

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, March 20, 2002

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. John B. Severson.

The roll was called, and the following Senators answered to their names:

Anderson	Higgins	Larson	Ourada	Scheevel
Bachmann	Hottinger	Lesewski	Pappas	Scheid
Belanger	Johnson, Dave	Lessard	Pariseau	Schwab
Berg	Johnson, Dean	Limmer	Pogemiller	Solon, Y.P.
Berglin	Johnson, Debbie	Lourey	Price	Stevens
Betzold	Johnson, Doug	Marty	Ranum	Stumpf
Chaudhary	Kelley, S.P.	Metzen	Reiter	Tomassoni
Cohen	Kierlin	Moe, R.D.	Rest	Vickerman
Day	Kinkel	Moua	Ring	Wiener
Dille	Kiscaden	Murphy	Robertson	Wiger
Fischbach	Kleis	Neuville	Robling	
Foley	Knutson	Oliver	Sabo	
Fowler	Krentz	Olson	Sams	
Frederickson	Langseth	Orfield	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Senator Terwilliger was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2434, 2627, 2590. 3136, 3080, 3115, 1030, 2611, 3045, 3109 and 222.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3117: A bill for an act relating to the metropolitan council; providing for the transfer or disposal of interceptor facilities; proposing coding for new law in Minnesota Statutes, chapter 473.

Senate File No. 3117 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

CONCURRENCE AND REPASSAGE

Senator Metzen moved that the Senate concur in the amendments by the House to S.F. No. 3117 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3117 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lesewski	Ourada	Scheevel
Bachmann	Johnson, Dean	Lessard	Pappas	Scheid
Belanger	Johnson, Debbie	Limmer	Pariseau	Schwab
Berg	Johnson, Doug	Lourey	Pogemiller	Solon, Y.P.
Berglin	Kelley, S.P.	Marty	Price	Stevens
Betzold	Kierlin	Metzen	Ranum	Stumpf
Day	Kinkel	Moe, R.D.	Reiter	Tomassoni
Dille	Kiscaden	Moua	Rest	Vickerman
Fischbach	Kleis	Murphy	Ring	Wiger
Foley	Knutson	Neuville	Robling	
Fowler	Krentz	Oliver	Sabo	
Frederickson	Langseth	Olson	Sams	
Higgins	Larson	Orfield	Samuelson	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2419: A bill for an act relating to human services; defining portable wading pools; clarifying the use of portable wading pools at family day care settings; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision.

Senate File No. 2419 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

CONCURRENCE AND REPASSAGE

Senator Lesewski moved that the Senate concur in the amendments by the House to S.F. No. 2419 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2419 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Orfield	Samuelson
Bachmann	Hottinger	Lesewski	Ourada	Scheevel
Belanger	Johnson, Dean	Lessard	Pappas	Scheid
Berg	Johnson, Debbie	Limmer	Pariseau	Schwab
Betzold	Johnson, Doug	Lourey	Pogemiller	Solon, Y.P.
Chaudhary	Kelley, S.P.	Marty	Price	Stevens
Cohen	Kierlin	Metzen	Ranum	Stumpf
Day	Kinkel	Moe, R.D.	Reiter	Tomassoni
Dille	Kiscaden	Moua	Rest	Vickerman
Fischbach	Kleis	Murphy	Ring	Wiger
Foley	Knutson	Neuville	Robling	
Fowler	Krentz	Oliver	Sabo	
Frederickson	Langseth	Olson	Sams	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2680: A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1.

Senate File No. 2680 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

Senator Limmer moved that the Senate do not concur in the amendments by the House to S.F. No. 2680, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2884:

H.F. No. 2884: A bill for an act relating to traffic regulations; modifying imposition of civil fine for excessive gross weight; amending Minnesota Statutes 2000, sections 169.871, subdivision 1; 169.872, subdivision 1, by adding a subdivision.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Osskopp, Mulder and Juhnke have been appointed as such committee on the part of the House.

House File No. 2884 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 2002

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2884, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1517, 1224, 2618, 2706 and 2886.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 2002

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 1517: A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; changing municipalities' immunity from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision; 466.03, subdivision 6d.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1443, now on General Orders.

H.F. No. 1224: A bill for an act relating to health; creating registration for medical response units; proposing coding for new law in Minnesota Statutes, chapter 144E.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 887, now on General Orders.

H.F. No. 2618: A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3373, now on General Orders.

H.F. No. 2706: A bill for an act relating to traffic regulations; modifying traffic laws relating to emergency vehicles; imposing misdemeanor penalty for intentionally obstructing emergency vehicle during emergency duty; making clarifying changes; amending Minnesota Statutes 2000, sections 169.03, subdivision 2; 169.20, subdivision 5a; Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3076, now on General Orders.

H.F. No. 2886: A bill for an act relating to elections; providing additional identification procedures; changing certain registration procedures; amending Minnesota Statutes 2000, sections 201.061, subdivision 3; 201.171.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2882 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2882	3122				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 2882 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Lesewski introduced--

Senate Resolution No. 194: A Senate resolution congratulating the Marshall High School Girls Basketball team on winning the 2002 State High School Class AAA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Senator Knutson introduced--

Senate Resolution No. 195: A Senate resolution congratulating the Apple Valley High School Boys Wrestling team on winning the 2002 Class AAA Team State Championship.

Referred to the Committee on Rules and Administration.

Senator Knutson introduced--

Senate Resolution No. 196: A Senate resolution congratulating the Apple Valley High School Science Olympiad team on winning the 2002 State High School Olympiad State Competition.

Referred to the Committee on Rules and Administration.

RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2884: Senators Murphy, Sams and Fischbach.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 2542, 3272, 2908, 3028, 2675 and 3134.

SPECIAL ORDER

S.F. No. 2542: A bill for an act relating to business organizations; regulating business corporations and limited liability companies; providing legal recognition of electronic records and signatures; regulating meetings by means of remote communications and dissolutions and terminations; regulating use of names by successor corporations; regulating investment company authority to issue shares; defining terms; making technical and conforming changes; providing for mergers, acquisitions, and conversions by business corporations; amending Minnesota Statutes 2000, sections 302A.011, subdivisions 17, 21, 31, 38, 50, by adding subdivisions; 302A.115, subdivision 5; 302A.135, by adding a subdivision; 302A.231; 302A.239, subdivisions 1, 2; 302A.431, subdivision 3; 302A.433, subdivision 3; 302A.436; 302A.441; 302A.449, subdivision 1; 302A.471, subdivision 1; 302A.621, subdivisions 1, 2, 3, 4; 302A.673, subdivision 1; 302A.734; 303.11; 317A.011, by adding subdivisions; 317A.231; 317A.239, subdivisions 1, 2; 317A.431, subdivision 3; 317A.433, subdivision 3; 317A.445; 317A.453, subdivision 1; 317A.733, subdivisions 3, 4; 322A.03; 322B.03, subdivisions 36a, 45a, by adding subdivisions; 322B.12, subdivision 4; 322B.333, subdivision 3; 322B.336, subdivision 3; 322B.343; 322B.35, subdivisions 1, 2; 322B.363, subdivision 1; 322B.383, subdivision 1; 322B.643; 322B.656, subdivisions 1, 2; 322B.826; 323A.11-02; 333.055, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 302A; 317A; 322B; repealing Minnesota Statutes 2000, section 317A.449.

Senator Scheid moved to amend S.F. No. 2542 as follows:

Page 5, delete sections 6 and 7

Page 5, line 32, delete "62" and insert "60"

Page 6, line 5, delete "63" and insert "61"

Page 6, line 13, delete "64" and insert "62"

Page 17, line 2, reinstate the stricken "or"

Page 17, lines 3 and 4, delete the new language

Pages 25 to 29, delete sections 29 to 34

Pages 30 and 31, delete sections 36 and 37

Page 43, line 3, after "involving" insert "the"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after "corporations" insert ", nonprofit corporations,"

Page 1, line 10, delete the comma and insert "and"

Page 1, line 11, delete ", and conversions"

Page 1, line 28, delete "322B.383, subdivision 1;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2542 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Oliver	Sabo
Bachmann	Higgins	Langseth	Olson	Sams
Belanger	Hottinger	Larson	Orfield	Samuelson
Berg	Johnson, Dave	Lesewski	Ourada	Scheevel
Berglin	Johnson, Dean	Lessard	Pappas	Scheid
Betzold	Johnson, Debbie	Limmer	Pariseau	Schwab
Chaudhary	Johnson, Doug	Lourey	Pogemiller	Solon, Y.P.
Cohen	Kelley, S.P.	Marty	Price	Stevens
Day	Kierlin	Metzen	Ranum	Stumpf
Dille	Kinkel	Moe, R.D.	Reiter	Tomassoni
Fischbach	Kiscaden	Moua	Rest	Vickerman
Foley	Kleis	Murphy	Ring	Wiener
Fowler	Knutson	Neuville	Robling	Wiger

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

SPECIAL ORDER

S.F. No. 3272: A bill for an act relating to telecommunications; enacting Telecommunications Consumer Privacy Act; providing for privacy of telecommunications customer information; requiring consent for disclosure of customer information; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 13; 237.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Chaudhary	Day
Bachmann	Berg	Betzold	Cohen	Dille

Fischbach	Kierlin	Lourey	Pappas	Scheevel
Foley	Kinkel	Marty	Pariseau	Scheid
Fowler	Kiscaden	Metzen	Pogemiller	Schwab
Frederickson	Kleis	Moe, R.D.	Price	Solon, Y.P.
Higgins	Knutson	Moua	Ranum	Stevens
Hottinger	Krentz	Murphy	Reiter	Stumpf
Johnson, Dave	Langseth	Neuville	Rest	Tomassoni
Johnson, Dean	Larson	Oliver	Robling	Vickerman
Johnson, Debbie	Lesewski	Olson	Sabo	Wiener
Johnson, Doug	Lessard	Orfield	Sams	Wiger
Kelley, S.P.	Limmer	Ourada	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2908: A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 325M.

Senator Kelley, S.P. moved to amend S.F. No. 2908 as follows:

Page 2, line 31, after "626A" insert a semicolon and after " or" insert "to an investigative or law enforcement officer as defined in United States Code, title 18, section 2510, while carrying out conduct authorized by"

The motion prevailed. So the amendment was adopted.

S.F. No. 2908 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Olson	Sabo
Bachmann	Hottinger	Larson	Orfield	Sams
Belanger	Johnson, Dave	Lesewski	Ourada	Samuelson
Berg	Johnson, Dean	Lessard	Pappas	Scheevel
Berglin	Johnson, Debbie	Limmer	Pariseau	Scheid
Betzold	Johnson, Doug	Lourey	Pogemiller	Schwab
Chaudhary	Kelley, S.P.	Marty	Price	Solon, Y.P.
Cohen	Kierlin	Metzen	Ranum	Stevens
Day	Kinkel	Moe, R.D.	Reiter	Stumpf
Dille	Kiscaden	Moua	Rest	Tomassoni
Fischbach	Kleis	Murphy	Ring	Vickerman
Foley	Knutson	Neuville	Robertson	Wiener
Fowler	Krentz	Oliver	Robling	Wiger

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

SPECIAL ORDER

S.F. No. 3028: A bill for an act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

Senator Kelley, S.P. moved to amend S.F. No. 3028 as follows:

Page 3, after line 11, insert:

"Sec. 3. [124D.452] [CAREER AND TECHNICAL EDUCATION DISTRICT REPORTS.]

Each district or cooperative center must report data to the department for all career and technical education programs as required by the department."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Bachmann questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Kiscaden moved to amend S.F. No. 3028 as follows:

Page 3, line 1, before the period, insert ", except the provisions of chapter 13 and the Open Meeting Law under chapter 13D apply"

The motion prevailed. So the amendment was adopted.

Senator Kelley, S.P. moved that S.F. No. 3028 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2675: A bill for an act relating to the environment; modifying the application of recyclable material container requirements for public entities; amending Minnesota Statutes 2000, section 115A.151.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Samuelson
Bachmann	Higgins	Lesewski	Pappas	Scheevel
Belanger	Hottinger	Lessard	Pariseau	Scheid
Berg	Johnson, Dave	Limmer	Pogemiller	Schwab
Berglin	Johnson, Dean	Lourey	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Marty	Ranum	Stevens
Chaudhary	Kelley, S.P.	Metzen	Reiter	Stumpf
Cohen	Kierlin	Moe, R.D.	Rest	Tomassoni
Day	Kinkel	Moua	Ring	Vickerman
Dille	Kiscaden	Neuville	Robertson	Wiener
Fischbach	Kleis	Oliver	Robling	Wiger
Foley	Knutson	Olson	Sabo	
Fowler	Krentz	Orfield	Sams	

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Moe, R.D. moved that the vote whereby S.F. No. 2675 was passed by the Senate on March 20, 2002, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Vickerman moved to amend S.F. No. 2675 as follows:

Page 1, after line 6, insert:

"Section 1. [16C.135] [PURCHASES OF FUEL AND VEHICLES BY STATE AGENCIES.]

Subdivision 1. [DEFINITION.] For purposes of this section "clean fuels" mean:

- (1) biodiesel blends of two percent or greater by volume (B20-B100);
- (2) compressed natural gas;
- (3) ethanol blends of 70 percent or greater by volume (E70-E100);
- (4) hydrogen;
- (5) liquefied natural gas; and
- (6) liquefied petroleum gas.

Subd. 2. [FUEL PURCHASES.] When purchasing fuel for use in the central motor pool or for use in a motor vehicle owned or leased by an agency, the commissioner or the agency shall purchase, and shall require persons purchasing on their behalf to purchase, clean fuels for use in the motor vehicle if clean fuels are reasonably available and if clean fuels are compatible with the use to which the motor vehicle is put.

Subd. 3. [VEHICLE PURCHASES.] When purchasing a motor vehicle for the central motor pool or for use by an agency, the commissioner or the agency shall purchase a motor vehicle that is capable of being powered by clean fuels, if such a motor vehicle is reasonably available and if the vehicle is capable of carrying out the purpose for which it is purchased."

Renumber the sections in sequence

Amend the title accordingly

Senator Scheevel moved to amend the Vickerman amendment to S.F. No. 2675 as follows:

Page 1, line 8, delete "(B20-B100)" and insert "(B2)"

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

Senator Reiter questioned whether the Vickerman amendment was germane.

The President ruled that the amendment was germane.

Senator Limmer moved to amend the Vickerman amendment to S.F. No. 2675 as follows:

Page 1, line 20, after "available" insert ", reasonably priced"

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

Senator Scheevel moved to amend the Scheevel amendment, adopted by the Senate March 20, 2002, as follows:

Page 1, line 3, delete "(B2)" insert "(B2-B100)"

The motion prevailed. So the amendment was adopted.

The question recurred on the adoption of the Vickerman amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 2675 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Day	Frederickson	Johnson, Dean
Bachmann	Betzold	Fischbach	Higgins	Johnson, Doug
Belanger	Chaudhary	Foley	Hottinger	Kelley, S.P.
Berg	Cohen	Fowler	Johnson, Dave	Kierlin

Kinkel	Lessard	Neuville	Ring	Solon, Y.P.
Kiscaden	Limmer	Olson	Robling	Stevens
Kleis	Lourey	Orfield	Sabo	Stumpf
Knutson	Marty	Pappas	Sams	Vickerman
Krentz	Metzen	Pogemiller	Samuelson	Wiener
Langseth	Moe, R.D.	Price	Scheevel	Wiger
Larson	Moua	Ranum	Scheid	
Lesewski	Murphy	Rest	Schwab	

Those who voted in the negative were:

Johnson, Debbie	Ourada	Pariseau	Reiter	Robertson
Oliver				

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kelley, S.P. moved that S.F. No. 3028 be taken from the table. The motion prevailed.

S.F. No. 3028: A bill for an act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

Senator Bachmann moved to amend the Kiscaden amendment to S.F. No. 3028, adopted by the Senate March 20, 2002, as follows:

Page 1, line 4, before "apply" insert ", salary limits under section 15A.0815, subdivision 2, conflict of interest and contracting policies under chapters 16C and 43A, and audits by the legislative auditor under chapter 3"

Senator Kelley, S.P. moved to amend the Bachmann amendment to S.F. No. 3028 as follows:

Page 1, lines 4 and 5, delete "conflict of interest and contracting policies under chapters 16C and 43A,"

The question was taken on the adoption of the Kelley, S.P. amendment to the Bachmann amendment.

The roll was called, and there were yeas 36 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Moe, R.D.	Reiter	Tomassoni
Berglin	Johnson, Dean	Moua	Rest	Vickerman
Betzold	Johnson, Doug	Murphy	Ring	Wiener
Chaudhary	Kelley, S.P.	Orfield	Sabo	Wiger
Cohen	Kinkel	Pappas	Sams	
Foley	Langseth	Pogemiller	Scheid	
Fowler	Lourey	Price	Solon, Y.P.	
Higgins	Metzen	Ranum	Stumpf	

Those who voted in the negative were:

Bachmann	Frederickson	Larson	Oliver	Scheevel
Belanger	Johnson, Debbie	Lesewski	Olson	Schwab
Berg	Kierlin	Lessard	Ourada	Stevens
Day	Kiscaden	Limmer	Pariseau	
Dille	Kleis	Marty	Robertson	
Fischbach	Knutson	Neuville	Robling	

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

The question recurred on the Bachmann amendment, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Olson	Sams
Bachmann	Higgins	Larson	Orfield	Samuelson
Belanger	Hottinger	Lesewski	Ourada	Scheevel
Berg	Johnson, Dean	Lessard	Pappas	Scheid
Berglin	Johnson, Debbie	Limmer	Pariseau	Schwab
Betzold	Johnson, Doug	Lourey	Pogemiller	Solon, Y.P.
Chaudhary	Kelley, S.P.	Marty	Price	Stevens
Cohen	Kierlin	Metzen	Reiter	Stumpf
Day	Kinkel	Moe, R.D.	Rest	Tomassoni
Dille	Kiscaden	Moua	Ring	Vickerman
Fischbach	Kleis	Murphy	Robertson	Wiener
Foley	Knutson	Neuville	Robling	Wiger
Fowler	Krentz	Oliver	Sabo	

The motion prevailed. So the Bachmann amendment, as amended, was adopted.

Senator Limmer moved to amend S.F. No. 3028 as follows:

Page 3, line 1, after the period, insert "Further provided that the board of directors and the executive director of the nonprofit corporation are considered an "official" for purposes of section 10A.071."

The motion prevailed. So the amendment was adopted.

S.F. No. 3028 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Olson	Sabo
Bachmann	Higgins	Larson	Orfield	Sams
Belanger	Hottinger	Lesewski	Ourada	Samuelson
Berg	Johnson, Dean	Lessard	Pappas	Scheevel
Berglin	Johnson, Debbie	Limmer	Pariseau	Scheid
Betzold	Johnson, Doug	Lourey	Pogemiller	Schwab
Chaudhary	Kelley, S.P.	Marty	Price	Solon, Y.P.
Cohen	Kierlin	Metzen	Ranum	Stevens
Day	Kinkel	Moe, R.D.	Reiter	Stumpf
Dille	Kiscaden	Moua	Rest	Tomassoni
Fischbach	Kleis	Murphy	Ring	Vickerman
Foley	Knutson	Neuville	Robertson	Wiener
Fowler	Krentz	Oliver	Robling	Wiger

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

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Larson	Ourada	Samuelson
Bachmann	Higgins	Lesewski	Pappas	Scheevel
Belanger	Hottinger	Lessard	Pariseau	Scheid
Berg	Johnson, Dean	Limmer	Pogemiller	Schwab
Berglin	Johnson, Debbie	Lourey	Price	Solon, Y.P.
Betzold	Kelley, S.P.	Marty	Ranum	Stevens
Chaudhary	Kierlin	Metzen	Reiter	Stumpf
Cohen	Kinkel	Moe, R.D.	Rest	Tomassoni
Day	Kiscaden	Moua	Ring	Vickerman
Dille	Kleis	Neuville	Robertson	Wiener
Fischbach	Knutson	Oliver	Robling	Wiger
Foley	Krentz	Olson	Sabo	
Fowler	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 197 be taken from the table. The motion prevailed.

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

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 197 and that the rules of the Senate be so far suspended as to give H.F. No. 197 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 197 was read the second time.

H.F. No. 197 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Orfield	Samuelson
Belanger	Higgins	Krentz	Pappas	Scheevel
Berg	Hottinger	Langseth	Pariseau	Scheid
Berglin	Johnson, Dave	Larson	Pogemiller	Schwab
Betzold	Johnson, Dean	Lesewski	Price	Solon, Y.P.
Chaudhary	Johnson, Debbie	Lessard	Ranum	Stevens
Cohen	Johnson, Doug	Lourey	Rest	Stumpf
Day	Kelley, S.P.	Marty	Ring	Tomassoni
Dille	Kierlin	Metzen	Robertson	Vickerman
Fischbach	Kinkel	Moe, R.D.	Robling	Wiener
Foley	Kiscaden	Moua	Sabo	Wiger
Fowler	Kleis	Oliver	Sams	

Those who voted in the negative were:

Bachmann	Neuville	Olson	Ourada	Reiter
Limmer				

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1226, 3100, 3124, 3167, 2463, 2578 and 3126.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2739: A bill for an act relating to liquor; exempting hotel honor bars from hours of sale restrictions; modifying minimum distance from specified state universities; authorizing the cities of Proctor, Albert Lea, Eden Prairie, West St. Paul, Brainerd, and Coon Rapids to issue on-sale licenses; amending Minnesota Statutes 2000, section 340A.504, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 340A.412, subdivision 4; Laws 1999, chapter 202, section 12.

Senate File No. 2739 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

Senator Metzen moved that the Senate do not concur in the amendments by the House to S.F. No. 2739, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2768: A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; adding requirements for the prepaid medical assistance and prepaid general assistance medical programs; amending Minnesota Statutes 2000, section 256B.69, subdivision 2.

Senate File No. 2768 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

CONCURRENCE AND REPASSAGE

Senator Lessard moved that the Senate concur in the amendments by the House to S.F. No. 2768 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2768: A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; amending Minnesota Statutes 2000, section 256B.69, subdivision 2.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Olson	Sabo
Bachmann	Higgins	Langseth	Orfield	Sams
Belanger	Hottinger	Larson	Ourada	Samuelson
Berg	Johnson, Dave	Lesewski	Pappas	Scheevel
Berglin	Johnson, Dean	Lessard	Pariseau	Scheid
Betzold	Johnson, Debbie	Limmer	Pogemiller	Solon, Y.P.
Chaudhary	Johnson, Doug	Lourey	Price	Stevens
Cohen	Kelley, S.P.	Marty	Ranum	Stumpf
Day	Kierlin	Metzen	Reiter	Tomassoni
Dille	Kinkel	Moe, R.D.	Rest	Vickerman
Fischbach	Kiscaden	Moua	Ring	Wiener
Foley	Kleis	Neuville	Robertson	Wiger
Fowler	Knutson	Oliver	Robling	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3073: A bill for an act relating to domestic abuse; clarifying the standard for a misdemeanor violation of an order for protection or no contact order; amending Minnesota Statutes 2000, section 518B.01, subdivision 22; Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14.

Senate File No. 3073 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 2002

CONCURRENCE AND REPASSAGE

Senator Knutson moved that the Senate concur in the amendments by the House to S.F. No. 3073 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3073 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Day	Fowler	Johnson, Dave
Bachmann	Betzold	Dille	Frederickson	Johnson, Debbie
Belanger	Chaudhary	Fischbach	Higgins	Johnson, Doug
Berg	Cohen	Foley	Hottinger	Kelley, S.P.

Kierlin	Limmer	Orfield	Ring	Stevens
Kinkel	Lourey	Ourada	Robertson	Stumpf
Kiscaden	Marty	Pappas	Robling	Tomassoni
Kleis	Metzen	Pariseau	Sabo	Vickerman
Knutson	Moe, R.D.	Pogemiller	Sams	Wiener
Krentz	Moua	Price	Samuelson	Wiger
Larson	Neuville	Ranum	Scheevel	
Lesewski	Oliver	Reiter	Scheid	
Lessard	Olson	Rest	Solon, Y.P.	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3174: A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

There has been appointed as such committee on the part of the House:

McElroy, Gunther and Clark, K.

Senate File No. 3174 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3618:

H.F. No. 3618: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; requiring certain studies and reports; authorizing sale of state bonds; canceling earlier appropriations and reducing bond authorizations; making technical corrections; making changes to statutes related to administration of the state's capital improvement program; requiring an inventory of state-owned land; providing a certain exemption from any moratorium on state professional or technical contracts; authorizing a lease of certain Minneapolis park and recreation board land; modifying the wastewater infrastructure program; establishing a local road improvement account; prohibiting any action on the Dan Patch Commuter Rail Line; establishing a multiagency working group on mitigation of effects of DM&E rail project in southern Minnesota; authorizing the purchase of certain state park inholdings; appropriating money; amending Minnesota Statutes 2000, sections 13.462, subdivision 2; 16A.11, subdivision 6; 16A.501; 16A.86, subdivision 3; 16B.335, subdivision 3; 119A.45; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; Laws 1998, chapter 404, section 18, subdivision 4; Laws 2000, chapter 492, article 1, section 12, subdivision 7; Laws 2000, chapter 492, article 1, section 15, subdivision 4; Laws 2000, chapter 492, article 1, section 22, subdivisions 3, as amended, 4; Laws 2000, chapter 492, article 1, section 27; Laws 2001, First Special Session chapter 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 16B; 174; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Knoblach, Osthoff, Bishop, McElroy and Clark, J., have been appointed as such committee on the part of the House.

House File No. 3618 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 2002

Senator Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3618, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3213 and 2988.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 2002

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 3213: A bill for an act relating to human services; correcting inconsistencies in mental health services coverage under provided health plans; amending Minnesota Statutes 2000, section 245.50, subdivisions 1, 2, 5.

Referred to the Committee on Finance.

H.F. No. 2988: A bill for an act relating to insurance; regulating certain licenses, fees, rates, and coverages; providing for health care administrative simplification; making certain technical changes; amending Minnesota Statutes 2000, sections 61A.092, subdivision 6; 62A.02, subdivision 2; 62A.021, subdivision 1; 62A.25, subdivision 2; 62A.31, subdivision 1h; 62A.65, subdivision 5; 62E.11, subdivision 6; 62E.14, subdivisions 4, 5, 6; 62H.01; 62H.02; 62H.04; 62J.51, subdivision 19; 62J.535, subdivision 2, by adding subdivisions; 62J.581; 62L.03, subdivisions 1, 5; 62L.08, by adding a subdivision; 62Q.68, subdivision 1; 79.251, subdivision 1; 79.252, subdivision 3; 79A.04, subdivision 9; Minnesota Statutes 2001 Supplement, sections 60A.14, subdivision 1; 60K.56, subdivisions 6, 8, 9; 62M.03, subdivision 2; Laws 2001, chapter 117, article 1, section 29; Minnesota Rules, part 2765.1300, subparts 2, 5; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2000, section 62J.535, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3023, now on General Orders.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2672: A bill for an act relating to energy and economic development; enacting the

Minnesota Economic, Environmental, and Energy Security Act of 2002; making a legislative finding on the need for additional electric generation capacity in the state and encouraging construction of certain energy facilities; amending Minnesota Statutes 2001 Supplement, section 116C.575, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the report from the Committee on Telecommunications, Energy and Utilities, shown in the Journal for March 8, 2002, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

S.F. No. 2950: A bill for an act relating to elections; authorizing the appointment of election judges who are not affiliated with a major political party; amending Minnesota Statutes 2000, section 204B.21, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2000, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 473.121 shall be located within the boundaries of the precinct or within ~~3,000~~ 3,500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 473.121, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district."

Page 1, line 24, after "individual" insert "who is not affiliated with a major political party"

Page 1, line 25, strike everything before the period and delete "The"

Page 2, lines 1 to 3, delete the new language

Page 2, line 6, delete "Section 1" and insert "This act"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "extending the distance a polling place may be located outside a precinct in the metropolitan area;"

Page 1, line 5, delete "section" and insert "sections 204B.16, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Moe, R.D. from the Committee on Rules and Administration, to which were referred the following appointments as reported in the Journal for February 22, 2002:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Susan Stevens Chambers
Clyde Miller

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Johnson, Doug from the Committee on Finance, to which was re-referred

S.F. No. 2812: A bill for an act relating to highways; providing for the use of agriculture-based de-icing solutions for snow and ice control on state trunk highways; proposing coding for new law in Minnesota Statutes, chapter 161.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION FINANCE

Section 1. [16A.89] [MULTIMODAL TRANSPORTATION FUND.]

Subdivision 1. [FUND ESTABLISHED.] A multimodal transportation fund is established in the state treasury. The fund consists of money credited under section 297B.09, subdivision 1, and other money credited to the fund by law. Money in the fund must be credited 40 percent to the department of transportation multimodal account in subdivision 2 and 60 percent to the transit account in subdivision 3.

Subd. 2. [DEPARTMENT OF TRANSPORTATION MULTIMODAL ACCOUNT.] A department of transportation multimodal account is created within the multimodal fund. Money in the account is annually appropriated to the commissioner of transportation and may be expended for costs related to any transportation purpose in the state. At least 20 percent of the money must be used for transit assistance in areas outside of the metropolitan area as defined in section 473.121, subdivision 2. The commissioner shall pay the state's share of costs related to membership in the Midwest Regional rail compact from the proceeds in the account. Twenty-five percent of the money available in the account must be credited to a small cities municipal account and distributed to cities with a population under 5,000 as specified in section 162.62. The commissioner shall include as part of each biennial budget document submitted to the legislature:

- (1) an estimate of the total amount of money available in the account;
- (2) an estimate of the amount of money distributed to cities with a population less than 5,000;
and
- (3) a detailed plan for expenditure of the money in the next biennium.

Subd. 3. [TRANSIT ACCOUNT.] A transit account is created within the multimodal fund. Money in the account is annually appropriated to the metropolitan council for expenditure on costs related to transit operations and capital within the metropolitan area.

The council and department of transportation shall include as part of each biennial budget document submitted to the legislature:

- (1) an estimate of the total amount of money available in the account; and
- (2) a detailed plan for expenditure of the money in the next biennium.

Sec. 2. Minnesota Statutes 2000, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total lane-miles of approved county state-aid highways bears to the total lane-miles of approved statewide county state-aid highways. In 1997 and subsequent years no county may receive, as a result of an apportionment under this clause based on lane-miles rather than miles of approved county state-aid highways, an apportionment that is less than its apportionment in 1996.

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958 the excess sum.

(a) The excess sum shall be calculated by subtracting a proportionate share of the deductions for administrative costs and for the disaster account and research account from the amount available due to an increase in the motor fuel tax rate imposed on or after June 1, 2002, as follows:

(1) in the gasoline excise tax rate above a rate of 22.0 cents per gallon; or

(2) in the excise tax rate for E85, M85, and special fuels above the energy equivalent of a gasoline tax rate of 22.0 cents per gallon.

(b) The apportionment sum shall be calculated by subtracting the excess sum from the remainder of the total sum.

Sec. 3. Minnesota Statutes 2000, section 162.07, is amended by adding a subdivision to read:

Subd. 1a. [APPORTIONMENT SUM.] The apportionment sum shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(a) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(b) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(c) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total lane-miles of approved county state-aid highways bears to the total lane-miles of approved statewide county state-aid highways. In 1997 and subsequent years no county may receive, as a result of an apportionment under this clause based on lane-miles rather than miles of approved county state-aid highways, an apportionment that is less than its apportionment in 1996.

(d) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Sec. 4. Minnesota Statutes 2000, section 162.07, is amended by adding a subdivision to read:

Subd. 1b. [EXCESS SUM.] The excess sum shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(a) An amount equal to ten percent of the excess sum shall be apportioned equally among the 87 counties.

(b) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total lane-miles of approved county state-aid highways bears to the total lane-miles of approved statewide county state-aid highways.

(c) An amount equal to 30 percent of the excess sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its population bears to the total population of the state.

(d) An amount equal to 50 percent of the excess sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties.

Sec. 5. [162.62] [SMALL CITIES MUNICIPAL ACCOUNT.]

Subdivision 1. [ESTIMATE OF ACCRUALS.] By December 15 of each year, the commissioner shall estimate the amount of money that will be available to the small cities municipal account as provided in section 16A.89, subdivision 2, during that fiscal year. The amount available is based on actual receipts from July 1 through November 30, the unallocated account balance, and the projected receipts for the remainder of the fiscal year. The total available must be apportioned by the commissioner to the cities having a population of less than 5,000 as provided in subdivision 2.

Subd. 2. [FACTORS IN FORMULA.] The total sum provided for in subdivision 1 must be apportioned by the commissioner to the cities having a population of less than 5,000 in accordance with the following formula:

(a) An amount equal to 50 percent of the apportionment sum must be apportioned among the cities having a population of less than 5,000 so that each of the cities receives the percentage of the amount apportioned that its population bears to the total population of all of the cities.

(b) An amount equal to 50 percent of the apportionment sum must be apportioned among the cities having a population of less than 5,000 so that each of the cities receives the percentage of the amount apportioned that its total lane-miles of municipal streets bears to the total lane-miles of municipal streets of all the cities.

Subd. 3. [STATEMENT OF APPORTIONMENT TO EACH CITY.] Upon determining the amount of money to be apportioned to each of the cities having a population of less than 5,000, the commissioner shall forthwith send a statement of the amount to the commissioner of finance and to the clerk of the city. The amount so apportioned to each city must be paid by the state to the fiscal officer of the city out of the small cities municipal account.

Subd. 4. [PURPOSES; OTHER USES; OTHER FUNDS.] Money apportioned under

subdivision 2 must be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of municipal streets within the city. The governing body of the city may, subject to the consent of the commissioner, use a portion of the money so apportioned on any state trunk highway or county state-aid highway within the city.

Sec. 6. [270.081] [TAXES CREDITED TO DEBT SERVICE ACCOUNT.]

The revenue credited to the trunk highway fund from a tax rate adjustment imposed under sections 296A.07, subdivision 5, and 296A.08, subdivision 7, must be credited to the trunk highway debt service account in the state bond fund.

Sec. 7. Minnesota Statutes 2000, section 296A.07, subdivision 3, is amended to read:

Subd. 3. [RATE OF TAX.] The gasoline excise tax is imposed at the following rates:

- (1) E85 is taxed at the rate of ~~14.2~~ 18.5 cents per gallon;
- (2) M85 is taxed at the rate of ~~11.4~~ 14.8 cents per gallon; and
- (3) all other gasoline is taxed at the rate of ~~20~~ 26 cents per gallon.

Sec. 8. Minnesota Statutes 2000, section 296A.07, is amended by adding a subdivision to read:

Subd. 5. [ANNUAL GASOLINE TAX RATE ADJUSTMENT.] (a) Before June 1 of each year, the commissioner of revenue shall recompute and publish the rate of the gasoline excise tax. The new rate per gallon must be calculated by multiplying the rate in effect at the time of the calculation by an amount obtained under paragraph (b). The new rate must be rounded to the nearest 0.1 cent and is effective on June 1 of each year.

(b) Divide the annual average United States Consumer Price Index for all urban consumers, United States city average, as determined by the United States Department of Labor for the previous year by that annual average for the year before the previous year.

Sec. 9. Minnesota Statutes 2000, section 296A.08, subdivision 2, is amended to read:

Subd. 2. [RATE OF TAX.] The special fuel excise tax is imposed at the following rates:

- (1) Liquefied petroleum gas or propane is taxed at the rate of ~~45~~ 19.5 cents per gallon.
- (2) Liquefied natural gas is taxed at the rate of ~~42~~ 15.6 cents per gallon.
- (3) Compressed natural gas is taxed at the rate of ~~\$1.739~~ \$2.261 per thousand cubic feet; or ~~20~~ 26 cents per gasoline equivalent, as defined by the National Conference on Weights and Measures, which is 5.66 pounds of natural gas.

(4) All other special fuel is taxed at the same rate as the gasoline excise tax as specified in section 296A.07, subdivision 2. The tax is payable in the form and manner prescribed by the commissioner.

Sec. 10. Minnesota Statutes 2000, section 296A.08, is amended by adding a subdivision to read:

Subd. 7. [ANNUAL SPECIAL FUEL TAX RATE ADJUSTMENT.] (a) Before June 1 of each year, the commissioner of revenue shall recompute and publish the rate of the special fuel tax. The new rate must be calculated by multiplying the rate in effect at the time of the calculation by an amount obtained under paragraph (b). The new rate must be rounded to the nearest 0.1 cent and is effective on June 1 of each year.

(b) Divide the annual average United States Consumer Price Index for all urban consumers, United States city average, as determined by the United States Department of Labor for the previous year by that annual average for the year before the previous year.

Sec. 11. Minnesota Statutes 2001 Supplement, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [DEPOSIT OF REVENUES.] (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

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

(c) On and after July 1, 2002, 32 percent of the money collected and received must be deposited 21.2 percent in the highway user tax distribution fund, and 10.8 percent in the multimodal transportation fund.

(d) On and after July 1, 2002, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. In fiscal year 2004 and thereafter, two percent of the money collected and received must be deposited in the metropolitan area transit appropriation account under section 16A.88.

(e) The remaining money must be deposited in the general fund.

Sec. 12. [TRUNK HIGHWAY BONDS; ISSUANCE.]

The commissioner of finance shall, on recommendation of the commissioner of transportation, sell and issue Minnesota trunk highway bonds under Minnesota Statutes, sections 167.50 to 167.52, and the Minnesota Constitution, article XI, sections 4 to 7, and article XIV, section 11, at such times and in such amounts as are determined by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$1,000,000,000 over a ten-year period. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to the bond proceeds account in the trunk highway fund. Notwithstanding Minnesota Statutes, section 16A.642, this authorization must not be canceled before February 1, 2017.

Sec. 13. [APPROPRIATIONS.]

Subdivision 1. [BOND PROCEEDS ACCOUNT.] \$1,000,000,000 is appropriated to the commissioner of transportation from the separate bond proceeds account in the trunk highway fund for the construction, reconstruction, and improvement of trunk highways including acquisition of real property. No more than \$100,000,000 of this appropriation may be encumbered in each of fiscal years 2003 through 2012. Of this appropriation:

(1) 50 percent must be expended on projects in areas classified by the department of transportation as bottlenecks or at-risk interregional corridors within the seven-county metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2; and

(2) 50 percent must be expended for at-risk interregional corridors located outside of the seven-county metropolitan area. Up to 15 percent of the appropriation each year may be used by the department for delivery of the projects.

Subd. 2. [TRUNK HIGHWAY FUND.] \$50,000,000 is appropriated for fiscal year 2003 from the trunk highway fund to the commissioner of transportation for the construction, reconstruction, and improvement of trunk highways, including the acquisition of real property. The commissioner may spend up to 15 percent of this appropriation for delivery of the projects provided that all work related to program delivery must be done by state employees.

Subd. 3. [DEBT SERVICE.] \$22,300,000 is appropriated for fiscal year 2003 from the trunk highway fund to the commissioner of transportation for debt service payments.

Sec. 14. [TRANSIT PROJECTS.]

In fiscal year 2003 the commissioner of transportation shall spend \$10,000,000 from the department of transportation multimodal account on the following projects in priority order:

- (1) the east end of the St. Paul busway project;
- (2) purchase of the Union Depot in St. Paul; and
- (3) design and engineering for the Red Rock Rush line corridors.

Sec. 15. [EFFECTIVE DATE.]

Sections 1, 5, 6, 8, 10, 11, 12, and 13 are effective July 1, 2002. Sections 2, 3, 4, 7, and 9 are effective June 1, 2002. Sections 7 and 9 apply to all gasoline, undyed diesel fuel, and special fuel in distributor storage on June 1, 2002.

ARTICLE 2

METROPOLITAN TRANSPORTATION

Section 1. [473J.01] [METROPOLITAN TRANSPORTATION AREA.]

The metropolitan transportation area is the area within the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Sec. 2. [473J.02] [HIGHWAY SPENDING IN METROPOLITAN TRANSPORTATION AREA.]

In any year during the period of imposition of the taxes authorized in sections 473J.03 and 473J.04, and exclusive of the expenditure of these revenues, the percentage of total trunk highway fund expenditures attributable to projects in the metropolitan transportation area may not vary more than two percentage points from the average of the previous five years of trunk highway fund metropolitan transportation area expenditures.

Sec. 3. [473J.03] [SALES TAX.]

There is imposed an excise tax of .5 percent of the gross receipts from sales at retail made by any person in the metropolitan transportation area. The tax is in addition to, and subject to the same exceptions as, the tax imposed by section 297A.62, subdivision 1.

Sec. 4. [473J.04] [MOTOR VEHICLE EXCISE TAX.]

There is imposed an excise tax of \$20 per motor vehicle purchased or acquired by a retail consumer from any person engaged within the metropolitan transportation area in the business of selling motor vehicles at retail.

Sec. 5. [473J.05] [TAX COLLECTION.]

The taxes imposed by sections 473J.03 and 473J.04 must be reported and paid to the commissioner of revenue with the taxes imposed by chapter 297A and in accordance with an agreement between the counties in the metropolitan transportation area and the commissioner of revenue. The taxes are subject to the same interest, penalty, and other provisions provided for sales and use taxes under chapters 289A and 297A. The commissioner has the same powers to assess and collect the taxes as are given the commissioner in chapters 270, 289A, and 297A to assess and collect sales and use taxes. The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes in the state treasury and credit them to the general fund.

Sec. 6. [473J.06] [METROPOLITAN TRANSPORTATION FUND.]

Subdivision 1. [TRANSFER TO FUND.] The revenue collected under section 473J.05, less the cost of collection, is appropriated from the general fund to the commissioner of finance for transfer to a special account in the state treasury, to be called the metropolitan transportation fund. The cost of collection equals the direct and indirect costs of the department of revenue to administer, audit, and collect the revenue, plus the metropolitan transportation area's proportionate share of the indirect cost of administering all local sales and use taxes under section 297A.99.

Subd. 2. [USE OF FUND.] Money in the metropolitan transportation fund is appropriated as follows:

(1) 25 percent to the metropolitan council for acquisition of buses, highway shoulder improvements for buses, and other capital expenses related to transit in the metropolitan transportation area; and

(2) 75 percent to the commissioner of transportation for highway system improvement, replacement, and bottleneck removal projects and metropolitan system highway expansion projects in the metropolitan transportation area. This money must be used to construct the projects identified in the metropolitan council's 25-year plan and the department of transportation's 20-year district plans that cover the counties in the metropolitan transportation area.

The metropolitan council may provide grants to the commissioner of transportation for the implementation of transit capital improvements in counties that are outside of the metropolitan area as defined in section 473.121, subdivision 2, but are within the metropolitan transportation area.

Sec. 7. [APPLICATION.]

This act applies in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Sec. 8. [EFFECTIVE DATE.]

This article is effective upon its approval by a majority of the voters voting on the question in the metropolitan transportation area at the general election in November 2002 and sections 3 and 4 apply to sales made on and after July 1, 2003. The question on the ballot must be:

"Shall an additional tax of up to one-half of one percent be imposed for ten years on sales in the 11-county metropolitan area to pay for transportation improvements to relieve traffic congestion in the metropolitan area?"

This article expires June 30, 2013.

ARTICLE 3

STREAMLINING AND ENVIRONMENTAL PROTECTION

Section 1. [161.168] [SNOW AND ICE CONTROL MATERIALS.]

Subdivision 1. [FINDING.] The legislature finds that the use on state highways of de-icing solutions derived from agricultural products provides economic and environmental benefits to the state while preserving public safety.

Subd. 2. [USE OF AGRICULTURE-BASED DE-ICING SOLUTION.] The commissioner of transportation shall use a de-icing solution derived from agricultural products for snow and ice control on trunk highways to the extent that the commissioner determines is economically feasible, environmentally beneficial, and consistent with public safety.

Subd. 3. [EFFECT ON ENVIRONMENT.] The commissioner, in determining which snow and ice control materials to use on trunk highways, shall consider the effect of each type of material on the environment and on the deterioration of bridges and other structures.

Sec. 2. Minnesota Statutes 2000, section 161.465, is amended to read:

161.465 [REIMBURSEMENT FOR FIRE SERVICES.]

(a) Subdivision 1. [GRASS FIRES.] Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a grass fire within the right-of-way of a trunk highway must be reimbursed upon certification to the commissioner of transportation from the trunk highway fund. In addition, ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire outside the right-of-way of any trunk highway if the fire originated within the

right-of-way, upon approval of a police officer or an officer or employee of the department of public safety must, upon certification to the commissioner of transportation by the proper official of the municipality or fire department within 60 days after the completion of the service, be reimbursed to the municipality or fire department from funds in the trunk highway fund.

Subd. 2. [MOTOR VEHICLE FIRES.] Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a motor vehicle fire within the right-of-way of a trunk highway or interstate, to the extent these expenses are not reimbursed by insurance, some other reasonable method of reimbursement, or collected in accordance with section 366.012, may be reimbursed by the commissioner from the motor vehicle fire revolving account in the special revenue fund up to \$300 per fire call upon certification to the commissioner.

Subd. 3. [FUND REIMBURSEMENT.] The commissioner of transportation shall take action practicable to secure reimbursement to the trunk highway fund or to the special revenue fund of money expended under this section from the person, firm, or corporation responsible for the fire or danger of fire. A motor vehicle fire revolving account is created in the special revenue fund. The commissioner shall deposit into the account all money received by the commissioner in reimbursements from persons, firms, or corporations for costs of extinguishing motor vehicle fires within trunk highway right-of-way. Money in the account is appropriated to the commissioner for the purpose of making reimbursements to municipal or volunteer fire departments under subdivision 2.

(b) Subd. 4. [NO ADMISSION OF LIABILITY.] The provisions of this section shall not be construed to admit state liability for damage or destruction to private property or for injury to persons resulting from a fire originating within a trunk highway or interstate right-of-way.

Sec. 3. Minnesota Statutes 2001 Supplement, section 174.242, is amended by adding a subdivision to read:

Subd. 3a. [REPLACEMENT AID FOR NEW TRANSIT SYSTEMS.] (a) Notwithstanding subdivision 3 if, after making the replacement aid payments required under subdivision 3 in each of calendar years 2002 and 2003, there is a remaining balance in the greater Minnesota transit fund, the commissioner shall utilize the remaining balance to make grants to new transit systems beginning service in calendar year 2002 or 2003.

(b) The commissioner shall estimate the total property tax payments that would be required for each new transit system in calendar years 2002 and 2003. The new system is eligible to receive replacement aid payments in 2002 and 2003 equal to (1) the proportion that the new system's estimated tax amount is of the total tax amount estimated by the commissioner for all new transit systems, times (2) the projected total revenue remaining in the greater Minnesota transit fund after the payments required under subdivision 3 have been made.

(c) However, despite paragraph (b), the replacement aid received by each new transit system may not exceed the tax amount estimated by the commissioner for that system.

Sec. 4. Minnesota Statutes 2000, section 366.011, is amended to read:

366.011 [CHARGES FOR EMERGENCY SERVICES; COLLECTION.]

A town may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the town or contracted for by the town. If the service charge remains unpaid 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the town or its contractor on behalf of the town may use any lawful means allowed to a private party for the collection of an unsecured delinquent debt. The town may also use the authority of section 366.012 to collect unpaid service charges of this kind from delinquent recipients of services ~~who are owners of taxable real property in the town.~~

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a town to impose a service charge or assessment for a service provided by the town or contracted for by the town.

Sec. 5. Minnesota Statutes 2000, section 366.012, is amended to read:

366.012 [COLLECTION OF UNPAID SERVICE CHARGES.]

If a town is authorized to impose a service charge on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the town, the town board may certify to the county auditor of the county in which the recipient of the services owns real property, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. The county auditor shall remit to the town all service charges collected by the auditor on behalf of the town. Charges collected under this section for motor vehicle fires provided by section 161.465, subdivision 2, shall not exceed the amount authorized in that subdivision, but a town may recover expenses incurred for extinguishing a motor vehicle fire in excess of that amount by any other authorized method. A charge may be certified to the auditor only if, on or before September 15, the town has given written notice to the property owner of its intention to certify the charge to the auditor. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to other law authorizing the collection of unpaid costs and service charges.

Sec. 6. Minnesota Statutes 2000, section 473.661, is amended by adding a subdivision to read:

Subd. 5. [BUDGET REVIEW.] At least 90 days before the metropolitan airports commission adopts a proposed annual operating budget or capital budget, the commission must submit the proposed budget, along with a detailed statement of planned actions to abate airport-related noise which conforms to subdivision 4 and related data, to the chairs of the senate finance committee, the house of representatives ways and means committee, and the committees with jurisdiction over transportation policy and finance and environment and natural resources finance in the senate and house of representatives. As part of any review of these budgets, the legislature must not reduce the expenditure of any amount in conformance with subdivision 4.

Sec. 7. [TECHNICAL ADVISORY GROUP.]

Subdivision 1. [CREATION.] The commissioner of transportation shall create a technical advisory group consisting of one senior manager and two administration staff from each of the following state agencies:

- (1) department of transportation;
- (2) department of natural resources;
- (3) pollution control agency; and
- (4) the board of soil and water resources.

The group shall conduct research, evaluate alternatives, and make findings and recommendations on streamlining the process of environmental review for transportation-related projects. The commissioner of each agency shall appoint the respective members from that agency by July 1, 2002. The commissioner of transportation or a senior manager appointed by the commissioner of transportation shall chair the group.

Subd. 2. [REPORT.] The technical advisory group shall submit a comprehensive report to the senate and house of representatives committees having jurisdiction over environmental policy and transportation policy and finance by January 1, 2003. The report must make findings and recommendations, including actions that should be taken, recommendations on reporting mitigating costs for the previous five years and for the future, and the statutory changes necessary to effect a more streamlined process for environmental review, assessment, and approval without weakening the substance of existing environmental protections.

Sec. 8. [BRAINERD LAKES REST AREA.]

- (a) Notwithstanding other law:

(1) the commissioner of transportation may enter into a joint venture with Crow Wing county, the commissioner of natural resources, and the Brainerd Lakes area chamber of commerce or similar nonprofit entity that provides regional travel information and services in connection with the operation of facilities at the class I rest area to be constructed between Brainerd and Little Falls on state highway No. 371 in the vicinity of the Crow Wing state park;

(2) the chamber or similar entity may be a tenant in the facility and may operate, advertise membership, run a concession, including a gift shop in the facility, and take revenue from the concession to support its nonprofit activities within the rest area building;

(3) the commissioner may enter into a lease with the chamber or similar entity. The lease may be for a term of up to 20 years and may be renewed for additional terms of up to 20 years. Some or all of the consideration from the chamber or similar entity for the lease may be in the form of in-kind contribution to improvements to the rest area facility; and

(4) the chamber or similar entity may advertise its presence and services in the rest area along state highways, including on rest area grounds and along state highway No. 371 within one-half mile of the rest area exit.

(b) The conditions, exemptions, and terms set out in this act are intended to apply only to the rest area to be built on state highway No. 371 between Little Falls and Brainerd.

(c) It is understood that because of lack of available funding and other higher priorities, the unique circumstances, including exceptional volume, site requirements and limitations, and other unique circumstances, the rest area could not be built and operated in the most desirable way without the contributions of all the parties.

(d) The commissioner of transportation and the partners in this rest area shall mutually develop and execute an agreement to identify and accept responsibility for their respective portion of construction, maintenance, and operating costs of the facility based on their spatial requirements. The responsibilities could be through direct funding or in-kind contributions as mutually agreed.

Sec 9. [I-35W CONSTRUCTION FUNDING.]

By January 1, 2004, the commissioner of transportation shall reserve construction funds necessary to ensure the completion of a southbound exit and northbound entrance ramp connecting I-35W with county state-aid highway No. 3 and a northbound exit ramp connection to east 28th Street in the city of Minneapolis, Hennepin county. Construction shall begin by July 1, 2004, and be completed by December 31, 2009. The funds reserved shall be available until fully expended.

Sec. 10. [EFFECTIVE DATE AND APPLICATION.]

Section 3 is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Section 4 is effective the day following final enactment and expire January 2, 2003."

Delete the title and insert:

"A bill for an act relating to transportation; allocating proceeds from sales tax on motor vehicles; increasing and indexing the motor fuel tax; authorizing trunk highway bonds; requiring a metropolitan area election concerning imposition of one-half cent general sales tax; dedicating sales tax revenues to highway improvements and transit capital in the metropolitan area; requiring the commissioner of transportation to utilize agriculture-based de-icing solutions; providing reimbursement to fire departments for certain vehicle fires; creating technical advisory group to streamline environmental review process; appropriating money; amending Minnesota Statutes 2000, sections 161.465; 162.07, subdivision 1, by adding subdivisions; 296A.07, subdivision 3, by adding a subdivision; 296A.08, subdivision 2, by adding a subdivision; 366.011; 366.012; 473.661, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 174.242, by adding a subdivision; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 161; 162; 270; proposing coding for new law as Minnesota Statutes, chapter 473J."

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Johnson, Doug from the Committee on Finance, to which was re-referred

S.F. No. 2811: A bill for an act relating to human services; establishing a donated dental services program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "256B.762" and insert "150A.23"

Page 1, line 8, delete "commissioner of human services" and insert "board of dentistry"

Page 1, line 14, delete "commissioner" and insert "board"

Page 2, lines 2 and 7, delete "commissioner" and insert "board"

Page 2, delete lines 9 to 11 and insert:

"\$75,000 is appropriated in fiscal year 2003 from the state government special revenue fund to the board of dentistry to implement the donated dental services program under Minnesota Statutes, section 150A.23."

Amend the title as follows:

Page 1, line 5, delete "256B" and insert "150A"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2672, 2950 and 2811 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Lourey moved that the name of Senator Berglin be added as a co-author to S.F. No. 1052. The motion prevailed.

Senator Stevens moved that his name be stricken as a co-author to S.F. No. 2546. The motion prevailed.

Senator Fischbach moved that the name of Senator Kleis be added as a co-author to S.F. No. 2546. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 3618: Senators Langseth, Samuelson, Wiener, Larson and Cohen.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Senators Schwab, Day, Scheevel, Hottinger and Kiscaden introduced--

S.F. No. 3446: A bill for an act relating to taxes; sales and use tax; providing a sales tax exemption for construction of a motor home production facility; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Wiener; Moua; Moe, R.D.; Robertson and Oliver introduced--

S.F. No. 3447: A resolution urging the Food and Drug Administration to approve emergency contraceptive pills for over-the-counter purchase.

Referred to the Committee on Health and Family Security.

MEMBERS EXCUSED

Senator Chaudhary was excused from the Session of today from 9:00 to 9:30 a.m. Senator Wiener was excused from the Session of today from 9:00 to 9:40 a.m. Senator Robertson was excused from the Session of today from 9:00 to 9:50 a.m. Senator Murphy was excused from the Session of today at 11:40 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, March 21, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, March 20, 2002

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
222	5549	1224	5552	5552
1030	5549	1517	5552	5552
1226	5562	2618	5552	5552
2419	5550	2706	5552	5552
2434	5549	2884	5551	
2463	5562	2886	5552	5553
2578	5562	2988	5565	5565
2590	5549	3213	5565	5565
2611	5549	3618	5564	
2627	5549			
2680	5551			
2739	5562			
2768	5562			
3045	5549			
3073	5563			
3080	5549			
3100	5562			
3109	5549			
3115	5549			
3117	5550			
3124	5562			
3126	5562			
3136	5549			
3167	5562			
3174	5564			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
2419	5551		
2768	5562		
2768	5563		
3073	5563		
3117	5550		

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
		197	5561

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
2672	5565	5577	2882	5553	5553
2811	5577	5577			
2812	5567				
2950	5566	5577			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1052	5577	197	5561
2546	5577		
3028	5559		
Sen. Res. No. 194	5553		
Sen. Res. No. 195	5553		
Sen. Res. No. 196	5553		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
		2884	5554
		3618	5578

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2542	5554		
2675	5557		
2908	5556		
3028	5556		
3134	5560		
3272	5555		

RECONSIDERATION

S.F. Nos.	Page	H.F. Nos.	Page
2675	5557		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3446 to 3447Page 5578

