

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

EIGHTY-NINTH DAY

St. Paul, Minnesota, Friday, March 22, 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. Roger D. Ezell.

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

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

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

Senators Johnson, Dave; Lessard and Scheid were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 21, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State

Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2002	Date Filed 2002
	2899	246	3:12 p.m. March 21	March 21
	3584	247	3:10 p.m. March 21	March 21
	2813	248	3:11 p.m. March 21	March 21
	2766	249	3:12 p.m. March 21	March 21
	3189	250	3:12 p.m. March 21	March 21
	2742	251	3:10 p.m. March 21	March 21

Sincerely,
Mary Kiffmeyer
Secretary of State

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. 2115, 2459, 2764, 2821, 2614, 2692, 3055 and 2933.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 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. 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.

Senate File No. 2433 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 2433, 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. 2550: A bill for an act relating to human services; amending provisions relating to

special education; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, sections 125A.03; 125A.21, subdivision 2; 125A.27, subdivision 10; 125A.43; 125A.76, subdivision 7; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 125A.

Senate File No. 2550 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

CONCURRENCE AND REPASSAGE

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 2550 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2550 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2953: A bill for an act relating to insurance; prohibiting issuing or requiring excess insurance on property; regulating real estate appraisals; amending Minnesota Statutes 2000, section 65A.09.

Senate File No. 2953 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

CONCURRENCE AND REPASSAGE

Senator Hottinger moved that the Senate concur in the amendments by the House to S.F. No. 2953 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2953: A bill for an act relating to insurance; prohibiting issuing or requiring excess insurance on property; amending Minnesota Statutes 2000, section 65A.09.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Krentz	Olson	Samuelson
Bachmann	Frederickson	Langseth	Ourada	Scheevel
Belanger	Higgins	Larson	Pappas	Schwab
Berg	Hottinger	Lesewski	Pogemiller	Solon, Y.P.
Berglin	Johnson, Dean	Limmer	Price	Stevens
Betzold	Johnson, Debbie	Lourey	Reiter	Stumpf
Chaudhary	Kelley, S.P.	Marty	Rest	Terwilliger
Cohen	Kierlin	Metzen	Ring	Tomassoni
Day	Kinkel	Moe, R.D.	Robertson	Vickerman
Dille	Kiscaden	Moua	Robling	Wiener
Fischbach	Kleis	Murphy	Sabo	Wiger
Foley	Knutson	Oliver	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. 2546: A bill for an act relating to local government; permitting the cities of Rockville and Pleasant Lake and the town of Rockville to jointly develop a consolidation plan; permitting the cities of New London and Spicer and the town of New London to jointly develop a consolidation plan; requiring hearings, approval by the governing bodies, and referenda.

Senate File No. 2546 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

CONCURRENCE AND REPASSAGE

Senator Fischbach moved that the Senate concur in the amendments by the House to S.F. No. 2546 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2546 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Fowler	Kelley, S.P.	Langseth
Bachmann	Cohen	Frederickson	Kierlin	Larson
Belanger	Day	Higgins	Kinkel	Lesewski
Berg	Dille	Hottinger	Kiscaden	Limmer
Berglin	Fischbach	Johnson, Dean	Kleis	Lourey
Betzold	Foley	Johnson, Debbie	Knutson	Marty

Metzen	Olson	Rest	Samuelson	Terwilliger
Moe, R.D.	Ourada	Ring	Scheevel	Tomassoni
Moua	Pappas	Robertson	Schwab	Vickerman
Murphy	Pogemiller	Robling	Solon, Y.P.	Wiener
Neuville	Price	Sabo	Stevens	Wiger
Oliver	Reiter	Sams	Stumpf	

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. 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.

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

Boudreau, Bradley and Mahoney.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

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. 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.

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

Stang, Davids and Entenza.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2884, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2884 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 2002

CONFERENCE COMMITTEE REPORT ON 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.

March 20, 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. 2884, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 2884 be further amended as follows:

"Page 3, after line 22, insert:

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

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

House Conferees: (Signed) Mike Osskopp, Richard Mulder, Al Juhnke

Senate Conferees: (Signed) Steve Murphy, Dallas C. Sams, Michelle L. Fischbach

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2884 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2884 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 3196, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3196 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 2002

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3196

A bill for an act relating to state government; department of administration; clarifying ethical provisions in state procurement law; authorizing the commissioner of administration to adopt rules relating to state archaeology; repealing obsolete technology authority; repealing statutory authority for the citizens council on Voyageurs National Park; amending Minnesota Statutes 2000, sections 16C.04, subdivisions 1, 2; 138.31, by adding a subdivision; 138.36, by adding a subdivision; 138.38; 138.39; 138.41, subdivision 1; repealing Minnesota Statutes 2000, sections 13.6401, subdivision 3; 16B.415; 84B.11.

March 19, 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. 3196, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Harry Mares, Greg Blaine, Tom Osthoff

Senate Conferees: (Signed) Martha R. Robertson, Jim Vickerman, Don Betzold

Senator Robertson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3196 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3196 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Chaudhary	Fowler	Kelley, S.P.	Krentz
Bachmann	Cohen	Frederickson	Kierlin	Langseth
Belanger	Day	Higgins	Kinkel	Larson
Berg	Dille	Hottinger	Kiscaden	Lesewski
Berglin	Fischbach	Johnson, Dean	Kleis	Limmer
Betzold	Foley	Johnson, Debbie	Knutson	Lourey

Marty	Ourada	Rest	Scheevel	Vickerman
Metzen	Pappas	Ring	Schwab	Wiener
Moe, R.D.	Pariseau	Robertson	Solon, Y.P.	Wiger
Moua	Pogemiller	Robling	Stevens	
Neuville	Price	Sabo	Stumpf	
Oliver	Ranum	Sams	Terwilliger	
Olson	Reiter	Samuelson	Tomassoni	

So the bill, as amended by the Conference Committee, 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 House Files, herewith transmitted: H.F. Nos. 643, 2780 and 3270.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 643: A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2000, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

Referred to the Committee on Rules and Administration.

H.F. No. 2780: A bill for an act relating to real property; creating a curative act for conveyances by counties; providing for recording of documents written in foreign language; providing for an affidavit of custodian; repealing sunset on nonconsensual common law lien statute; proposing coding for new law in Minnesota Statutes, chapters 507; 527; repealing Minnesota Statutes 2000, section 514.99, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2541, now on General Orders.

H.F. No. 3270: A bill for an act relating to state government; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; modifying certain fund provisions; requiring the commissioner of finance to prepare a forecast of state revenues and expenditures in July in each even-numbered year; requiring certain payments; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 16A.103, subdivision 1; 40A.151, subdivision 1; 40A.152, subdivisions 1, 3; 43A.18, subdivision 4; 168A.40, subdivision 4, as amended; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; 240A.08; 471.975; Minnesota Statutes 2001 Supplement, section 16E.09, subdivision 1; Laws 2001, First Special Session chapter 10, article 1, section 2, subdivision 4; Laws 2002, chapter 220, article 10, sections 2; 3; 7; 10, subdivision 3; 16; 36; 37; 38; proposing coding for new law in Minnesota Statutes, chapters 7; 15; 43A.

Senator Moe, R.D. moved that H.F. No. 3270 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports 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. 3200 for comparison with companion Senate File, reports the following House File was found not identical with 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.
3200	3155				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3200 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3200 and insert the language after the enacting clause of S.F. No. 3155, the second engrossment; further, delete the title of H.F. No. 3200 and insert the title of S.F. No. 3155, the second engrossment.

And when so amended H.F. No. 3200 will be identical to S.F. No. 3155, and further recommends that H.F. No. 3200 be given its second reading and substituted for S.F. No. 3155, and that the 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. Amendments adopted. Report adopted.

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 2125: A bill for an act relating to natural resources; modifying provisions for all-terrain vehicle use on certain wildlife management area lands; modifying disposition of lottery ticket in lieu of sales tax receipts; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; amending Minnesota Statutes 2000, section 97A.133, subdivision 3; Minnesota Statutes 2001 Supplement, sections 297A.94; 477A.14.

Reports the same back with the recommendation that the bill do pass.

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 1811: A bill for an act relating to drainage; modifying the requirement for approval of drainage activities; allowing transfer of a public drainage system to a water management authority; defining water management authority; amending Minnesota Statutes 2000, sections 103E.005, subdivision 16, by adding a subdivision; 103E.011, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Page 2, delete section 3

Re-number the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "modifying the requirement for approval of drainage activities;"

Page 1, line 6, delete "sections" and insert "section"

Page 1, lines 7 and 8, delete "103E.011, subdivision 3;"

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

SECOND READING OF SENATE BILLS

S.F. No. 2125 and 1811 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3200 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Kinkel moved that the name of Senator Kleis be added as a co-author to S.F. No. 3444. The motion prevailed.

Senator Johnson, Dean introduced--

Senate Resolution No. 198: A Senate resolution congratulating the New London/Spicer High School Girls Basketball team on winning the 2002 State High School Class 2A Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced--

Senate Resolution No. 199: A Senate resolution congratulating Kittson Central Wolfpack, 2002 Minnesota Girls Basketball Class A State Champions.

Referred to the Committee on Rules and Administration.

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 S.F. No. 2125 and that the rules of the Senate be so far suspended as to give S.F. No. 2125, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2125: A bill for an act relating to natural resources; modifying provisions for all-terrain vehicle use on certain wildlife management area lands; modifying disposition of lottery ticket in lieu of sales tax receipts; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; amending Minnesota Statutes 2000, section 97A.133, subdivision 3; Minnesota Statutes 2001 Supplement, sections 297A.94; 477A.14.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Belanger

Berg
Berglin

Betzold
Chaudhary

Cohen
Day

Dille
Fischbach

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

So the bill passed and its title was agreed to.

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. No. 2674, H.F. No. 1224, S.F. Nos. 3114, 3177, 3298 and H.F. No. 2618.

SPECIAL ORDER

S.F. No. 2674: A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

Senator Price moved to amend S.F. No. 2674 as follows:

Page 1, after line 35, insert:

"Sec. 2. Minnesota Statutes 2000, section 89.36, subdivision 1, is amended to read:

Subdivision 1. [PRODUCTION AT STATE NURSERIES.] The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under control of the commissioner which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law. The commissioner may not produce more than 10,000,000 units of planting stock annually, after January 1, 2003."

Page 20, line 12, after "Sections" insert "2,"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "temporarily removing restrictions on the production of planting stock;"

Page 1, line 20, after the first semicolon, insert "89.36, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend S.F. No. 2674 as follows:

Page 20, after line 7, insert:

"Sec. 27. [STUDY AND REPORT.]

The commissioner of natural resources must review Minnesota Statutes 2000, sections 84.029, 84A.55, and 85.04, and the February 2002 operational order on natural resources officers, and analyze the citation authority for nonconservation officers and how that differs from conservation officer authority generally under the jurisdiction of the commissioner. Included in the review must be an analysis of citations given and proposed to be given by any employee under the commissioner. A report on the study's findings must be given to the house of representatives and senate chairs of the environmental and natural resources policy and the crime prevention committees by January 15, 2003."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheevel moved to amend S.F. No. 2674 as follows:

Page 7, line 22, strike "this subdivision" and insert "paragraph (a) or (b)"

Page 7, after line 25, insert:

"(d) Between the hours of 6:00 p.m. and 6:00 a.m., a person may not project a spotlight or other hand-held light from a moving motor vehicle being operated on land, except for the following purposes:

- (1) safety;
- (2) emergency response;
- (3) normal vehicle operations; or
- (4) performing an occupational duty."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kinkel moved to amend S.F. No. 2674 as follows:

Page 1, after line 35, insert:

"Sec. 2. [84.785] [MOTORIZED USE OF STATE FOREST LANDS RESTRICTED.]

Subdivision 1. [RESTRICTED USE.] (a) Notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, 30 days after the commissioner of natural resources designates and posts 2,000 miles of motorized trails, the use of off-highway motorcycles, as defined under section 84.787, off-road vehicles, as defined under section 84.797, and all-terrain vehicles, as defined under section 84.92, is prohibited on state forest land administered by the commissioner of natural resources, except on forest roads that are not posted as closed and on forest trails and use areas that are specifically designated and posted by the commissioner for that use.

(b) If the commissioner designates and posts trails for travel within a state forest or other forest land area before the goal specified in paragraph (a) is achieved, the restrictions in paragraph (a) apply to those forest lands 30 days after designation and posting.

Subd. 2. [ENVIRONMENTAL REVIEW.] Unless the commissioner of natural resources determines that the trail or use area does not have the potential for significant environmental effect, before developing a trail or use area to be designated for use by off-highway motorcycles, off-road vehicles, or all-terrain vehicles, or before designating an existing trail for use by off-highway motorcycles, off-road vehicles, or all-terrain vehicles, the commissioner of natural resources shall complete an environmental assessment worksheet and, when necessary, an environmental impact statement according to section 116D.04.

Subd. 3. [EMERGENCY CLOSURE.] The commissioner of natural resources shall close a trail or other areas of state forest land for use by off-highway motorcycles, off-road vehicles, and all-terrain vehicles for up to 30 days when the commissioner determines that conditions exist where the operation of the vehicles will cause significant environmental effects."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Krentz imposed a call of the Senate for the balance of the proceedings on S.F. No. 2674. The Sergeant at Arms was instructed to bring in the absent members.

Senator Kinkel moved to amend the Kinkel amendment to S.F. No. 2674 as follows:

Page 1, line 15, before the period, insert "or as provided in rules of the commissioner"

The question was taken on the adoption of the Kinkel amendment to the Kinkel amendment.

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

Those who voted in the affirmative were:

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

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

Senator Stevens questioned whether the first Kinkel amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Kinkel amendment, as amended.

The roll was called, and there were yeas 41 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Johnson, Dean	Limmer	Pappas
Bachmann	Fischbach	Kelley, S.P.	Lourey	Price
Belanger	Foley	Kinkel	Marty	Ranum
Berglin	Fowler	Kiscaden	Moua	Rest
Betzold	Frederickson	Kleis	Neuville	Ring
Chaudhary	Higgins	Knutson	Oliver	Robertson
Cohen	Hottinger	Krentz	Orfield	Robling

Sabo
Schwab

Solon, Y.P.

Terwilliger

Wiener

Wiger

Those who voted in the negative were:

Berg
Day

Langseth
Larson

Olson
Ourada

Samuelson
Scheevel

Vickerman

Johnson, Debbie
Johnson, Doug
Kierlin

Lesewski
Metzen
Murphy

Pariseau
Reiter
Sams

Stevens
Stumpf
Tomassoni

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

Senator Sams moved to amend S.F. No. 2674 as follows:

Page 10, line 15, before "The" insert "Except as provided in subdivision 2d,"

Page 11, after line 2, insert:

"Subd. 2d. [LICENSED SPOUSE; AUTHORIZATION.] A person holding a turtle seller's license may tend the commercial turtle equipment of the person's spouse, without the spouse being present, provided the spouse holds a separate license under section 97A.475, subdivision 41, paragraph (a)."

Page 12, line 1, after the period, insert "Rules adopted under this section may not contain a requirement for a person holding a turtle seller's license to maintain a daily log on the location of commercial turtle equipment."

Senator Lourey requested division of the Sams amendment as follows:

First portion:

Page 10, line 15, before "The" insert "Except as provided in subdivision 2d,"

Page 11, after line 2, insert:

"Subd. 2d. [LICENSED SPOUSE; AUTHORIZATION.] A person holding a turtle seller's license may tend the commercial turtle equipment of the person's spouse, without the spouse being present, provided the spouse holds a separate license under section 97A.475, subdivision 41, paragraph (a)."

The question was taken on the adoption of the first portion of the Sams amendment. The motion prevailed. So the first portion of the Sams amendment was adopted.

Second portion:

Page 12, line 1, after the period, insert "Rules adopted under this section may not contain a requirement for a person holding a turtle seller's license to maintain a daily log on the location of commercial turtle equipment."

The question was taken on the adoption of the second portion of the Sams amendment.

The roll was called, and there were yeas 31 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger
Berg
Day
Dille
Fischbach
Fowler
Johnson, Dean

Johnson, Debbie
Johnson, Doug
Kierlin
Kinkel
Kleis
Knutson
Langseth

Larson
Lesewski
Metzen
Murphy
Neuville
Oliver
Olson

Ourada
Pariseau
Reiter
Robling
Sams
Samuelson
Stumpf

Terwilliger
Tomassoni
Vickerman

Those who voted in the negative were:

Anderson

Bachmann

Berglin

Betzold

Chaudhary

Cohen	Kelley, S.P.	Marty	Price	Sabo
Foley	Kiscaden	Moua	Ranum	Schwab
Frederickson	Krentz	Orfield	Rest	Solon, Y.P.
Higgins	Limmer	Pappas	Ring	Wiener
Hottinger	Lourey	Pogemiller	Robertson	Wiger

The motion prevailed. So the second portion of the Sams amendment was adopted.

Senator Knutson moved to amend S.F. No. 2674 as follows:

Page 8, line 23, after "waterfowl" insert ", other than geese"

The motion prevailed. So the amendment was adopted.

Senator Berg moved to amend S.F. No. 2674 as follows:

Page 10, line 5, delete "2002" and insert "2003"

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

Senator Fischbach moved to amend S.F. No. 2674 as follows:

Page 8, delete section 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 3 and nays 54, as follows:

Those who voted in the affirmative were:

Fischbach	Kleis	Pariseau
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Those who voted in the negative were:

Anderson	Higgins	Langseth	Pappas	Samuelson
Bachmann	Hottinger	Larson	Pogemiller	Scheevel
Berg	Johnson, Dean	Lesewski	Price	Schwab
Berglin	Johnson, Debbie	Lourey	Ranum	Solon, Y.P.
Betzold	Johnson, Doug	Marty	Reiter	Stumpf
Chaudhary	Kelley, S.P.	Metzen	Rest	Terwilliger
Cohen	Kierlin	Moua	Ring	Tomassoni
Dille	Kinkel	Oliver	Robertson	Vickerman
Foley	Kiscaden	Olson	Robling	Wiener
Fowler	Knutson	Orfield	Sabo	Wiger
Frederickson	Krentz	Ourada	Sams	

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

Senator Tomassoni moved to amend S.F. No. 2674 as follows:

Page 1, after line 35, insert:

"Sec. 2. Minnesota Statutes 2000, section 84.821, is amended by adding a subdivision to read:

Subd. 3. [EMERGENCY HAZARD LIGHTS.] All snowmobiles sold in the state that are manufactured after June 30, 2005, shall be equipped with an emergency hazard lighting system."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring new snowmobiles sold in the state to have emergency hazard lights;"

Page 1, line 20, after the first semicolon, insert "84.821, by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kelley, S.P.	Moua	Ring
Belanger	Foley	Krentz	Orfield	Sabo
Berg	Fowler	Langseth	Ourada	Solon, Y.P.
Berglin	Frederickson	Limmer	Pappas	Terwilliger
Betzold	Higgins	Lourey	Pogemiller	Tomassoni
Chaudhary	Hottinger	Marty	Price	Wiener
Cohen	Johnson, Doug	Metzen	Ranum	Wiger

Those who voted in the negative were:

Bachmann	Kierlin	Larson	Rest	Stevens
Day	Kinkel	Lesewski	Robertson	Stumpf
Fischbach	Kiscaden	Olson	Sams	Vickerman
Johnson, Dean	Kleis	Pariseau	Samuelson	
Johnson, Debbie	Knutson	Reiter	Schwab	

The motion prevailed. So the amendment was adopted.

Senator Tomassoni then moved to amend S.F. No. 2674 as follows:

Page 1, after line 29, insert:

"Section 1. Minnesota Statutes 2000, section 17.451, subdivision 2, is amended to read:

Subd. 2. [FARMED CERVIDAE.] "Farmed cervidae" means members of the cervidae family that are:

(1) raised for the purpose of shooting, harvesting, producing fiber, meat, or animal by-products, as pets, or as breeding stock; and

(2) registered in a manner approved by the board of animal health.

Sec. 2. Minnesota Statutes 2000, section 17.452, subdivision 5, is amended to read:

Subd. 5. [RAISING FARMED CERVIDAE IS AN AGRICULTURAL PURSUIT.] Raising farmed cervidae is agricultural production and an agricultural pursuit, which may include the sale of farmed cervidae to a person for personal consumption. Personal consumption may include the taking of farmed cervidae by firearms or archery on a licensed shooting preserve.

Sec. 3. Minnesota Statutes 2000, section 17.452, subdivision 8, is amended to read:

Subd. 8. [SLAUGHTER.] Farmed cervidae that are to be sold for commercial meat purposes must be slaughtered and inspected in accordance with the United States Department of Agriculture voluntary program for exotic animals, Code of Federal Regulations, title 9, part 352."

Page 1, after line 35, insert:

"Sec. 5. [84.66] [CERVIDAE SHOOTING PRESERVES.]

Subdivision 1. [LICENSE FEES; RENEWAL.] (a) The fee for each initial cervidae shooting preserve license is \$1,000 plus \$100 for each month available to operate in the first year.

(b) Shooting preserve licenses issued under this subdivision expire on the last day of December. The annual renewal fee for a license is \$1,000.

Subd. 2. [SHOOTING PRESERVE APPLICATION.] The commissioner of natural resources may license up to ten cervidae shooting preserves in the state. An application for a cervidae shooting preserve license must be filed with the commissioner. The application must include a

legal description of the shooting preserve land, number of acres, species to be harvested, and other necessary information prescribed by the commissioner.

Subd. 3. [LICENSES.] A person may not operate a cervidae shooting preserve without a license. The commissioner of natural resources, in consultation with the commissioner of agriculture, shall issue a license to operate a cervidae shooting preserve if all laws and ordinances are followed. Shooting preserves may be located in all parts of the state as determined by the commissioner of natural resources. The commissioner must perform a site inspection before a license may be issued. The commissioner may waive the inspection prior to granting the license. The commissioner shall either grant or deny the request for a shooting preserve license within 60 days of the date the initial completed application was received or within 30 days of a request for license renewal.

Subd. 4. [STOCKED GAME.] (a) Game that may be released and harvested in a licensed cervidae shooting preserve must be specified in the license and are limited to species raised as farmed cervidae under sections 17.451 and 17.452. Only farmed cervidae from herds in compliance with the general rules of the board of animal health may be transported to and released in a licensed cervidae shooting preserve. If the animals originate outside of Minnesota, the herd of origin must be a tuberculosis-accredited herd and must have been participating in a state-recognized chronic wasting disease surveillance program for a minimum of three years.

(b) All licensed cervidae shooting preserves must participate in the state's chronic wasting disease surveillance program.

Subd. 5. [SIZE OF PRESERVE; COVER REQUIRED.] A shooting preserve must contain not less than 320 nor more than 960 contiguous acres, including any water area. A shooting preserve must have areas of cover to provide for concealment of the cervidae sufficient to prevent the cervidae from being visible in all parts of the preserve at one time and must afford cervidae the chance of escape from pursuit by patrons of the shooting preserve.

Subd. 6. [POSTING OF BOUNDARIES.] The boundaries of a shooting preserve must be clearly posted in a manner prescribed by the commissioner of natural resources. The operator must post signs around the entire perimeter of the preserve at intervals not to exceed 500 feet.

Subd. 7. [FENCING AND ENCLOSURES.] All perimeter fencing must comply with the farmed cervidae requirements under section 17.452.

Subd. 8. [REMOVAL OF WILD CERVIDAE.] All wild cervidae must be removed from the shooting preserve property at the owner's expense prior to final issuance of the shooting preserve license.

Subd. 9. [REVOCAION OF LICENSE.] The commissioner of natural resources may revoke a shooting preserve license if the licensee or persons authorized to hunt in the shooting preserve have been convicted of a violation under this section. After revocation, a new license may be issued at the discretion of the commissioner.

Subd. 10. [HUNTING LICENSE NOT REQUIRED.] A hunting license is not required to hunt authorized species of cervidae on a licensed shooting preserve.

Subd. 11. [SEASON.] (a) The open season for harvesting in a shooting preserve is August 15 to December 31.

(b) The commissioner of natural resources may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of a particular species of wild cervidae is harmed by harvesting in the shooting preserve.

Subd. 12. [WEAPONS LIMITATIONS.] A person may take farmed cervidae on a shooting preserve by archery or firearms authorized by law to take wild cervidae in the same area.

Subd. 13. [LICENSEE MAY ESTABLISH RESTRICTIONS.] A shooting preserve licensee is responsible for determining who is allowed to harvest in the preserve. In each preserve, the

licensee may establish the charge for taking cervidae, the shooting hours, the season, weapon limitations, and restrictions on the age, sex, and number of each species that may be taken by the hunter. These provisions may not conflict with this section and may not be less restrictive than any rule.

Subd. 14. [IDENTIFICATION AND MARKING OF CERVIDAE.] All cervidae must be identified by permanent tattoo, electronic implant, or other means of identification that comply with section 17.452.

Subd. 15. [MARKING HARVESTED CERVIDAE.] Harvested cervidae must be marked as prescribed by the commissioner of natural resources or identified by the shooting preserve operator in a manner prescribed by the commissioner. The commissioner shall issue tags or other markings at a cost not to exceed \$5 each. The marking must remain attached on the cervidae while the cervidae is transported.

Subd. 16. [RECORDKEEPING; FEE.] (a) A shooting preserve licensee must maintain a registration book listing the names, addresses, and hunting license numbers, if applicable, of all patrons of the shooting preserve, the date when they harvested, the amount and species of cervidae taken, and the tag numbers or other markings affixed to each animal. A shooting preserve must keep records of the number of each species raised and purchased and the date and number of each species released. The licensee must make an annual report to the commissioner of natural resources by the date herd registration is required. The records must be open to inspection by the commissioner at all reasonable times.

(b) For each cervid taken, the licensee shall pay \$75 to the commissioner of natural resources.

Subd. 17. [DISPOSITION OF FEES.] License fees paid under subdivision 1 are appropriated to the commissioner of natural resources to administer and enforce this section. Fees paid under subdivision 16 shall be credited to the game and fish fund."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting the harvesting of farmed cervidae on licensed shooting preserves;"

Page 1, line 19, after "sections" insert "17.451, subdivision 2; 17.452, subdivisions 5, 8;"

Page 1, line 27, after "chapters" insert "84;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 38, as follows:

Those who voted in the affirmative were:

Berg	Langseth	Neuville	Schwab	Vickerman
Dille	Larson	Reiter	Stevens	
Fischbach	Lesewski	Sams	Stumpf	
Kierlin	Limmer	Samuelson	Terwilliger	
Kleis	Murphy	Scheevel	Tomassoni	

Those who voted in the negative were:

Anderson	Fowler	Kiscaden	Olson	Robertson
Bachmann	Frederickson	Knutson	Orfield	Robling
Belanger	Higgins	Krentz	Pappas	Sabo
Berglin	Johnson, Dean	Lourey	Pariseau	Solon, Y.P.
Betzold	Johnson, Debbie	Marty	Pogemiller	Wiener
Chaudhary	Johnson, Doug	Metzen	Price	Wiger
Cohen	Kelley, S.P.	Moua	Rest	
Foley	Kinkel	Oliver	Ring	

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

S.F. No. 2674 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 56 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Larson	Stevens	Stumpf	Vickerman
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

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.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lesewski	Ourada	Sams
Bachmann	Johnson, Dean	Limmer	Pappas	Scheevel
Berglin	Johnson, Debbie	Lourey	Pariseau	Schwab
Betzold	Kierlin	Marty	Pogemiller	Solon, Y.P.
Chaudhary	Kinkel	Metzen	Price	Stumpf
Cohen	Kiscaden	Moua	Reiter	Terwilliger
Dille	Kleis	Murphy	Rest	Tomassoni
Fischbach	Knutson	Neuville	Ring	Vickerman
Foley	Krentz	Oliver	Robertson	Wiger
Fowler	Langseth	Olson	Robling	
Frederickson	Larson	Orfield	Sabo	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3114: A bill for an act relating to child support; permitting the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support; clarifying requirements relating to payment agreements; appropriating money; amending Minnesota Statutes 2000, sections 171.186, subdivisions 1, 3, by adding a subdivision; 171.20, subdivision 4; 171.30, subdivision 1; 518.551, subdivisions 12, 13, 14, 15; 518.553.

Senator Berglin moved to amend S.F. No. 3114 as follows:

Page 9, line 16, after the period, insert "The notice must include information that apprises the obligor of the requirement to develop a written payment agreement that is approved by a court, a child support magistrate, or the public authority responsible for child support enforcement regarding child support, maintenance, and any arrearages in order to avoid license suspension."

The motion prevailed. So the amendment was adopted.

S.F. No. 3114 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 52 and nays 3, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Dean	Limmer	Pogemiller	Scheevel
Belanger	Johnson, Debbie	Lourey	Price	Schwab
Berglin	Kelley, S.P.	Marty	Ranum	Stumpf
Betzold	Kierlin	Metzen	Reiter	Terwilliger
Cohen	Kinkel	Moua	Rest	Tomassoni
Dille	Kiscaden	Murphy	Ring	Vickerman
Fischbach	Kleis	Neuville	Robertson	Wiener
Foley	Knutson	Oliver	Robling	Wiger
Fowler	Krentz	Olson	Sabo	
Frederickson	Larson	Ourada	Sams	
Higgins	Lesewski	Pariseau	Samuelson	

Those who voted in the negative were:

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

SPECIAL ORDER

S.F. No. 3177: A bill for an act relating to economic development; coordinating funding for wastewater and drinking water programs; modifying the wastewater infrastructure funding program; increasing bonding authority for the public facilities authority; amending Minnesota Statutes 2000, sections 446A.07, subdivision 4; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; 446A.12, subdivision 1; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

Senator Frederickson moved to amend S.F. No. 3177 as follows:

Page 5, lines 5 and 6, delete "and more stringent discharge limits" and insert "of crystalline bedrock or karst areas and discharge limits that are more stringent than secondary treatment"

Page 7, delete lines 31 and 32 and insert:

"(1) the project is consistent with the county comprehensive land use plan, if the county has adopted one;

(2) the project is consistent with the county water plan, if the county has adopted one; and"

Page 7, line 33, delete "(2)" and insert "(3)"

The motion prevailed. So the amendment was adopted.

S.F. No. 3177 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 3298: A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; requiring parked vehicle to be parallel with curb; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; appropriating money; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 161.465; 169.35, subdivision 1; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 2000, section 221.0313.

Senator Schwab moved to amend S.F. No. 3298 as follows:

Page 6, after line 9, insert:

"Sec. 6. [168.185] [MOTOR CARRIER USDOT NUMBERS.]

(a) A motor carrier operating a truck or truck tractor having a gross vehicle weight of more than 10,000 pounds, as defined in 169.01, subdivision 46, shall report to the registrar at the time of registration its USDOT carrier number. A motor carrier who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be made available upon request of an authorized agent of the registrar, peace officer, other employees of the state patrol authorized in chapter 299D, or employees of the Minnesota department of transportation. A motor carrier shall notify the registrar if there is a change to the carrier's USDOT number.

(c) If a carrier fails to report or apply for a USDOT number, the registrar shall suspend the carrier's registration.

(d) Until October 1, 2003, "motor carrier," as that term is used in this section, does not include an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on-farm use."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 3298 as follows:

Page 21, after line 14, insert:

"Sec. 27. [APPROPRIATION FOR JOINT USE BUILDING IN PENNINGTON COUNTY.]

\$4,450,000 is appropriated from the trunk highway fund to the commissioner of transportation to design, construct, furnish, and equip a building in Pennington county for the joint use of the county of Pennington and departments of transportation, public safety, and natural resources for vehicle maintenance and vehicle storage."

Page 21, line 26, delete "26" and insert "27"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 3298 as follows:

Page 12, after line 31, insert:

"Sec. 15. [299A.53] [TOWING SERVICES; OPERATOR TRAINING CERTIFICATION.]

(a) The commissioner of public safety shall adopt rules establishing and implementing a program for certifying tow truck operators as trained and qualified for safely and efficiently providing vehicle towing and recovery services.

(b) The certification may distinguish between various qualification levels based on experience, knowledge, and training necessary for the various ordinary and emergency or other extraordinary situations, safe or hazardous, encountered in vehicle and cargo recovery and towing, with an emphasis on "hands-on" training with the towing and recovery vehicles and equipment necessary for ordinary and extraordinary operations.

(c) The commissioner shall consider the three-level national driver certification program administered by the Towing and Recovery Association of America, Inc., the findings and recommendations of any advisory committee formed under subdivision 2, the programs and experience of other states, and other sources the commissioner considers informative and helpful."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 3298 as follows:

Page 7, after line 36, insert:

"Sec. 8. [174.92] [WHISTLE-BLOWING.]

Subject to all applicable federal law and regulations, a city, town, or county may prohibit whistle-blowing within one-half mile of a commuter rail station."

Page 19, after line 3, insert:

"Sec. 23. [COMMUTER RAIL STATION WORKING GROUP.]

The commissioner of transportation shall establish a working group consisting of local elected officials and residents living near a proposed commuter rail station in each city in which a commuter rail station is proposed to be located to discuss and address local concerns regarding public safety and security in and around a commuter rail station."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Belanger moved to amend S.F. No. 3298 as follows:

Page 18, after line 30, insert:

"Sec. 21. [DAN PATCH COMMUTER RAIL LINE; PROHIBITIONS.]

Subdivision 1. [DEFINITION.] For purposes of this section "Dan Patch commuter rail line" means the commuter rail line between Northfield and Minneapolis identified in the metropolitan council's transit 2020 master plan as the Dan Patch line.

Subd. 2. [METROPOLITAN COUNCIL; PROHIBITIONS.] The metropolitan council may not take any action or spend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The council shall remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the council's transportation policy plan and the council's regional transit master plan.

Subd. 3. [COMMISSIONER OF TRANSPORTATION.] The commissioner of transportation may not take any action or expend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The commissioner shall remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the state transportation plan and the commissioner's commuter rail system plan.

Subd. 4. [REGIONAL RAIL AUTHORITIES.] No county or regional rail authority may expend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line."

Page 21, line 25, after the period, insert "Section 21 is effective July 1, 2002."

Page 21, line 26, delete "23 to 26" and insert "24 to 27"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment not adopted.

Senator Johnson, Doug moved to amend S.F. No. 3298 as follows:

Page 19, after line 3, insert:

"Sec. 22. [INTERREGIONAL CORRIDOR DESIGNATION.]

The commissioner of transportation shall by August 30, 2002, designate high priority interregional corridors that connect regional trade and population centers within the state to Canadian provinces and serve as trade and tourism routes between the state and Canadian provinces."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Knutson moved to amend S.F. No. 3298 as follows:

Page 6, after line 9, insert:

"Sec. 6. Minnesota Statutes 2000, section 168B.051, subdivision 1a, is amended to read:

Subd. 1a. [SALE 15 DAYS AFTER NOTICE BY CERTIFIED MAIL.] (a) Except as provided in paragraph (b), an unauthorized vehicle impounded by ~~the city of Minneapolis or by the city of St. Paul~~ a local unit of government in the metropolitan area as defined in section 473.121, subdivision 2, is eligible for disposal or sale under section 168B.08, 15 days after notice is sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

(b) If, before the expiration of the 15-day period following notice of taking, the registered owner or lienholder of record delivers to the impound lot operator a written statement of intent to reclaim the vehicle, the vehicle is not eligible for disposal or sale until 45 days after the notice of taking, if the owner or lienholder has not reclaimed under section 168B.07. Notwithstanding section 168B.06, subdivision 3, a second notice shall not be required.

Sec. 7. Minnesota Statutes 2000, section 168B.051, subdivision 2, is amended to read:

Subd. 2. [SALE AFTER 45 DAYS.] An impounded vehicle is eligible for disposal or sale under section 168B.08, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle that was not impounded by ~~the city of Minneapolis or the city of St. Paul~~ a local unit of government in the metropolitan area as defined in section 473.121, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 3298 as follows:

Page 6, after line 9, insert:

"Sec. 6. [169.306] [USE OF SHOULDERS BY BUSES.]

If the commissioner of transportation permits the use by transit buses of a shoulder of a freeway or expressway, as defined in section 160.02, in the seven-county metropolitan area, the commissioner shall permit the use on that shoulder of a bus with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, while operating in intrastate commerce.

Buses authorized to use the shoulder under this section may be operated on the shoulder only when mainline traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder, may not exceed the speed of mainline traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the department of transportation."

Page 19, after line 3, insert:

"Sec. 23. [VANPOOL DEMONSTRATION PROJECT.]

Subdivision 1. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision.

(a) An "eligible vanpool" is a commuter van, within the meaning of Minnesota Statutes, section 221.011, subdivision 27, that:

(1) has a current vanpool registration through metropolitan council, metro commuter services;

(2) bears a Minnesota vanpool (VP) license plate;

(3) bears a permanent sign on the front and the rear of the vehicle in letters not less than four inches high, stating the vehicle's right to operate on shoulder lanes during peak traffic hours, Monday through Friday; and

(4) displays a certificate issued by the commissioner of public safety stating that on a certain date, which must be within 13 months of the date of operation, a member of the Minnesota state patrol inspected the van and found that on the date of inspection the vehicle complied with the applicable provisions of state law relating to construction, design, equipment, and signage.

(b) A "certified vanpool driver" is a holder of a Minnesota driver's license who has obtained an original or renewal vanpool driver safety certification within the previous 12 months through the successful completion of a vanpool driver safety training course offered by the metropolitan council's metro commuter services or its designee.

Subd. 2. [AUTHORIZATION TO USE SHOULDER LANES.] An eligible vanpool that is:

(1) driven by a certified vanpool driver;

(2) carrying a minimum of three passengers, exclusive of the driver; and

(3) equipped and operated as described in this section, may be operated on designated bus-only highway shoulders on I-494 between highways marked Nos. 100 and 212 during peak travel hours, Monday through Friday.

Subd. 3. [SPEED LIMIT FOR OPERATION OF VANPOOL ON SHOULDER LANES.] A person may not drive a vanpool on a designated highway shoulder at a speed greater than is reasonable and prudent under the conditions. Any speed in excess of 35 miles per hour is unlawful.

Subd. 4. [VEHICLE LIGHTING.] An eligible vanpool may be operated on a shoulder lane only if it is equipped with four-way flashers and a roof-mounted, 360-degree, flashing strobe lamp that emits a yellow light. The flashers and strobe light must be activated during the time a vanpool is operated on a shoulder.

Sec. 24. [VANPOOL DEMONSTRATION PROJECT OVERSIGHT COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] The demonstration project oversight committee must consist of two members designated by the chair of the metropolitan council, two members designated by the commissioner of transportation, and two members designated by the commissioner of public safety.

Subd. 2. [DUTIES.] The oversight committee shall:

(1) review and evaluate the effectiveness and safety of the vanpool demonstration project; and

(2) report its findings and recommendations to the house of representatives and senate committees with jurisdiction over transportation and transit policy no later than February 15, 2004."

Page 21, line 25, after the period, insert "Sections 23 and 24 are effective July 1, 2002, and are repealed effective June 30, 2004."

Page 21, line 26, delete "23 to 26" and insert "25 to 28"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Knutson moved to amend S.F. No. 3298 as follows:

Pages 18 and 19, delete section 21 and insert:

"Sec. 21. [PROTECTION OF NATURAL FLOW.]

Any order entered and filed by the court in Court File No. MC01-07478 in the fourth judicial district of Hennepin county, based upon a stipulation of the parties which resolves the underlying dispute supersedes the provisions of Laws 2001, chapter 101, section 1.

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

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 3298 as follows:

Page 5, line 20, delete "extinguishing" and insert "responding to a call to extinguish"

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 3298 as follows:

Page 18, after line 7, insert:

"Sec. 19. Laws 2001, First Special Session chapter 8, article 2, section 6, is amended to read:

Sec. 6. [STATE AID FOR CITIES.]

A city that has previously been classified as having a population of 5,000 or more for the purposes of Minnesota Statutes, chapter 162, and that has a population greater than 4,900 but less than 5,000 according to the 2000 federal census, is deemed to have a population of 5,000 for purposes of Minnesota Statutes, chapter 162, ~~until June 30, 2004.~~"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 3298 as follows:

Page 7, after line 36, insert:

"Sec. 8. Minnesota Statutes 2000, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3);

(4) special pulpwood vehicles described in section 169.863; ~~and~~

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Weight (pounds) exceeding weight limitations on axles	Overweight Axle Group Cost Factors		
	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less 14 feet or less	Four consec- utive axles spaced within
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 3298 as follows:

Page 7, after 36, insert:

"Sec. 8. Minnesota Statutes 2000, section 169.89, is amended by adding a subdivision to read:

Subd. 4a. [SURCHARGE.] A person who violates a traffic or motor vehicle law, and who was apprehended or arrested by an officer of the state patrol, shall be assessed \$7.30 in addition to the fine otherwise imposed for the violation."

Page 12, after line 31, insert:

"Sec. 16. Minnesota Statutes 2001 Supplement, section 299D.03, subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] (a) Except for the surcharge assessed under section 169.89, subdivision 4a, all fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by officers of the state patrol, shall be paid by the person or officer collecting the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the state treasurer for deposit in the state treasury and credited to the general fund. The other five-eighths of these receipts shall be transmitted by that officer to the state treasurer and must be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the state treasurer for deposit in the state treasury and credited to the general fund.

(c) Money collected by virtue of the surcharge assessed under section 169.89, subdivision 4a, shall be paid by the person collecting the surcharge to the state treasurer, who shall credit it to the trooper training account created in subdivision 6a.

Sec. 17. Minnesota Statutes 2000, section 299D.03, subdivision 6, is amended to read:

Subd. 6. [TRAINING PROGRAM.] The commissioner of public safety may provide training programs for the purpose of obtaining qualified personnel for the state patrol. Persons accepted by the commissioner of public safety for training under this training program shall be designated state patrol trainees and shall receive a salary not to exceed 70 percent of the basic salary for patrol officers as prescribed in subdivision 2, during the period of the training. Nothing contained in this subdivision shall be construed to prevent the commissioner of public safety from providing in-service training programs for state patrol officers. The commissioner of transportation shall furnish the commissioner of public safety with lands and buildings necessary in providing in-service training programs and the department of public safety shall reimburse the department of transportation for all reasonable costs incurred due to the provision of these training facilities. All costs related to in-service training programs for existing state patrol troopers shall first be paid by the commissioner from money in the trooper training account created in subdivision 6a to the extent that funds are available in the account.

Sec. 18. Minnesota Statutes 2000, section 299D.03, is amended by adding a subdivision to read:

Subd. 6a. [TROOPER TRAINING ACCOUNT.] A trooper training account is created in the special revenue fund. The account receives surcharges credited under subdivision 5 and other

money as specified by law. All funds in the account are annually appropriated to the commissioner of public safety to be used for in-service training programs for existing state patrol troopers. The commissioner, as part of the department's biennial budget, shall provide information on revenues deposited in the account, past and proposed uses of the account, and the available account balance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 45, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Murphy	Price	Stumpf
Fowler	Krentz	Orfield	Rest	
Hottinger	Marty	Pogemiller	Ring	

Those who voted in the negative were:

Bachmann	Foley	Knutson	Oliver	Sams
Belanger	Frederickson	Langseth	Olson	Samuelson
Berg	Higgins	Larson	Ourada	Scheevel
Berglin	Johnson, Debbie	Lesewski	Pappas	Schwab
Betzold	Kelley, S.P.	Limmer	Pariseau	Stevens
Chaudhary	Kierlin	Lourey	Reiter	Tomassoni
Day	Kinkel	Metzen	Robertson	Vickerman
Dille	Kiscaden	Moua	Robling	Wiener
Fischbach	Kleis	Neuville	Sabo	Wiger

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

S.F. No. 3298 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

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.

Senator Knutson moved to amend H.F. No. 2618, as amended pursuant to Rule 45, adopted by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3373.)

Pages 2 to 4, delete section 3

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend H.F. No. 2618, as amended pursuant to Rule 45, adopted by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3373.)

Page 5, after line 25, insert:

"Sec. 6. Minnesota Statutes 2000, section 609.415, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer. Public employee includes a member of a charter commission.

(3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer.

(5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota."

Page 5, line 29, after "subdivision" insert "or charter commission"

Page 5, line 30, strike the first "or"

Page 5, line 31, after the first comma, insert "or misuse of public funds by a charter commission or any person authorized to expend public funds,"

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Price moved to amend H.F. No. 2618, as amended pursuant to Rule 45, adopted by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3373.)

Page 2, after line 2, insert:

"Sec. 3. Minnesota Statutes 2000, section 13.32, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Assaultive or threatening conduct" means:

(1) willful conduct by a student that materially and substantially disrupts the rights of other students to an education; or

(2) willful conduct by a student that endangers the student, other students, or surrounding persons, or property of the school.

(b) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.

(~~b~~) (c) "Gang activity" means the school has documented that the student exhibits at least three of the following gang identification criteria that have been developed by the criminal gang oversight council under section 299A.64, subdivision 2:

(1) admits gang membership or association;

(2) is observed to associate on a regular basis with known gang members;

(3) has tattoos indicating gang membership;

(4) wears gang symbols to identify with a specific gang;

(5) appears in a photograph with known gang members or appears in a photograph using gang related handsigns;

(6) is named in a gang document, target list, or in gang related graffiti;

(7) is identified as a gang member by a reliable source where the reliability of the source is described;

(8) is arrested or detained in the company of identified gang members or their associates;

(9) corresponds with known gang members or creates or receives correspondence about gang activities; or

(10) writes gang graffiti on walls, books, or paper.

(d) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities. means:

(1) a judge of the juvenile court;

(2) members of court services staff as described in section 13.84, subdivision 1;

(3) a county attorney;

(4) law enforcement officers; and

(5) individuals designated by the court to perform studies or other duties.

(e) "Principal" means the principal or other person having general administrative control and supervision of a school.

(e) (f) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

(d) (g) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

Sec. 4. Minnesota Statutes 2000, section 13.32, subdivision 7, is amended to read:

Subd. 7. [USES OF DATA.] School officials who receive data on juveniles, as authorized under sections section 260B.171 and 260C.171, may use and share that data within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students as provided in section 121A.75. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Sec. 5. Minnesota Statutes 2000, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under This subdivision governs the release of educational data to the juvenile justice system for purposes of subdivision 3, clause (i), to the juvenile justice system. A request under this subdivision from a member of the juvenile justice system must be directed to the superintendent of the student's school district or the chief administrative officer of the student's school, who must transmit the request to the principal of the student's school. The principal is responsible for responding to the request and performing the duties of the school under this subdivision.

(b) A school official or a member of the juvenile justice system may provide for the electronic transmittal of a request or a response to a request for data under this subdivision, provided that the certification of a request for data includes the digital signature of the requesting member of the juvenile justice system and adequate procedures are in place to prevent unauthorized access to the data.

(c) The release of the data listed in this paragraph to the juvenile justice system will effectively serve, prior to adjudication, the needs of the student whose records are released. Upon receipt of a written request, a school shall provide this data to a member of the juvenile justice system, to the extent the school maintains the data:

- (1) a student's full name, home address, telephone number, and date of birth;
- (2) a student's school schedule, and attendance record, and photographs, if any; and
- (3) language, other than English, used at home by the student;
- (4) directory information not included in this list, as defined in Code of Federal Regulations, title 34, section 99.3, notwithstanding parental objection to disclosure; and
- (5) the student's parents' names, home addresses, and telephone numbers.

(d) A member of the juvenile justice system may request information from a school regarding the existence of data listed in this paragraph, provided that the request indicates the data that are the subject of the inquiry and contains an explanation of why access to information regarding the data is necessary to effectively serve the student. If an explanation is received, the school shall indicate whether it maintains data in its records that document the following activity or behavior by the student:

- (1) receipt of medication by the student at school as provided in section 121A.22;
- (2) participation in an individual education program under Code of Federal Regulations, title 34, sections 300.500 to 300.529, if the student has been accused of committing a crime;

(b) In addition, the following data on behavior by a student who is on probation may be disclosed under subdivision 3, clause (i) or (1), to the juvenile justice system:

- (1) (3) use of a controlled substance, alcohol, or tobacco;
- (2) (4) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c) as defined in subdivision 1;
- (3) (5) possession or use of weapons or look-alike weapons;
- (4) (6) participation in gang activity as defined by the criminal gang oversight council under section 299A.64, in subdivision 2, paragraph (b) 1;
- (7) participation in bias-motivated acts;
- (5) (8) theft; or
- (6) (9) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff.

(e) This subdivision does not require a school to create data. A school is not required to provide the data if the data are protected by a court order. A school must respond to a request for data within ten days.

(e) (f) A superintendent of a school district or chief administrative officer of a school who discloses information about a student to the juvenile justice system under this paragraph subdivision shall, to the extent permitted by federal law, notify the student's parent or guardian of the disclosure.

(d) (g) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(h) A school district, its agents, and employees who provide data under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08 or other law, or for a penalty under section 13.09.

(i) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If the data are shared with a member of the juvenile justice system who is not a

government entity, the person must treat the data consistent with the requirements of this chapter that would apply to a government entity.

(j) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties provided in section 13.09.

Sec. 6. Minnesota Statutes 2000, section 13.32, is amended by adding a subdivision to read:

Subd. 9. [FORMS.] To make a data request under subdivision 8, paragraph (d), a member of the juvenile justice system must use the following form:

REQUEST FOR INFORMATION

Family Educational Rights and Privacy Act/
Minnesota Government Data Practices Act

DATE/TIME OF REQUEST

TO:.....

(Superintendent of school district
or chief administrative officer of school)

FROM:

.....
(Requester's name/agency)

STUDENT:

BASIS FOR REQUEST

- ... Juvenile delinquency investigation/prosecution
- ... Child protection assessment/investigation
- ... Investigation/filing of CHIPS or delinquency
petition

REASON FOR REQUEST (requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student).....

.....
.....

RESPONSE TO REQUEST

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

INFORMATION REQUESTED (mark all that apply) RESPONSE

Indicate whether you have data (yes or no)
that document the student's:

... receipt of medication at school according
to Minnesota Statutes, section 121A.22

... participation in an individualized education
program under Code of Federal Regulations,
title 34, section 300.500 et seq., if it is
alleged that the student has committed a crime

... use of a controlled substance, alcohol,
or tobacco

... assaultive or threatening conduct as defined
in Minnesota Statutes, section 13.32,
subdivision 1

- ... possession or use of weapons or look-alike weapons
- ... participation in gang activities as defined in Minnesota Statutes, section 13.32, subdivision 1
- ... participation in bias-motivated acts
- ... theft
- ... vandalism and damage to property

CERTIFICATION: The undersigned certifies that the undersigned is a member of the juvenile justice system as defined by Minnesota Statutes, section 13.32, subdivision 1. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that the undersigned understands that by signing this request, the undersigned is subject to the penalties in Minnesota Statutes, section 13.09.

.....
Signature/Title "

Page 5, after line 25, insert:

"Sec. 10. Minnesota Statutes 2000, section 121A.75, is amended to read:

121A.75 [RECEIPT OF ~~DISPOSITION ORDER~~ RECORDS; SHARING.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section "principal" means a principal or other person having general administrative control and supervision of a school.

(b) For purposes of this section, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

Subd. 2. [DISPOSITION ORDERS.] (a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the order to the principal of the school where the student is in attendance. The principal must place the disposition order in the student's permanent education record. The principal must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the principal must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if they determine these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information.

(e) (b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data may not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except as necessary to serve the student, to protect students or staff, or as otherwise required by law, and only to the following persons:

- (1) the student; or

- (2) the student's parent or guardian;
- (3) law enforcement officers; or
- (4) the student's probation officer.

(d) (c) If a student is removed from school as part of the disposition order, the superintendent of the student's school district or chief administrative officer of the student's school must maintain the copy of the order in a secure file and shall notify the principal when the student is returned to school. If the student is returned to a different school district or school, the student's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief administrative officer of the new school.

(e) (d) The disposition order must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring under section 120A.22, subdivision 7.

(f) (e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the student graduates from school or at the end of the school year in which the student reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the student is discharged from probation.

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) On receipt of the notice from a law enforcement agency required by section 260B.171, subdivision 5, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the notice to the principal of the school where the student is in attendance. The principal must place the notice in the student's permanent education record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.

(b) Data received under this subdivision are private data on individuals pursuant to section 13.32 and are received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data must not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except to communicate with the student or the student's parent or guardian as necessary to serve the student, protect students or staff, or as otherwise required by law.

(c) The notice must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring pursuant to section 120A.22, subdivision 7.

(d) If the county attorney determines not to proceed with a petition alleging any of the offenses listed in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent or the chief administrative officer of the school where the student is in attendance. The notice must contain the name of the student and a summary of the resolution of the case. The superintendent or chief administrative officer must send the notice to the principal of the school where the student attends. The principal must put the notice in the student's permanent record and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(e) If the juvenile court makes a decision on a petition that alleges any of the offenses listed in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a

student and is not a disposition order, the court must notify the superintendent of the school district or chief administrative officer of the school where the student is in attendance of the decision. The superintendent or chief administrative officer must send the notice to the principal of the school where the student attends. The principal must put the notice in the student's permanent record and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(f) Notwithstanding section 138.17, data from a notice received from a law enforcement agency must be destroyed when the student graduates from the school or at the end of the academic year when the student reaches age 23, whichever date is earlier.

Sec. 11. Minnesota Statutes 2000, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution. If such a board denies a request to locate within its boundaries a charter school sponsored by another school board, the sponsoring school board may appeal to the commissioner. If the commissioner authorizes the school, the commissioner must sponsor the school.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32, 121A.75, and 260B.171, subdivisions 3 and 5.

Sec. 12. Minnesota Statutes 2000, section 260B.171, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205

(second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); or 152.027 (other controlled substance offenses), if committed by an adult; or

(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.

When a disposition order is transmitted under this subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the superintendent or chief administrative officer when the juvenile is discharged from probation.

(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained, shared, or released only as provided in section ~~121A.07~~ 121A.75.

(d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

(e) No later than September 1, 2002, the criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released. The group shall provide a copy of any forms or procedures developed under this paragraph to the legislature by January 15, 2003.

(f) As used in this subdivision, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

Sec. 13. Minnesota Statutes 2000, section 260B.171, subdivision 5, is amended to read:

Subd. 5. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated

section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the principal superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

~~A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier. For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary, or charter school.~~

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

(1) the release to the individual subject of the data would be prohibited under section 13.821; or

(2) the prosecuting authority reasonably believes:

(i) that the release of that data will interfere with the investigation; or

(ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Sec. 14. Minnesota Statutes 2000, section 260B.171, is amended by adding a subdivision to read:

Subd. 9. [TRAINING RESPONSIBILITIES.] The office of the court administrator is responsible for training all judges and court services personnel in their responsibilities under subdivision 3 and section 13.32. The department of public safety is responsible for training all law enforcement personnel in their responsibilities under subdivision 5 and section 13.32."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer moved to amend the Price amendment to H.F. No. 2618 as follows:

Page 5, line 36, before the period, insert ", except for a reckless or intentional release of data to a person who is not a member of the juvenile justice system"

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

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

H.F. No. 2618 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 26, Senator Hottinger, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 3099 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 3099: A bill for an act relating to human services; allowing the ombudsman for corrections to apply for or receive certain grants; making changes to continuing care programs; modifying case manager continuing education requirements; adding an exemption from preadmission screening requirements; modifying targeted case management client contact requirements; requiring a case management services study; modifying planned closure rate adjustment provisions; correcting inconsistencies in mental health services coverage in border states; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; expanding MFIP hardship extensions; amending Minnesota Statutes 2000, sections 241.44, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.40, subdivision 1; Minnesota Statutes 2001 Supplement, sections 144.122; 144.148, subdivision 2; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6; 256J.425, subdivisions 3, 4, 5, 6, by adding a subdivision; 326.38; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2000, section 326.45.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 3099. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 3099 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 34 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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, 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. 2890, 2793, 3034 and 3244.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 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. 2486: A bill for an act relating to health; modifying requirements for certain major spending commitments; amending Minnesota Statutes 2000, section 62J.17, subdivision 8.

Senate File No. 2486 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 2002

Senator Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 2486, 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. 2909: A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Senate File No. 2909 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 2002

Senator Sams moved that the Senate do not concur in the amendments by the House to S.F. No. 2909, 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. 3288: A bill for an act relating to public employment labor relations; extending the expiration of an interest arbitration provision governing firefighters; amending Minnesota Statutes 2000, section 179A.16, subdivision 7a.

Senate File No. 3288 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 2002

Senator Kelley, S.P. moved that the Senate do not concur in the amendments by the House to S.F. No. 3288, 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. 3293: A bill for an act relating to highways; transferring three state highways and vacating one state highway; repealing Minnesota Statutes 2000, section 161.115, subdivisions 122, 197, 204, 233.

Senate File No. 3293 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 2002

Senator Chaudhary moved that the Senate do not concur in the amendments by the House to S.F. No. 3293, 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. 2622:

H.F. No. 2622: A bill for an act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's endorsement regulations; establishing a biological agents registry; providing for background checks of new applicants for aerial applicator licenses; providing for a civil penalty; providing criminal penalties; providing for expedited management and disposal of waste in peacetime emergencies; authorizing closing public meetings to discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of residency for drivers' licenses; providing for expense reimbursement of bomb disposal units; upon commission of terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae, or poultry; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; updating the wiretapping law to help interception of terroristic communications; prescribing penalties; establishing an anti-terrorism account in the special revenue fund; abolishing the office of corrections ombudsman; transferring certain funds from the tobacco use prevention and local public health endowment funds to the general fund; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; requiring a report on the best way to exchange data with the federal government with respect to foreign students; appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision; 13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355, subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.531, subdivision 1; 609.532, subdivision 3; 609.625, by adding a subdivision;

609.668, subdivision 6; 609.713, subdivision 1, by adding a subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 16; 626A.05, subdivision 2; 626A.06, subdivisions 11, 12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; 260B.171, subdivision 1; repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; Minnesota Statutes 2001 Supplement, section 241.45; proposing coding for new law in Minnesota Statutes, chapters 18D; 144; 168; 171; 609.

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

Stanek, Tuma, Smith, Fuller and Murphy have been appointed as such committee on the part of the House.

House File No. 2622 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 22, 2002

Senator Ranum moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2622, 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 File, herewith transmitted: H.F. No. 3643.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 2002

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 3643: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

S.F. No. 2622: A bill for an act relating to health; providing for the establishment of a volunteer health care provider program; specifying that health care providers providing volunteer services under the program are state employees for purposes of tort claims; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [214.40] [VOLUNTEER HEALTH CARE PROVIDER PROGRAM.]

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

(b) "Administrative services unit" means the administrative services unit for the health-related licensing boards.

(c) "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code that has as a purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of health care services and that serves as a funding mechanism for providing those services.

(d) "Health care facility or organization" means a health care facility licensed under this chapter or chapter 144A, or a charitable organization, that meets the requirements of subdivision 3.

(e) "Health care provider" means a physician licensed under chapter 147, physician assistant registered and practicing under chapter 147A, nurse licensed and registered to practice under chapter 148, or dentist or dental hygienist licensed under chapter 150A.

(f) "Health care services" means health promotion, health monitoring, health education, diagnosis, or treatment other than the administration of anesthesia, surgical procedures except for minor surgical procedures and the administration of local anesthesia for the stitching of wounds, and primary dental services, including preventive, diagnostic, restorative, or emergency treatment.

Subd. 2. [ESTABLISHMENT.] The administrative services unit shall establish a volunteer health care provider program to facilitate the provision of health care services provided by volunteer health care providers through eligible health care facilities and organizations.

Subd. 3. [PARTICIPATION OF HEALTH CARE FACILITIES.] To participate in the program established in subdivision 2, a health care facility or organization must register with the administrative services unit on forms provided by the administrative services unit and must meet the following requirements:

(1) be licensed to the extent required by law or regulation;

(2) provide evidence that the provision of health care services to the uninsured and underinsured is the primary purpose of the facility or organization;

(3) certify that it maintains adequate general liability and professional liability insurance for program staff other than the volunteer health care provider or is properly and adequately self-insured;

(4) agree to cooperate with the state in defense of the health care provider providing services through it and agree not to charge the state for its expenses, costs, and efforts in the defense of a claim or suit;

(5) agree that only the health care provider is afforded protection under section 3.736, and the state assumes no obligation to the facility or organization, its employees, officers, or agents;

(6) agree to report annually to the administrative services unit the number of volunteers, number of volunteer hours provided, number of patients seen by volunteer providers, and types of services provided; and

(7) agree to pay to the administrative services unit an annual participation fee of \$50. All fees collected are deposited into the state government special revenue fund and are appropriated to the administrative services unit.

Subd. 4. [HEALTH CARE PROVIDER REGISTRATION.] (a) To be eligible for protection as an employee of the state for a claim arising from the provision of unpaid health care services through the program established in subdivision 2, a health care provider must register with the administrative services unit. Registration may be approved if the provider has submitted a certified statement on forms provided by the administrative services unit attesting that the health care provider agrees to:

(1) cooperate fully with the state in the defense of any claim or suit relating to participation in the volunteer health care provider program, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery, and obtaining the attendance of witnesses;

(2) receive no direct monetary compensation of any kind for services provided in the program;

(3) submit a sworn statement attesting that the license to practice is free of restrictions. The statement shall describe:

(i) any disciplinary action taken against the health care provider by a professional licensing authority or health care facility, including any voluntary surrender of license or other agreement involving the health care provider's license to practice or any restrictions on practice, suspension of privileges, or other sanctions; and

(ii) any malpractice suits filed against the health care provider and the outcome of any suits filed;

(4) submit any additional materials requested by the commissioner;

(5) identify the eligible program through which the health services will be provided and identify the health care facilities at which the health services will be provided; and

(6) the provider has no professional liability insurance, either personally or through another facility or employer, that covers the provision of health care services by the provider at the eligible health care facility or organization.

(b) Registration expires two years from the date the registration was approved. A health care provider may apply for renewal by filing with the administrative services unit a renewal application at least 60 days prior to the expiration of the registration.

Subd. 5. [REVOCATION OF ELIGIBILITY AND REGISTRATION.] The administrative services unit may suspend, revoke, or condition the eligibility of a health care provider for cause, including, but not limited to: the failure to comply with the agreement with the commissioner; and the imposition of disciplinary action by the licensing board that regulates the health care provider.

Subd. 6. [BOARD NOTICE OF DISCIPLINARY ACTION.] The applicable health-related licensing board shall immediately notify the administrative services unit of the initiation of a contested case against a registered health care provider or the imposition of disciplinary action, including copies of any contested case decision or settlement agreement with the health care provider.

Subd. 7. [HEALTH CARE PROVIDER; EMPLOYEE OF STATE.] A health care provider who provides health care services under the volunteer health care provider program under this section is an employee of the state for purposes of section 3.736 while providing those services, provided that:

(1) the provider registered with the administrative services unit in accordance with subdivision 4;

(2) the health care services were provided through an eligible health care facility or organization;

(3) the services were provided without compensation to the provider; and

(4) the services were otherwise provided in compliance with this section.

Subd. 8. [EXPIRATION.] This section expires on June 30, 2007.

Sec. 2. [APPROPRIATION.]

\$50,000 is appropriated from the state government special revenue fund to the administrative

services unit to pay for legal costs incurred by the attorney general in defending against any civil action brought against a health care provider relating to the provider's participation in the volunteer health care provider program under Minnesota Statutes, section 214.40. This appropriation is available until expended. If any of this appropriation is expended for this purpose, the health licensing board with regulatory authority over the provider who was the subject of the claim or suit may adjust the fees the board is empowered to assess. Any fee adjustment must be an amount sufficient to compensate the fund for the amount paid out. The board of medical practice may compensate the fund for the amount paid out by using money provided for in the board's partner agency agreement with the attorney general. A board is not liable for payment of any awards or settlements resulting from a civil action brought against a health care provider relating to the provider's participation in the volunteer health care provider program under Minnesota Statutes, section 214.40."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

Page 1, line 7, delete "144" and insert "214"

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

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

S.F. No. 3205: A bill for an act relating to telecommunications; creating a public telecommunication services fund; providing support for various public telecommunication networks; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 125B.25, subdivision 9, is amended to read:

Subd. 9. [EXPIRATION INSUFFICIENT FUNDING.] ~~This section expires on July 1, 2002.~~ If the amount appropriated for purposes of this section is insufficient to fully fund the program, the Minnesota education telecommunications council must allocate the amount available to enable districts or regional clusters to maintain current connections within available funding.

Sec. 2. [237.82] [TELECOMMUNICATIONS ACCESS FEE.]

Unless specifically provided otherwise in this section, the terms used in this section have the meanings given in section 297A.61.

A fee equal to one-half of one percent of the gross receipts from sales at retail of telecommunication services that are subject to taxation under chapter 297A, is imposed. The fee must be shown as a separate line item on a bill for the telecommunications services. The fee must be collected by the commissioner of revenue in the same manner, and is subject to the same interest and penalties as the tax imposed under chapter 297A, provided that section 297A.94 does not apply to the revenues derived from the fee. The commissioner of revenue shall deposit the revenues, including interest and penalties, derived from the fee imposed under this section in the state treasury and credit them to the public telecommunication services account.

The fee terminates upon the effective date of the creation of a universal service fund by the public utilities commission or the legislature that addresses a broad range of access and affordability issues, but no later than June 30, 2005.

Sec. 3. [237.83] [PUBLIC TELECOMMUNICATION SERVICES ACCOUNT.]

Subdivision 1. [ACCOUNT ESTABLISHED.] A public telecommunication services account is established in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the account.

Subd. 2. [PURPOSE.] The purpose of the account is to provide money to fund the learning network of Minnesota formerly funded through the higher education services office, the telecommunication access revenue program under section 125B.25, regional library telecommunication aid under section 134.47. To the extent money is available after fully funding those programs, the account will be used to fund the hospital emergency telecommunications network under section 237.84.

Subd. 3. [COORDINATED PLAN.] The Minnesota education telecommunications council shall develop a specific funding plan that integrates the funding for education programs under subdivision 2, consistent with the regional distribution method recommended by the permanent funding committee in the report required by the legislature. The council shall submit the plan to the education budget division chairs of the legislature by January 15, 2003. All entities receiving funding under subdivision 2 that are eligible for federal telecommunication aid or discounts must apply for the maximum assistance available and must use the amounts or discounts received to reduce the state aid that may be necessary.

Subd. 4. [ADMINISTRATION.] The commissioner of administration shall award grants from the account, but not manage or operate the programs funded by the grants. The commissioner shall consult with the Minnesota education telecommunications council before making grant decisions related to education networks.

Subd. 5. [COST REDUCTIONS; PERFORMANCE IMPROVEMENTS.] In awarding grants, the commissioner and the technology enterprise board must attempt to obtain cost reductions and performance improvements by encouraging cooperation among education and health care recipients of state telecommunication assistance.

Subd. 6. [CONNECTION COSTS.] Connection costs funded under this section may not be paid to a state agency unless the regional group making the application demonstrates that:

- (1) no other entity submitted bids to provide the connection;
- (2) the state agency had been a recipient of money under a program described in subdivision 2;
- or
- (3) the participation of a state agency is necessary to the interoperability of a network.

Sec. 4. [237.84] [HOSPITAL EMERGENCY COMMUNICATIONS NETWORK.]

The commissioner of administration shall make grants to fund a hospital emergency communications network. The initial grants may be used for hospital telecommunications equipment and connection charges. Subsequent grants are only for connection costs. Applications for the grants must be submitted by regional groups of hospitals. The commissioner must ensure the interoperability of networks among hospitals with the learning network. The commissioner shall establish an application procedure for grants and award grants with the advice of the commissioner of health and the technology enterprise board. Grants may not exceed 80 percent of the cost of the proposal. The hospital network must be redundant to the telephone network and use Internet technology. The network must be designed so that it can also be used for telemedicine and education. All entities that are eligible for federal telecommunication aid or discounts must apply for the maximum assistance available and must use the amounts or discounts received to reduce the state aid that may be necessary. Grants may be used to upgrade existing systems. The goal of the grant program is to connect all hospitals in Minnesota to one interoperable network for the sharing of information.

Sec. 5. Laws 2001, First Special Session chapter 3, article 4, section 5, subdivision 2, as amended by Laws 2002, chapter 220, article 2, section 12, is amended to read:

Subd. 2. [BASIC SUPPORT GRANTS.] For basic support grants according to Minnesota Statutes, sections 134.32 to 134.35:

\$8,570,000	2002
\$8,570,000	2003

The 2002 appropriation includes \$857,000 for 2001 and \$7,713,000 for 2002.

The 2003 appropriation includes \$857,000 for 2002 and \$7,713,000 for 2003.

Base level funding for fiscal year 2004 is ~~\$9,823,000~~ \$8,423,000 and ~~\$9,822,000~~ \$8,423,000 for fiscal year 2005.

Sec. 6. Laws 2001, First Special Session chapter 3, article 4, section 5, subdivision 4, as amended by Laws 2002, chapter 220, article 2, section 13, is amended to read:

Subd. 4. [REGIONAL LIBRARY TELECOMMUNICATIONS AID.] For aid to regional public library systems under Minnesota Statutes, section 134.47:

\$1,200,000	2002
\$1,400,000	2003

~~This is a one-time appropriation.~~ Any balance in the first year does not cancel but is available in the second year.

Base level funding for fiscal year 2004 is \$1,400,000 and \$1,400,000 for fiscal year 2005.

Sec. 7. [APPROPRIATIONS.]

\$8,600,000 is appropriated from the public telecommunication services account to the commissioner of children, families, and learning for the fiscal year ending June 30, 2003, for the following purposes:

(1) \$7,800,000 for the telecommunications access revenue program under Minnesota Statutes, section 125B.25; and

(2) \$800,000 for regional library telecommunications aid under Minnesota Statutes, section 134.47, to supplement money previously appropriated from the general fund.

Sec. 8. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 134.47, subdivision 3, is repealed.

Sec. 9. [EFFECTIVE DATE.]

This act is effective January 1, 2003."

Amend the title as follows:

Page 1, line 3, delete "fund" and insert "account"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 2000, section 125B.25, subdivision 9; Laws 2001, First Special Session chapter 3, article 4, section 5, subdivisions 2, as amended, 4, as amended;"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 2001 Supplement, section 134.47, subdivision 3"

And when so amended the bill be re-referred to the Committee on Taxes without recommendation. Amendments adopted. Report adopted.

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. 1755: A bill for an act relating to public employees; establishing a statewide health insurance plan for school district employees; providing for postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for March 13, 2002, be amended to read:

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

SECOND READING OF SENATE BILLS

S.F. No. 2622 was read the second time.

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:

S.F. No. 3293: Senators Chaudhary, Foley and Frederickson.

H.F. No. 2622: Senators Ranum; Moua; Kelley, S.P. Schwab and Neuville.

S.F. No. 2486: Senators Samuelson, Berglin and Fischbach.

S.F. No. 3288: Senators Kelley, S.P.; Rest and Fischbach.

S.F. No. 2909: Senators Sams, Berglin and Kiscaden.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Lessard; Larson; Metzen; Johnson, Dean and Day introduced--

S.F. No. 3449: A bill for an act relating to a major league baseball park; providing for financing, requiring donations as a condition of financing; describing a process to finance and construct the ballpark; imposing conditions and requirements; authorizing revenue bonds; appropriating money; amending Minnesota Statutes 2000, section 272.02, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Marty and Limmer introduced--

S.F. No. 3450: A bill for an act relating to sports facilities; assisting the Minnesota Twins in developing a private financing plan for a stadium modeled after the financing for the new Pacific Bell ballpark constructed by the San Francisco Giants; expanding duties of the metropolitan sports facilities commission; amending Minnesota Statutes 2000, section 473.556, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

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 Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 3431: A bill for an act relating to unemployment insurance; providing a special assessment to pay interest on a federal loan; amending Minnesota Statutes 2000, section 268.051, subdivision 8.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

UNEMPLOYMENT COMPENSATION BENEFITS

Section 1. Minnesota Statutes 2001 Supplement, section 268.035, subdivision 4, is amended to read:

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

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

If the benefit account is effective

on or between these dates:

January 1 - March 31

April 1 - June 30

July 1 - September 30

October 1 - December 31

The base period

is the prior:

October 1 - September 30

January 1 - December 31

April 1 - March 31

July 1 - June 30

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

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

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

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

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

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

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

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

Sec. 2. 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. 3. Minnesota Statutes 2001 Supplement, section 268.07, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Sec. 4. Minnesota Statutes 2001 Supplement, section 268.07, subdivision 2, is amended to read:

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

- ~~(1) high quarter wage credits of at least \$1,000; and~~
- ~~(2) wage credits, in other than the high quarter, of at least \$250~~ \$1,250.

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

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

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

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

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

- (1) 33-1/3 percent of the applicant's total wage credits; or
- (2) 26 times the applicant's weekly unemployment benefit amount.

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

Sec. 5. [PAYMENT OF SPECIAL STATE TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS.]

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

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

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

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

Sec. 6. [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. 7. [CERTAIN EMPLOYERS AND AIRLINE AND RELATED INDUSTRIES EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant:

(1) who has a benefit account effective March 11, 2001, or thereafter if the applicant was laid off due to lack of work from Northwest Airlines, Sun Country Airlines, Mark Travel Corporation, Mesaba Airlines, United Airlines, MLT Vacations, Carlson Wagonlit Travel, LSG Sky Chefs, Air Wisconsin, American Airlines, American TransAir, Champion Air, Chautaugua Airlines, Continental Airlines, Emery Worldwide Air, Great Lakes Airlines, PanAm International, Skyway Airlines, and U.S. Airways;

(2) who was laid off on or after January 1, 2002, due to lack of work from Fingerhut Companies, Incorporated;

(3) who was laid off due to a lack of work on or after July 8, 2001, from the Farmland Foods Company in Freeborn county; or

(4) who was laid off due to a lack of work on or after March 18, 2002, from Potlatch Corporation in Crow Wing county.

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

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant described under subdivision 1, clause (1), is eligible to receive extra unemployment benefits under this section for any week through March 15, 2003, an applicant described under subdivision 1, clauses (2) and (4), is eligible to receive extra unemployment benefits under this section for any week through January 3, 2004, and

an applicant described under subdivision 1, clause (3), is eligible to receive extra unemployment benefits under this section for any week through July 1, 2003, if:

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

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

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

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

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

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

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

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

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

Sec. 8. [EFFECTIVE DATE.]

Section 7 is effective the day following final enactment and is retroactive to September 16, 2001.

ARTICLE 2

DISLOCATED WORKER AND UNEMPLOYMENT INSURANCE PROGRAM FUNDING

Section 1. Minnesota Statutes 2001 Supplement, section 268.022, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION AND COLLECTION OF SPECIAL ASSESSMENT.] (a) In addition to all other taxes, assessments, and payment obligations under chapter 268, each employer, except an employer making payments in lieu of taxes is liable for a special assessment levied at the rate of one-tenth of one percent per year ~~until June 30, 2000, and seven-hundredths of one percent per year on and after July 1, 2000,~~ on all taxable wages, as defined in section 268.035, subdivision 24. The assessment shall become due and be paid by each employer to the department on the same schedule and in the same manner as other taxes.

(b) The special assessment levied under this section shall not affect the computation of any other taxes, assessments, or payment obligations due under this chapter.

Sec. 2. Minnesota Statutes 2000, section 268.035, subdivision 24, is amended to read:

Subd. 24. [TAXABLE WAGES.] (a) "Taxable wages" means those wages paid to an employee in covered employment each calendar year up to an amount equal to ~~60~~ 70 percent of the state's average annual wage, rounded to the nearest \$1,000.

(b) Taxable wages includes the amount of wages paid for covered employment by the employer's predecessor when there has been an experience rating ~~record~~ transfer under section 268.051, subdivision 4.

Sec. 3. Laws 2001, First Special Session chapter 4, article 2, section 31, is amended to read:

Sec. 31. [WORKFORCE ENHANCEMENT FEE.]

Subdivision 1. [FEE.] Notwithstanding Minnesota Statutes, section 268.022, effective January 1, 2002, the special assessment under that section on taxable wages as defined in Minnesota Statutes, section 268.035, subdivision 24, is suspended until December 31, 2005. Effective January 1, 2002, there shall be assessed, in addition to unemployment taxes due under Minnesota Statutes, section 268.051, a workforce enhancement fee of ~~.09~~ .12 percent on taxable wages. This fee shall be due and be paid on the same schedule and in the same manner as unemployment taxes under Minnesota Statutes, section 268.051. Any amount past due under this section shall be subject to the same interest and collection provisions as unemployment taxes. This fee shall expire on December 31, 2005.

Subd. 2. [USE OF FUNDS COLLECTED.] An amount equal to ~~.07~~ 0.1 percent on taxable wages shall be deposited in the workforce development fund provided for under Minnesota Statutes, section 268.022, subdivision 2. An amount equal to .02 percent on taxable wages, less reimbursement for collection costs of the total amount of the fee, shall be deposited in the unemployment insurance technology initiative account provided for in section 32.

Sec. 4. [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. 5. [EFFECTIVE DATE.]

Section 2 is effective the day following its final enactment.

ARTICLE 3

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

HOUSEKEEPING BILL

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~~

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

Subd. 5. Office of Tourism

10,219,000 10,111,000

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

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

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

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

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

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

\$829,000 the first year and \$829,000 the second year are for the Minnesota film board. \$329,000 of this appropriation in each year is available only upon receipt by the board of \$1 in matching contributions of money or in-kind from nonstate

sources for every \$3 provided by this appropriation. Of this amount, \$500,000 the first year and \$500,000 the second year are for grants to the Minnesota film board for a film production jobs fund to stimulate film production in Minnesota. This appropriation is to reimburse film and television producers for up to ten percent of the documented wages and cost of services that they paid to Minnesotans for film and television production after January 1, 2001.

\$150,000 the first year is for partnerships with local tourism interests to operate travel information centers. This is a one-time appropriation. This appropriation is available until June 30, 2003.

Sec. 18. [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. 19. [REPEALER.]

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

ARTICLE 4

ERGONOMICS

Section 1. [ERGONOMICS; OSHA STANDARD.]

(a) The commissioner of labor and industry shall, by June 30, 2004, adopt a final occupational safety and health standard regulating workplace ergonomic hazards under Minnesota Statutes, section 182.655, subdivision 4, to prevent work-related musculoskeletal disorders. The standard shall, at a minimum, address exposure to the following ergonomic risk factors:

- (1) awkward postures;
- (2) force;
- (3) repetitive motion;
- (4) repeated impacts;
- (5) heavy, frequent, or awkward lifting; and
- (6) vibration.

(b) The standard shall emphasize the prevention of injuries before they occur and cover all industries where workers are exposed to workplace ergonomic hazards and where there are economically reasonable and technologically feasible measures to control these hazards that can be implemented over time.

(c) The standard shall be based upon employer and industry practices that have effectively reduced exposures to ergonomic hazards and the occurrence of work-related musculoskeletal disorders.

ARTICLE 5

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 6

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 7

PARENTAL 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 8
YOUTH EMPLOYMENT

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

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

Subdivision 1. [GENERALLY.] 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.

Subd. 2. [YOUTHBUILD OR YOUTH EMPLOYMENT INVOLVEMENT.] (a) Of each grant awarded, at least 25 percent of the amounts appropriated for these grants up to or \$50,000, whichever is less, must utilize youthbuild under sections 268.361 to 268.366 or other youth employment and training programs for the labor portion of the construction.

(b) All proposals for grants under this section must include a letter of support from an eligible youthbuild or youth employment program in which the program agrees to provide labor adequate to fulfill the requirements of this section. Preference shall be given to applications that have the support and prospective involvement of a youthbuild program rather than another youth employment program, and to applications that use a larger amount of the grant for youthbuild or youth employment than is required by this section. The support letter must detail: (1) the youths' and supervisors' construction work duties to be performed on the construction project; (2) the approximate construction project start date and length of involvement for the youthbuild or youth employment agency; and (3) the amount, terms, and date of dispersal of grant funds awarded to the youthbuild or youth employment agency.

(c) The youthbuild or youth employment program must be consulted prior to selection of a general contractor. Any contract between a recipient of a grant under this section and a general contractor for the construction of a project for which the grant is given must detail the youthbuild or youth employment involvement anticipated for the project.

Subd. 3. [LABOR ORGANIZATIONS.] Eligible programs must consult with appropriate labor organizations to deliver education and training.

Subd. 4. [MATCHING REQUIREMENT.] 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 9
ENERGY ACQUISITION CRITERIA

Section 1. [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 1 to 3 have the meanings given them in this section.

Subd. 2. [COMPETITIVE BIDDING PROCESS.] "Competitive bidding process" means the process by which a request for proposals is administered and evaluated.

Subd. 3. [REQUESTING UTILITY.] "Requesting utility" is any public utility that, as of January 1, 2002, was subject to a public utilities commission order to acquire energy resources through a competitive bidding process.

Subd. 4. [REQUEST FOR PROPOSALS.] "Request for proposals" means an all-source supply proposal.

Sec. 2. [REQUEST FOR PROPOSALS; FREEZE.]

A requesting utility must not initiate a new request for proposals until the earlier of January 15, 2003, or when the public utilities commission completes its investigation and determination under section 3.

Sec. 3. [CRITERIA; COMMISSION INVESTIGATION.]

The public utilities commission must, by September 15, 2002, investigate and determine, by order, the appropriate criteria to be used in selecting proposals responding to a request for proposals. The criteria considered for appropriateness must include, without limitation, existing criteria used by the commission and the following:

(1) the competitiveness and long-term stability of the proposed price of the capacity and energy for the proposed project;

(2) reduction of air emissions, particularly mercury, sulfur dioxide, nitrogen oxides, particulate matter, and greenhouse gas emissions, through the use of innovative technology and significant renewable capacity installations, and reduction of other environmental impacts, including the reuse of and cleanup or reclamation of existing industrial sites;

(3) the jurisdiction of state policymakers over the emissions and other environmental impacts of the project;

(4) the project's fuel flexibility and contribution to reducing long-term reliance on natural gas for nonpeaking power generation;

(5) the project's utilization of technology that can be configured to produce hydrogen for fuel cells and other gases and products having the potential to attract further industry, investment, and jobs to the state; and

(6) the project's potential for job creation and other economic benefits in economically depressed regions within the state and local support for the generation facilities of the project.

This section does not require the inclusion or exclusion of any particular criteria.

Sec. 4. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"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, and Potlatch Corporation employees; making housekeeping changes related to the department of trade and economic development; 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; 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."

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

SECOND READING OF SENATE BILLS

S.F. No. 3431 was read the second time.

MEMBERS EXCUSED

Senator Ranum was excused from the Session of today from 9:00 to 10:00 a.m., 1:15 to 1:30 p.m. and 2:15 to 2:30 p.m. Senator Pariseau was excused from the Session of today from 9:00 to 10:55 a.m. Senator Johnson, Doug was excused from the Session of today from 9:00 to 11:00 a.m. Senator Orfield was excused from the Session of today from 9:00 to 11:15 a.m. Senator Bachmann was excused from the Session of today from 10:00 to 10:15 a.m. Senator Moe, R.D. was excused from the Session of today from 10:30 a.m. to 2:10 p.m. Senator Stevens was excused from the Session of today from 12:00 noon to 12:30 p.m. Senator Day was excused from the Session of today from 1:15 to 1:45 p.m. Senator Terwilliger and Solon, Y.P. were excused from the Session of today at 1:30 p.m. Senator Samuelson was excused from the Session of today from 1:40 to 2:10 p.m. Senator Cohen was excused from the Session of today at 2:15 p.m. Senator Lesewski was excused from the Session of today at 2:30 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 25, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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