under this subdivision overrides any renewal by the governor under subdivision 1.

Sec. 13. Minnesota Statutes 2000, section 12.32, is amended to read:

12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and filed in the office of the secretary of state, have, during a national security emergency, peacetime emergency, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 14. Minnesota Statutes 2000, section 12.34, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY POWERS.] When necessary to save life, property, or the environment during a national security emergency or during a peacetime emergency, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above; and

(2) commandeer, during a national security emergency, any motor vehicle, tools, appliances, medical supplies, or other personal property and any facilities.

Sec. 15. [12.381] [SAFE DISPOSITION OF DEAD HUMAN BODIES.]

Subdivision 1. [POWERS FOR SAFE DISPOSITION.] Notwithstanding chapter 149A and Minnesota Rules, chapter 4610, in connection with deaths related to a public health emergency and during a national security emergency declared due to a public health emergency or peacetime emergency declared due to a public health emergency, the governor may:

(1) direct measures to provide for the safe disposition of dead human bodies as may be reasonable and necessary for emergency response. Measures may include, but are not limited to, transportation, preparation, temporary mass burial and other interment, disinterment, and cremation of dead human bodies. Insofar as the emergency circumstances allow, the governor shall respect the religious rites, cultural customs, family wishes, and predeath directives of a decedent concerning final disposition. The governor may limit visitations or funeral ceremonies based on public health risks;

(2) consult with coroners and medical examiners, take possession or control of any dead human body, and order an autopsy of the body; and

(3) request any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, or otherwise provide for disposition of a dead human body under the laws of this state to accept any dead human body or provide the use of its business or facility if the actions are reasonable and necessary for emergency management purposes and are within the safety precaution capabilities of the business or facility.

Subd. 2. [IDENTIFICATION OF BODIES.] A person in charge of the body of a person believed to have died due to a qualifying health emergency shall maintain a written record of the body and all available information to identify the decedent, the circumstances of death, and disposition of the body. If a body cannot be identified, a qualified person shall, prior to disposition and to the extent possible, take fingerprints and one or more photographs of the remains and collect a DNA specimen from the body. All information gathered under this subdivision, other than data required for a death certificate under Minnesota Rules, part 4601.2550, shall be death investigation data and shall be classified as nonpublic data according to section 13.02, subdivision 9, or as private data on decedents according to section 13.10, subdivision 1. Death investigation data are not medical examiner data as defined in section 13.83. Data gathered under this subdivision shall be promptly forwarded to the commissioner of health. The commissioner may only disclose death investigation data to the extent necessary to assist relatives in identifying decedents or for public health or public safety investigations.

Sec. 16. [12.39] [TESTING AND TREATMENTS.]

Subdivision 1. [REFUSAL OF TREATMENT.] Notwithstanding laws, rules, or orders made or promulgated in response to a national security emergency, peacetime emergency, or public health emergency, individuals have a fundamental right to refuse medical treatment, testing, physical or mental examination, vaccination, participation in experimental procedures and protocols, collection of specimens, and preventive treatment programs. An individual who has been directed by the commissioner of health to submit to medical procedures and protocols because the individual is infected with or reasonably believed by the commissioner of health to be infected with or exposed to a toxic agent that can be transferred to another individual or a communicable disease, and the agent or communicable disease is the basis for which the national security emergency, peacetime emergency, or public health emergency was declared, and who refuses to submit to them may be ordered by the commissioner to be placed in isolation or quarantine according to parameters set forth in sections 144.419 and 144.4195.

Subd. 2. [INFORMATION GIVEN.] Where feasible, before performing examinations, testing, treatment, or vaccination of an individual under subdivision 1, a health care provider shall notify the individual of the right to refuse the examination, testing, treatment, or vaccination, and the consequences, including isolation or quarantine, upon refusal.

Sec. 17. Minnesota Statutes 2000, section 13.3806, is amended by adding a subdivision to read:

Subd. 1a. [DEATH INVESTIGATION DATA.] Data gathered by the commissioner of health to identify the body of a person believed to have died due to a qualifying health emergency as defined in section 12.03, subdivision 9b, the circumstances of death, and disposition of the body are classified in and may be released according to section 12.381, subdivision 2.

Sec. 18. Minnesota Statutes 2000, section 13.3806, is amended by adding a subdivision to read:

Subd. 10a. [ISOLATION OR QUARANTINE DIRECTIVE.] Data in a directive issued by the commissioner of health under section 144.4195, subdivision 2, to isolate or quarantine a person or group of persons are classified in section 144.4195, subdivision 6.

Sec. 19. [144.419] [ISOLATION AND QUARANTINE OF PERSONS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section and section 144.4195, the following definitions apply:

(1) "bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population;

(2) "communicable disease" means a disease caused by a living organism or virus and believed to be caused by bioterrorism or a new or novel or previously controlled or eradicated infectious agent or biological toxin that can be transmitted person to person and for which isolation or quarantine is an effective control strategy;

(3) "isolation" means separation, during the period of communicability, of a person infected with a communicable disease, in a place and under conditions so as to prevent direct or indirect transmission of an infectious agent to others; and

(4) "quarantine" means restriction, during a period of communicability, of activities or travel of an otherwise healthy person who likely has been exposed to a communicable disease to prevent disease transmission during the period of communicability in the event the person is infected.

Subd. 2. [GENERAL REQUIREMENTS.] (a) The commissioner of health or any person acting under the commissioner's authority shall comply with paragraphs (b) to (h) when isolating or quarantining individuals or groups of individuals.

(b) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or potentially communicable disease to others and may include, but are not limited to, confinement to private homes or other private or public premises.

(c) Isolated individuals must be confined separately from quarantined individuals.

(d) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require continued isolation or quarantine. To adequately address emergency health situations, isolated and quarantined individuals shall be given a reliable means to communicate 24 hours a day with health officials and to summon emergency health services.

(e) If a quarantined individual subsequently becomes infectious or is reasonably believed to have become infectious with a communicable or potentially communicable disease, the individual must be isolated according to section 144.4195.

(f) Isolated and quarantined individuals must be immediately released when they pose no known risk of transmitting a communicable or potentially communicable disease to others.

(g) The needs of persons isolated and quarantined shall be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication between those in isolation or quarantine and those outside these settings, medication, and competent medical care.

(h) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated and quarantined.

Subd. 3. [TERMINATION.] The isolation or quarantine of a person must terminate automatically on the expiration date of a court order authorizing isolation or quarantine that is issued according to section 144.4195, or before the expiration date if the commissioner of health determines that isolation or quarantine of the person is no longer necessary to protect the public.

Subd. 4. [RIGHT TO REFUSE TREATMENT.] Any person who is isolated or quarantined according to this section and section 144.4195 has a fundamental right to refuse medical treatment, testing, physical or mental examination, vaccination, participation in experimental procedures and protocols, collection of specimens, and preventive treatment programs. A person who has been directed by the commissioner of health or any person acting under the commissioner's authority to submit to medical procedures and protocols because the person is infected with or reasonably believed by the commissioner or by the person acting under the commissioner's authority to be infected with or exposed to a communicable disease and who refuses to submit to them may be subject to continued isolation or quarantine according to the parameters set forth in section 144.4195.

Subd. 5. [CITIZEN RIGHT TO ENTRY.] (a) No person, other than a person authorized by the commissioner of health or authorized by any person acting under the commissioner's authority, shall enter an isolation or quarantine area. If, by reason of an unauthorized entry into an isolation or quarantine area, a person poses a danger to public health, the person may be subject to isolation or quarantine according to this section and section 144.4195.

(b) A family member of a person isolated or quarantined has a right to choose to enter into an isolation or quarantine area. The commissioner of health must permit the family member entry into the isolation or quarantine area if the family member signs a consent form stating that the family member has been informed of the potential health risks, isolation and quarantine guidelines, and the consequences of entering the area. The family member may not hold the department of health, the commissioner of health, or the state responsible for any consequences of entering the isolation or quarantine area. If, by reason of entry into an isolation or quarantine area under this paragraph, a person poses a danger to public health, the person may be subject to isolation or quarantine according to this section and section 144.4195.

Sec. 20. [144.4195] [DUE PROCESS FOR ISOLATION OR QUARANTINE OF PERSONS.]

Subdivision 1. [EX PARTE ORDER FOR ISOLATION OR QUARANTINE.] (a) Before isolating or quarantining a person or group of persons, the commissioner of health shall obtain a written, ex parte order authorizing the isolation or quarantine from the district court of Ramsey county, the county where the person or group of persons is located, or a county adjoining the county where the person or group of persons is located. The evidence or testimony in support of an application may be made or taken by telephone, facsimile transmission, video equipment, or other electronic communication. The court shall grant the order upon a finding that probable cause exists to believe isolation or quarantine is warranted to protect the public health.

(b) The order must state the specific facts justifying isolation or quarantine, must state that the person being isolated or quarantined has a right to a court hearing under this section and a right to be represented by counsel during any proceeding under this section, and must be provided immediately to each person isolated or quarantined. The commissioner of health shall provide a copy of the authorizing order to the commissioner of public safety and other peace officers known to the commissioner to have jurisdiction over the site of the isolation or quarantine. If feasible, the commissioner of health shall give each person being isolated or quarantined an estimate of the expected period of the person's isolation or quarantine.

(c) If it is impracticable to provide individual orders to a group of persons isolated or quarantined, one order shall suffice to isolate or quarantine a group of persons believed to have been commonly infected with or exposed to a communicable disease. A copy of the order and notice shall be posted in a conspicuous place:

(1) in the isolation or quarantine premises, but only if the persons to be isolated or quarantined are already at the isolation or quarantine premises and have adequate access to the order posted there; or

(2) in another location where the group of persons to be isolated or quarantined is located, such that the persons have adequate access to the order posted there.

If the court determines that posting the order according to clause (1) or (2) is impractical due to the number of persons to be isolated or quarantined or the geographical area affected, the court must use the best means available to ensure that the affected persons are fully informed of the order and notice.

(d) No person may be isolated or quarantined pursuant to an order issued under this subdivision for longer than 21 days without a court hearing under subdivision 3 to determine whether isolation or quarantine should continue. A person who is isolated or quarantined may request a court hearing under subdivision 3 at any time before the expiration of the order.

Subd. 2. [TEMPORARY HOLD UPON COMMISSIONER'S DIRECTIVE.] Notwithstanding subdivision 1, the commissioner of health may by directive isolate or quarantine a person or group of persons without first obtaining a written, ex parte order from the court if a delay in isolating or quarantining the person or group of persons would significantly jeopardize the commissioner of health's ability to prevent or limit the transmission of a communicable or potentially communicable disease to others. The commissioner must provide the person or group of persons subject to the temporary hold with notice that the person has a right to request a court hearing under this section and a right to be represented by counsel during a proceeding under this section. If it is impracticable to provide individual notice to each person subject to the temporary hold, notice of these rights may be posted in the same manner as the posting of orders under subdivision 1, paragraph (c). Following the imposition of isolation or quarantine under this subdivision, the commissioner of health shall within 24 hours apply for a written, ex parte order pursuant to subdivision 1 authorizing the isolation or quarantine. The court must rule within 24 hours of receipt of the application. If the person is under a temporary hold, the person may not be held in isolation or quarantine after the temporary hold expires unless the court issues an ex parte order under subdivision 1.

Subd. 3. [COURT HEARING.] (a) A person isolated or quarantined under an order issued pursuant to subdivision 1 or a temporary hold under subdivision 2 or the person's representative may petition the court to contest the court order or temporary hold at any time prior to the expiration of the order or temporary hold. If a petition is filed, the court must hold a hearing within 72 hours from the date of the filing. A petition for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show by clear and convincing evidence that the isolation or quarantine is warranted to protect the public health.

(b) If the commissioner of health wishes to extend the order for isolation or quarantine past the period of time stated in subdivision 1, paragraph (d), the commissioner must petition the court to do so. Notice of the hearing must be served upon the person or persons who are being isolated or quarantined at least three days before the hearing. If it is impracticable to provide individual notice to large groups who are isolated or quarantined, a copy of the notice may be posted in the same manner as described under subdivision 1, paragraph (c).

(c) The notice must contain the following information:

(1) the time, date, and place of the hearing;

(2) the grounds and underlying facts upon which continued isolation or quarantine is sought;

(3) the person's right to appear at the hearing; and

(4) the person's right to counsel, including the right, if indigent, to be represented by counsel designated by the court or county of venue.

(d) The court may order the continued isolation or quarantine of the person or group of persons if it finds by clear and convincing evidence that the person or persons would pose an imminent health threat to others if isolation or quarantine was lifted. In no case may the isolation or quarantine continue longer than 30 days from the date of the court order issued under this subdivision unless the commissioner petitions the court for an extension. Any hearing to extend an order is governed by this subdivision.

Subd. 4. [HEARING ON CONDITIONS OF ISOLATION OR QUARANTINE.] A person isolated or quarantined may request a hearing in district court for remedies regarding the treatment during and the terms and conditions of isolation or quarantine. Upon receiving a request for a hearing under this subdivision, the court shall fix a date for a hearing that is within seven days of the receipt of the request by the court. The request for a hearing does not alter the order for isolation or quarantine. If the court finds that the isolation or quarantine of the individual is not in compliance with section 144.419, the court may fashion remedies appropriate to the circumstances of the emergency and in keeping with this chapter.

Subd. 5. [JUDICIAL DECISIONS.] Court orders issued pursuant to subdivision 3 or 4 shall be based upon clear and convincing evidence and a written record of the disposition of the case shall be made and retained. Any person subject to isolation or quarantine has the right to be represented by counsel or other lawful representative. The manner in which the request for a hearing is filed and acted upon shall be in accordance with the existing laws and rules of the courts of this state or, if the isolation or quarantine occurs during a national security or peacetime emergency, any rules that are developed by the courts for use during a national security or peacetime emergency.

Subd. 6. [DATA PRIVACY.] Data on individuals contained in the commissioner's directive under subdivision 2 are health data under section 13.3805, subdivision 1.

Subd. 7. [DELEGATION.] The commissioner may delegate any authority prescribed in subdivision 1 or 3 to the local public health board, according to chapter 145A.

Sec. 21. [STUDY OF EMERGENCY HEALTH POWERS ISSUES.]

(a) The commissioner of health shall study and submit recommendations to the legislature on additional legislative changes needed to Minnesota Statutes, chapter 12 or 144, or other relevant statutes to strengthen the state's capacity to deal with a public health emergency, while protecting the constitutional and other rights of citizens. Before submitting the recommendations to the legislature, the commissioner shall publish the recommendations in the State Register and provide a period of not less than 30 days for the public to submit written comments to the commissioner regarding the recommendations. The report and recommendations, including written comments received by the commissioner, must be submitted to the legislature by January 15, 2003. The report and recommendations must address at least the following:

(1) provisions for immunity from liability for health care providers and others acting under the direction of the governor or a designee during an emergency declared due to a public health emergency;

(2) emergency measures concerning dangerous facilities and materials, the control of medical supplies and facilities, and limiting public gatherings and transportation;

(3) measures to detect and prevent the spread of disease, including requirements for medical examinations, testing, vaccination, treatment, isolation and quarantine, collecting laboratory specimens and samples, and an evaluation of the definition of communicable disease;

(4) due process protections to apply to persons under isolation or quarantine;

(5) enforcement methods to ensure compliance with emergency measures and measures to detect and prevent the spread of disease;

(6) ways to preserve the effectiveness of fluoroquinolones and other antibiotics that are vital to protecting human health; and

(7) the impact of each recommendation on the constitutional and other rights of citizens.

(b) In developing this report and recommendations, the commissioner shall consult with the commissioner of public safety, the state director of homeland security, and representatives of local government, tribal government, emergency managers, the board of animal health, health care provider organizations, emergency medical services personnel, and legal advocacy and civil liberties groups. All meetings with these representatives must be open to the public and adequate notice of the meetings must be provided to the public. The commissioner shall delineate and describe the impact of each recommendation on the constitutional and other rights of citizens.

Sec. 22. [SUNSET.]

Sections 1 to 20 expire August 1, 2004.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 22 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; providing for declaration and termination of emergencies due to a public health emergency; granting certain emergency powers; preserving certain rights of refusal; providing for the isolation and quarantine of persons; requiring a study; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.21, subdivision 3; 12.31, subdivisions 2, 3; 12.32; 12.34, subdivision 1; 13.3806, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 144."

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

House Conferees: RICHARD MULDER, CARL JACOBSON AND THOMAS HUNTLEY.

Senate Conferees: JOHN C. HOTTINGER, DON BETZOLD AND WARREN LIMMER.

Mulder moved that the report of the Conference Committee on H. F. No. 3031 be adopted and that the bill be repassed as amended by the Conference Committee.

The Speaker called Abrams to the Chair.

Boudreau moved that the House refuse to adopt the Conference Committee report on H. F. No. 3031, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

CALL OF THE HOUSE

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

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

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

MOTION TO ADJOURN SINE DIE

Krinkie moved that the House adjourn sine die.

A roll call was requested and properly seconded.

The question was taken on the Krinkie motion and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 17 yeas and 105 nays as follows:

Those who voted in the affirmative were:

Biernat	Goodwin	Johnson, J.	Lipman	Rifenberg	Vandever
Buesgens	Holberg	Krinkie	Olson	Swapinski	Wilkin
Gerlach	Jacobson	Lindner	Penas	Tingelstad	

Those who voted in the negative were:

Abeler	Dorn	Hilty	Mares	Paulsen	Stanek
Abrams	Eastlund	Huntley	Mariani	Pawlenty	Stang
Anderson, I.	Entenza	Jaros	Marko	Paymar	Swenson
Bakk	Erhardt	Jennings	Marquart	Pelowski	Sykora
Bernardy	Erickson	Johnson, R.	McElroy	Peterson	Thompson
Blaine	Evans	Johnson, S.	McGuire	Pugh	Tuma
Boudreau	Folliard	Jordan	Milbert	Rhodes	Wagenius
Carlson	Fuller	Juhnke	Molnau	Rukavina	Walker
Cassell	Gleason	Kahn	Mulder	Ruth	Walz
Clark, J.	Goodno	Kelliher	Mullery	Schumacher	Wasiluk
Clark, K.	Gray	Kielkucki	Murphy	Seagren	Westerberg
Daggett	Greiling	Knoblach	Ness	Seifert	Westrom
Davnie	Gunther	Koskinen	Nornes	Sertich	Winter
Dawkins	Haas	Leighton	Opatz	Skoe	Wolf
Dehler	Hackbarth	Lenczewski	Osskopp	Skoglund	Spk. Sviggum
Dempsey	Harder	Leppik	Osthoff	Slawik	
Dibble	Hausman	Lieder	Otremba	Smith	
Dorman	Hilstrom	Mahoney	Ozment	Solberg	

The motion did not prevail.

The question recurred on the Boudreau motion and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 94 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Harder	Lindner	Pawlenty	Swapinski
Abrams	Dempsey	Hilstrom	Lipman	Paymar	Swenson
Anderson, I.	Dibble	Holsten	Mariani	Pelowski	Thompson
Bakk	Dorman	Howes	Marko	Peterson	Tingelstad
Bernardy	Dorn	Johnson, J.	Marquart	Pugh	Tuma
Biernat	Eastlund	Johnson, R.	McElroy	Rifenberg	Vandever
Blaine	Entenza	Johnson, S.	Molnau	Rukavina	Walker
Boudreau	Erickson	Jordan	Murphy	Ruth	Walz
Buesgens	Evans	Juhnke	Ness	Schumacher	Westerberg
Carlson	Finseth	Kelliher	Nornes	Seagren	Westrom
Cassell	Fuller	Kielkucki	Olson	Sertich	Wilkin
Clark, J.	Gerlach	Koskinen	Opatz	Skoe	Winter
Clark, K.	Goodno	Krinkie	Osskopp	Smith	Wolf
Daggett	Gray	Leighton	Otremba	Solberg	Workman
Davnie	Greiling	Lenczewski	Ozment	Stanek	
Dawkins	Hackbarth	Lieder	Paulsen	Stang	

Those who voted in the negative were:

Erhardt	Goodwin	Hausman	Huntley	Jennings	Leppik
Folliard	Gunther	Hilty	Jacobson	Kahn	Mahoney
Gleason	Haas	Holberg	Jaros	Knoblach	Mares

McGuire	Osthoff	Seifert	Sykora	Spk. Sviggum
Mulder	Penas	Skoglund	Wagenius	
Mullery	Rhodes	Slawik	Wasiluk	

The motion prevailed and H. F. No. 3031 was returned to the Conference Committee.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2707, A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; extending the availability of an existing appropriation; providing for the electronic recording and authentication of certain documents as part of a pilot project; delaying the expiration date of the electronic real estate recording task force; amending Minnesota Statutes 2000, section 507.093; Minnesota Statutes 2001 Supplement, sections 507.24, subdivision 2; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2000, chapter 391, section 1, subdivision 2; Laws 2001, First Special Session chapter 10, article 2, section 98.

The enrolled copy of S. F. No. 2707 with all of the signatures of the officers of the Senate and the House together with the Governor's objections, is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

VETO OVERRIDE

Juhnke moved that S. F. No. 2707, Chapter No. 365, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the Juhnke motion to reconsider and repass S. F. No. 2707, Chapter No. 365, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 101 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Biernat	Carlson	Clark, K.	Dawkins	Dibble
Bakk	Blaine	Cassell	Daggett	Dehler	Dorman
Bernardy	Boudreau	Clark, J.	Davnie	Dempsey	Dorn

Eastlund	Gunther	Juhnke	McElroy	Pugh	Swenson
Entenza	Haas	Kahn	McGuire	Rhodes	Sykora
Erhardt	Hackbarth	Kelliher	Mullery	Rukavina	Tuma
Erickson	Harder	Knoblach	Murphy	Ruth	Vandever
Evans	Hausman	Koskinen	Ness	Schumacher	Wagenius
Finseth	Hilstrom	Leighton	Nornes	Seagren	Walker
Folliard	Hilty	Lenczewski	Opatz	Sertich	Walz
Fuller	Howes	Leppik	Osthoff	Skoe	Wasiluk
Gerlach	Huntley	Lieder	Otremba	Skoglund	Westerberg
Gleason	Jaros	Lindner	Paulsen	Slawik	Westrom
Goodno	Jennings	Mahoney	Paymar	Solberg	Winter
Goodwin	Johnson, R.	Mariani	Pelowski	Stanek	Wolf
Gray	Johnson, S.	Marko	Penas	Stang	Spk. Sviggum
Greiling	Jordan	Marquart	Peterson	Swapinski	

Those who voted in the negative were:

Abeler	Holsten	Krinkie	Molnau	Pawlenty	Thompson
Abrams	Jacobson	Lipman	Olson	Rifenberg	Tingelstad
Buesgens	Johnson, J.	Mares	Osskopp	Seifert	Wilkin
Holberg	Kielkucki	Milbert	Ozment	Smith	Workman

Having received the constitutionally required two-thirds vote, the bill was reconsidered and repassed, the objections of the Governor notwithstanding.

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Holsten moved that the name of Abeler be added as an author on H. F. No. 1671. The motion prevailed.

Davids moved that the names of Abeler and Tingelstad be added as authors on H. F. No. 1868. The motion prevailed.

Kahn moved that the names of Wolf; Thompson; Mariani; Johnson, S.; Schumacher; Kalis and Evans be added as authors on H. F. No. 2587. The motion prevailed.

Seifert moved that the names of Buesgens, Blaine, Ozment, Westerberg, Pelowski, Jacobson, Finseth, Mulder, Eastlund and Swenson be added as authors on H. F. No. 3732. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 17, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, May 17, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives