

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

NINETY-THIRD DAY

St. Paul, Minnesota, Tuesday, April 2, 2002

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Tom Marsland.

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

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

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

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 Orfield and Pappas were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 27, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2890, 2793, 3244, 3034, 2814, 2673 and 3278.

Sincerely,
Jesse Ventura, Governor

March 27, 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
2890		299	3:38 p.m. March 27	March 27
2793		300	3:38 p.m. March 27	March 27
3244		301	3:37 p.m. March 27	March 27
3034		302	3:38 p.m. March 27	March 27
2814		303	3:36 p.m. March 27	March 27
2673		304	3:39 p.m. March 27	March 27
3278		305	3:35 p.m. March 27	March 27

Sincerely,
Mary Kiffmeyer
Secretary of State

March 27, 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 veto of H.F. No. 2570, Chapter No. 283 of the 2002 Session of the State Legislature, having been reconsidered and repassed by the House of Representatives and the Senate, the objections of the Governor notwithstanding, is 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
	2570	283		March 27

Sincerely,
Mary Kiffmeyer
Secretary of State

April 1, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2697, 3315, 3145 and 2542.

Sincerely,
Jesse Ventura, Governor

April 1, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

I have vetoed and am returning Chapter 309, Senate File 3084, a bill modifying certain state and local auditing procedures and reporting practices.

I have serious reservations about legislation that transfers responsibilities from one state government entity to another without funds or staff to make sure the work can get done, particularly in light of significant budget cuts to state agencies. Further, given the statutorily mandated hiring freeze in the phase I budget passed by the legislature, the Office of Strategic and Long-Range Planning cannot hire new staff to perform this function.

Finally, there has been no state funding in the past several years to support the agency's criminal justice statistics functions or staff. The office has one federally-funded position dedicated to a specific criminal justice project. Documenting and reporting on the disposition of forfeited property would be a unique function and is unrelated to the agency's statutory duties.

For these reasons, I am vetoing the bill.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 3084 and the veto message thereon be laid on the table. The motion prevailed.

April 1, 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
2697		306	9:08 a.m. April 1	April 1
3315		307	9:07 a.m. April 1	April 1
3145		308	9:14 a.m. April 1	April 1
	1224	310	9:04 a.m. April 1	April 1
2542		311	9:09 a.m. April 1	April 1

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 File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2881: A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision.

Senate File No. 2881 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

CONCURRENCE AND REPASSAGE

Senator Cohen moved that the Senate concur in the amendments by the House to S.F. No. 2881 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2881: A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; providing for housing fiscal impact notes; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462.

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 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Lesewski	Limmer	Reiter	Stevens
Johnson, Debbie				

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. 2572: A bill for an act relating to local government; authorizing the establishment of a specific nonprofit corporation in development region nine for certain specified purposes.

Senate File No. 2572 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 27, 2002

Senator Hottinger moved that the Senate do not concur in the amendments by the House to S.F. No. 2572, 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. 2612: A bill for an act relating to traffic regulations; authorizing private vehicle escorting funeral procession to use flashing red lights; amending Minnesota Statutes 2000, sections 169.04; 169.64, subdivision 3.

Senate File No. 2612 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 27, 2002

CONCURRENCE AND REPASSAGE

Senator Kleis moved that the Senate concur in the amendments by the House to S.F. No. 2612 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2612 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 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Foley

Reiter

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 taken House File No. 2498 from the table and returned the bill to the Conference Committee as formerly constituted:

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

subdivisions 5, 7; 270A.11; 270B.01, subdivision 8; 270B.02, subdivisions 2, 3; 270B.03, subdivision 6; 270B.14, subdivision 1; 271.01, subdivision 5; 271.21, subdivision 2; 272.02, subdivisions 9, 10, 22, by adding subdivisions; 273.061, subdivisions 1, 2, 8; 273.072, subdivision 1; 273.11, subdivisions 1a, 14, by adding subdivisions; 273.1104, subdivision 2; 273.111, subdivision 4; 273.121; 273.124, subdivisions 8, 13, 14; 273.13, subdivisions 22, 23, 24, 25, 31; 273.1392; 273.1393; 273.1398, subdivisions 1a, 4a, by adding subdivisions; 274.01, subdivision 1; 274.13, subdivision 1; 275.02; 275.065, subdivisions 1, 3, 5a, 6, 8, by adding a subdivision; 275.066; 275.07, subdivision 1; 275.16; 275.62, subdivision 1; 275.70, subdivision 5, by adding subdivisions; 276.04, subdivision 2; 276.11, subdivision 1; 276A.01, subdivision 3; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.04, subdivision 2; 287.035; 287.04; 287.08; 287.12; 287.13, by adding a subdivision; 287.20, subdivisions 2, 9; 287.21, subdivision 1; 287.28; 289A.02, subdivision 7, by adding a subdivision; 289A.08, subdivision 16; 289A.11, subdivision 1; 289A.12, subdivision 3; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.31, subdivision 7; 289A.50, subdivisions 2, 2a; 289A.60, subdivisions 7, 21; 290.01, subdivisions 6b, 7, 19, 19b, 19c, 19d, 22, 29, 31, by adding a subdivision; 290.014, subdivision 5; 290.05, subdivision 1; 290.06, subdivisions 2c, 22; 290.067, subdivisions 1, 2, 2b; 290.0671, subdivisions 1, 1a, 7; 290.0674, subdivisions 1, 2; 290.0675, subdivisions 1, 3; 290.068, subdivisions 1, 3, 4; 290.091, subdivisions 2, 3; 290.0921, subdivisions 1, 2, 3, 6; 290.0922, subdivision 2; 290.093; 290.095, subdivision 2; 290.17, subdivisions 1, 4; 290.191, subdivisions 2, 3; 290.21, subdivision 4; 290.9725; 290A.03, subdivisions 6, 11, 12, 13, 15; 290A.04, subdivisions 2, 2a, 4; 290A.15; 291.005, subdivision 1; 295.55, subdivision 4; 296A.15, subdivisions 1, 7; 296A.16, subdivision 2; 296A.21, subdivisions 1, 4; 296A.24, subdivisions 1, 2; 297A.01, subdivision 3; 297A.07, subdivision 3; 297A.25, subdivisions 3, 11, 28; 297A.61, subdivisions 2, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 22, 23, by adding subdivisions; 297A.62, subdivision 3; 297A.64, subdivisions 3, 4; 297A.66, subdivisions 1, 3; 297A.67, subdivisions 2, 8, 23, 24, 25, by adding subdivisions; 297A.68, subdivisions 2, 3, 5, 11, 13, 14, 18, 25, by adding subdivisions; 297A.69, subdivision 2; 297A.70, subdivisions 1, 2, 3, 4, 7, 8, 10, 13, 14; 297A.71, subdivisions 3, 6, by adding subdivisions; 297A.72, subdivision 1; 297A.75; 297A.77, subdivision 1; 297A.80; 297A.82, subdivision 3, by adding a subdivision; 297A.89, subdivision 1; 297A.90, subdivision 1; 297A.91; 297A.92, subdivision 2; 297A.94; 297A.99, subdivisions 7, 9, 11; 297B.03; 297B.09, subdivision 1; 297E.02, subdivisions 1, 4, 6; 297E.16, subdivisions 1, 2; 297F.09, subdivision 7; 297F.10, subdivision 1; 297F.16, subdivision 4; 297F.20, subdivision 3; 297F.21, subdivisions 1, 2, 3; 297G.09, subdivision 6; 297G.15, subdivision 4; 297G.16, subdivisions 5, 7; 297G.20, subdivisions 3, 4; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2, by adding a subdivision; 297H.05; 297H.06, by adding a subdivision; 297H.13, by adding a subdivision; 297I.05, by adding a subdivision; 297I.15, by adding a subdivision; 297I.20; 297I.35, subdivision 2; 297I.40, subdivisions 1, 2, 7; 297I.85, subdivision 7; 298.01, subdivisions 3, 3a, 3b, 4, 4a, 4c; 298.22, subdivision 2, by adding a subdivision; 298.225, subdivision 1; 298.24, subdivision 1; 298.27; 298.28, subdivisions 6, 9a; 298.2961, subdivision 2; 298.75, subdivisions 1, 2, by adding a subdivision; 299D.03, subdivision 5; 345.41; 345.42, by adding a subdivision; 349.19, subdivision 2a; 357.021, subdivision 1a; 461.12, by adding a subdivision; 469.040, subdivision 5; 469.169, by adding a subdivision; 469.1732, subdivision 1; 469.174, subdivisions 1, 3, 10, 10a, 12, 25; 469.175, subdivisions 1, 3, 6, 6b, by adding a subdivision; 469.176, subdivisions 1b, 1c, 1e, 3, 4, 4g, by adding a subdivision; 469.1763, subdivision 6; 469.177, subdivisions 1, 11, by adding a subdivision; 469.1771, subdivision 1; 469.178, by adding a subdivision; 469.1791, subdivisions 1, 3, 9; 469.1812, subdivision 2; 469.1813, subdivisions 4, 6; 469.190, subdivision 3; 469.202, subdivision 2; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; 473.843, subdivision 3; 473F.08, subdivision 3; 473H.10, subdivision 3; 475.58, subdivision 1; 477A.011, subdivisions 35, 36; 477A.0121, by adding a subdivision; 477A.0122, by adding a subdivision; 477A.013, subdivisions 1, 9; 477A.03, subdivision 2, by adding a subdivision; 477A.12; 477A.14; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; Laws 1986, chapter 396, section 5; Laws 1997, chapter 231, article 10, section 25; Laws 1998, chapter 389, article 16, section 35, subdivision 1; Laws 1999, chapter 216, article 7, section 46, subdivision 3; Laws 1999, chapter 243, article 4, section 19; Laws 2000, chapter 490, article 8, section 17; Laws 2000, chapter 490, article 11, section 26; proposing coding for new law in Minnesota Statutes, chapters 3; 12; 16A; 62Q; 103B; 116J; 123B; 144F; 245; 256L; 270; 272; 273; 275; 290; 290A; 295; 296A; 297A; 469; 471; 473; 477A; 480; 484; proposing coding for new law as Minnesota Statutes, chapters 126C; 216B;

290C; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 16A.1521; 16A.76; 62T.10; 126C.13, subdivisions 1, 2, 3; 144.1484, subdivision 2; 256L.02, subdivision 3; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivision 24a; 273.1382; 273.1399; 275.078; 275.08, subdivision 1e; 289A.60, subdivision 15; 290.06, subdivisions 25, 26; 290.0673; 290.095, subdivisions 1a, 7; 290.191, subdivision 4; 290.21, subdivision 3; 290.23; 290.25; 290.31, subdivisions 2, 2a, 3, 4, 5, 19; 290.35; 290.9726, subdivision 7; 290A.04, subdivision 2j; 290A.18, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59; 296A.16, subdivision 6; 296A.24, subdivision 3; 297A.61, subdivision 16; 297A.62, subdivision 2; 297A.64, subdivision 1; 297A.68, subdivision 21; 297A.71, subdivisions 2, 15, 16, 21; 297B.032; 297E.16, subdivision 3; 297F.21, subdivision 4; 297G.20, subdivision 5; 297I.05, subdivisions 5, 8; 297I.30, subdivision 3; 298.01, subdivisions 3c, 3d, 4d, 4e; 469.1732, subdivision 2; 469.1734, subdivision 4; 469.1782, subdivision 1; 473.446, subdivision 8; Laws 1988, chapter 426, section 1; Laws 1988, chapter 702, section 16; Laws 1992, chapter 511, article 2, section 52, as amended; Laws 1996, chapter 471, article 8, section 45; Laws 1999, chapter 243, article 6, section 14; Laws 1999, chapter 243, article 6, section 15; Laws 2000, chapter 490, article 6, section 17; Minnesota Rules, parts 8120.0200; 8120.0500; 8120.0700; 8120.0900; 8120.1300; 8120.1600; 8120.2000; 8120.2100; 8120.2200; 8120.2300; 8120.2500; 8120.2700; 8120.2800; 8120.3000; 8120.3200; 8120.4300; 8120.4400; 8120.4500; 8120.4600; 8120.4900; 8120.5000; 8120.5100; 8120.5300.

House File No. 2498 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 27, 2002

Senator Moe, R.D. moved that H.F. No. 2498 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. 2719 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.
2719	2827				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2719 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2719 and insert the language after the enacting clause of S.F. No. 2827, the second engrossment; further, delete the title of H.F. No. 2719 and insert the title of S.F. No. 2827, the second engrossment.

And when so amended H.F. No. 2719 will be identical to S.F. No. 2827, and further recommends that H.F. No. 2719 be given its second reading and substituted for S.F. No. 2827, 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 Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3163 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.
3163	2792				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3163 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3163 and insert the language after the enacting clause of S.F. No. 2792; further, delete the title of H.F. No. 3163 and insert the title of S.F. No. 2792.

And when so amended H.F. No. 3163 will be identical to S.F. No. 2792, and further recommends that H.F. No. 3163 be given its second reading and substituted for S.F. No. 2792, 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 Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3203 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.
3203	3233				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3203 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3203 and insert the language after the enacting clause of S.F. No. 3233, the first engrossment; further, delete the title of H.F. No. 3203 and insert the title of S.F. No. 3233, the first engrossment.

And when so amended H.F. No. 3203 will be identical to S.F. No. 3233, and further recommends that H.F. No. 3203 be given its second reading and substituted for S.F. No. 3233, 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 Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3310: A bill for an act relating to school buses; authorizing the commissioner of public safety to cancel the school bus driver's endorsement of a person who has been convicted of a gross misdemeanor or of multiple violations that show evidence of a risk to public safety; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Page 1, line 14, after "misdemeanor" insert "that the commissioenr determines shows evidence that the person represents a risk to public safety"

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

SECOND READING OF SENATE BILLS

S.F. No. 3310 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2719, 3163 and 3203 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Pappas moved that the names of Senators Anderson, Cohen and Moua be added as co-authors to S.F. No. 3189. The motion prevailed.

Senators Dille; Scheevel; Sams; Johnson, Dean and Murphy introduced--

Senate Resolution No. 204: A Senate resolution declaring September 11, 2002, First Responders Day.

Referred to the Committee on Rules and Administration.

Senators Solon, Y.P.; Johnson, Doug and Tomassoni introduced--

Senate Resolution No. 205: A Senate resolution congratulating the University of Minnesota-Duluth Women's Hockey team on winning the 2002 NCAA Frozen Four national tournament championship.

WHEREAS, competitive sports at the collegiate level are helpful in teaching the principles of sportsmanship and fair play, thereby contributing to better citizenship; and

WHEREAS, winning an NCAA national championship two years in a row is a remarkable achievement deserving of special legislative recognition; and

WHEREAS, the University of Minnesota-Duluth Women's Hockey team participated in the 2002 NCAA Frozen Four national tournament at the Whittemore Center Arena at the University of New Hampshire; and

WHEREAS, on Sunday, March 24, 2002, in the final game of the tournament, the Bulldogs defeated the Brown Bears 3-2 to win the championship, their second straight national title; and

WHEREAS, the Bulldogs earned this trip to the finals with a thrilling 3-2 victory over Niagara in the tournament semifinals; and

WHEREAS, the hard work by these student-athletes in the classroom and on the ice has made all of Minnesota proud of its Bulldogs once again; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that congratulations are extended to Head Coach Shannon Miller and the members of the University of Minnesota-Duluth Women's Hockey team for winning the 2002 NCAA Frozen Four national tournament championship.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the chancellor of the University of Minnesota-Duluth.

Senator Solon, Y.P. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Price moved that S.F. No. 3069, No. 15 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

SPECIAL ORDERS

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

S.F. Nos. 2738, 3132 and H.F. No. 2473.

SPECIAL ORDER

S.F. No. 2738: A bill for an act relating to natural resources; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; allowing certain snowmobile trail grants to be used for reimbursement of snowmobile trail grooming equipment; appropriating money; amending Minnesota Statutes 2000, sections 84.153; 84.975, by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; Laws 2001, First Special Session chapter 2, section 5, subdivisions 2, 5, 6, 7, 8, 11; proposing coding for new law in Minnesota Statutes, chapter 97A.

Senator Price moved to amend S.F. No. 2738 as follows:

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes 2000, section 84.0272, is amended to read:

84.0272 [PROCEDURE IN ACQUIRING LANDS.]

Subdivision 1. [ACQUISITION PROCEDURE.] When the commissioner of natural resources is authorized to acquire lands or interests in lands the procedure set forth in this section shall apply. The commissioner of natural resources shall first prepare a fact sheet showing the lands to be acquired, the legal authority for their acquisition, and the qualities of the land that make it a desirable acquisition. The commissioner of natural resources shall cause the lands to be appraised. An appraiser shall before entering upon the duties of office take and subscribe an oath to faithfully and impartially discharge the duties as appraiser according to the best of the appraiser's ability and that the appraiser is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of natural resources may pay less than the appraised value, but shall not agree to pay more than ten percent above the appraised value, except that if the commissioner pays less than the appraised value for a parcel of land, the difference between the purchase price and the appraised value may be used to apply to purchases at more than the appraised value. The sum of accumulated differences between appraised amounts and purchases for more than the appraised amount may not exceed the sum of accumulated differences between appraised amounts and purchases for less than the appraised amount. New appraisals may be made at the discretion of the commissioner of natural resources.

Subd. 2. [STREAM EASEMENTS.] (a) Notwithstanding subdivision 1, the commissioner may acquire permanent stream easements for angler access, fish management, and habitat work for a one-time payment based on a value attributed to both the stream and the easement corridor. The payment shall equal:

- (1) the per linear foot of stream within the easement corridor times \$5; plus
- (2) the easement corridor acres times the estimated market value.

(b) The estimated market value is equal to:

- (1) the total farm market value plus the timberlands value; divided by
- (2) the acres of deeded farmland plus the acres of timber.

(c) The total farm market value, timberlands value, acres of deeded farmland, and acres of timber are determined from data collected by the department of revenue during its annual spring mini abstract survey. The commissioner must use the most recent available data for the city or township within which the easement corridor is located.

(d) The commissioner shall periodically review the easement payment rates under this subdivision to determine whether the stream easement payments reflect current shoreland market values. If the commissioner determines that the easements do not reflect current shoreland market values, the commissioner shall report to the senate and house of representatives natural resources policy committees with recommendations for changes to this subdivision that are necessary for the stream easement payment rates to reflect current shoreland market values. The recommendations may include an adjustment to the dollar amount in paragraph (a), clause (1)."

Page 2, after line 32, insert:

"Sec. 4. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

Subd. 24. [CUYUNA LAKES TRAIL, CROW WING AND AITKIN COUNTIES.] The trail shall provide for separate alignments insofar as practical, one paved and one unpaved, to maximize use and to minimize user conflicts and maintenance costs. The trail alignments shall originate in Crow Wing county at the Paul Bunyan trail in the city of Baxter and shall extend in an east-northeasterly direction to the city of Riverton, Crow Wing county, where they shall connect to the Sagamore Mine segment of the Cuyuna Country state recreation area. The trail alignments shall then continue in a northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to connect with the main body of the Cuyuna Country state recreation area, the communities of Ironton and Crosby in Crow Wing county, and the Croft Mine historical park. The trail alignments shall then continue in an east-northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to the city of Cuyuna in Crow Wing county, and then continue east to the city of Aitkin, Aitkin county, and there terminate."

Page 3, after line 25, insert:

"Sec. 8. Minnesota Statutes 2000, section 97C.025, is amended to read:

97C.025 [FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.]

(a) The commissioner may prohibit fishing or restrict the taking of fish or the operation of motorboats by posting waters that:

- (1) are designated as spawning beds or fish preserves; or
- (2) are being used by the commissioner for fisheries research or management activities; or
- (3) are licensed by the commissioner as a private fish hatchery or aquatic farm under section 97C.211, subdivision 1, or 17.4984, subdivision 1.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities or private fish hatchery or aquatic farm operations.

(b) The commissioner will consider the following criteria in determining if waters licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

(1) the waters contain game fish brood stock that are vital to the private fish hatchery or aquatic farm operation;

(2) game fish are present in the licensed waters only as a result of aquaculture activities by the licensee; and

(3) no public access to the waters existed when the waters were first licensed.

A private fish hatchery or aquatic farm licensee may not take fish or authorize others to take fish in licensed waters that are posted under paragraph (a), except as provided in section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of fish under special restrictions, licensees and others who can legally access the waters may take fish under those special restrictions.

~~(b)~~ (c) Except as provided in paragraph ~~(c)~~ paragraphs (b) and (d), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

~~(c)~~ (d) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

Sec. 9. Minnesota Statutes 2000, section 282.018, subdivision 1, is amended to read:

Subdivision 1. [LAND ON OR ADJACENT TO PUBLIC WATERS.] (a) All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

(b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the waterside boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

(c) Any tract or parcel of land which has ~~50~~ 150 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the commissioner of natural resources, the authority may submit proposals for disposition of

the lands to the commissioner. The commissioner of natural resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Sec. 10. Minnesota Statutes 2000, section 394.36, is amended by adding a subdivision to read:

Subd. 1a. [SUBSTANDARD STRUCTURES.] Notwithstanding subdivision 1, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Sec. 11. Minnesota Statutes 2000, section 462.357, is amended by adding a subdivision to read:

Subd. 1f. [SUBSTANDARD STRUCTURES.] Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway."

Page 14, after line 31, insert:

"Sec. 18. [DELETIONS FROM BIG STONE LAKE STATE PARK.]

[85.012] [Subd. 6.] [BIG STONE LAKE STATE PARK, BIG STONE COUNTY.] The following areas are deleted from Big Stone Lake state park, Big Stone county:

All those parts of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder of Big Stone county, Minnesota, being in Government Lot 1, Section 13, Township 122 North, Range 47 West; and that part of Government Lot 1, Section 13, Township 122 North, Range 47 West, Big Stone county, Minnesota, being a strip of land 80 feet in width lying northerly of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder for Big Stone county, Minnesota, the southerly line of said strip is coincident with the northerly lines of Lots 3 through 19, inclusive, of said plat, the westerly boundary of said strip being the northerly extension of the west line of Lot 19 of said plat.

Sec. 19. [ADDITIONS TO CROW WING STATE PARK.]

[85.012] [Subd. 14.] [CROW WING STATE PARK, CROW WING, CASS, AND MORRISON COUNTIES.] The following areas are added to Crow Wing state park, Crow Wing county:

(1) all of Government Lots 1 and 2 of Section 7; all of Government Lots 1, 2, and 4, the Southwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 8; that part of Government Lot 4 lying west of Highway 371 and that part of the West Half of the Southwest Quarter lying west of Highway 371 of Section 9; and all of Government Lots 2 and 3 of Section 18; all in Township 44 North, Range 31 West;

(2) that part of the Southeast Quarter of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, and Government Lot 1, lying south, west, and north of the following described line: Beginning at the southeast corner of said Section 13; thence North, assumed bearing, 66.00 feet along the east line of said Section 13 to Point "A"; thence North 89 degrees 01 minutes 00 seconds West 367.23 feet; thence northwesterly 1335.72 feet along a non-tangential curve concave to the northeast, radius 4837.27 feet, central angle 15 degrees 49 minutes 16 seconds, the chord of which bears North 41 degrees 45 minutes 20 seconds West; thence North, not tangent to the last described curve, 817.82 feet; thence northeasterly 650.80 feet along a non-tangential curve

concave to the southeast, radius 1230.00 feet, central angle 30 degrees 18 minutes 56 seconds the chord of which bears North 36 degrees 50 minutes 32 seconds East to Point "B"; thence East 868.26 feet, more or less, to the east line of said Northeast Quarter of the Southeast Quarter and there terminating of Section 13; and the East Half of the Northeast Quarter and the East Half of the Southeast Quarter of Section 24; all in Township 44 North, Range 32 West; and

(3) Government Lot 3 of Section 27, Township 133 North, Range 29 West.

Sec. 20. [ADDITIONS TO MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.]

[85.012] [Subd. 27.] [MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.]

The following areas are added to Myre-Big Island state park, all in Township 102 North, Range 21 West, Freeborn county:

(1) the Southeast Quarter of the Southwest Quarter, Section 11, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969 in the Office of the Recorder in and for Freeborn County, Minnesota in Book 195 of Deeds, page 332; and

(2) the Northeast Quarter of the Northwest Quarter, Section 14, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969 in the Office of the Recorder in and for Freeborn County, Minnesota in Book 195 of Deeds, page 332.

Sec. 21. [ADDITION TO BIG BOG STATE RECREATION AREA; BELTRAMI COUNTY.]

[85.013] [Subd. 2c.] [BIG BOG STATE RECREATION AREA, BELTRAMI COUNTY.] The following areas are added to Big Bog state recreation area, all in Township 156 North, Range 31 West, Beltrami county:

(1) the Southeast Quarter of Section 35; and

(2) the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 36.

Sec. 22. [DELETIONS FROM CUYUNA COUNTRY STATE RECREATION AREA.]

[85.013] [Subd. 5c.] [CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.]

The following area is deleted from Cuyuna Country state recreation area, Crow Wing county: Government Lots 1 and 5 of Section 4, Township 46 North, Range 29 West.

Sec. 23. [ADDITIONS TO CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.]

[85.013] [Subd. 5c.] [CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.]

The following areas are added to Cuyuna Country state recreation area, Crow Wing county, all in Township 46 North, Range 29 West:

That part of the Northwest Quarter lying East of the westerly right-of-way line of the Soo Line Railroad of Section 1; the North Half of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 2; and the North Half of the Northeast Quarter of the Northwest Quarter of Section 11.

Sec. 24. [PRIVATE SALE OF SURPLUS STATE LAND; BIG STONE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the township of Prior the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and may be for consideration less than the appraised value of the land. The conveyance shall include a restriction on the use of the land to allow only utility use and prohibit all other permanent structures.

(c) The land to be sold is located in Big Stone county and is described as: That part of Government Lot 1, Section 13, Township 122 North, Range 47 West, Big Stone county, Minnesota, being a strip of land 80 feet in width lying northerly of the plat SECOND ADDITION TO SUNSET VIEW, according to the plat on file and of record in the office of the recorder for Big Stone county, Minnesota, the southerly line of said strip is coincident with the northerly lines of Lots 3 through 19, inclusive, of said plat, the westerly boundary of said strip being the northerly extension of the west line of Lot 19 of said plat. EXCEPTING therefrom the south 30 feet thereof.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold to the township of Prior to allow for upgrading the septic systems and other utilities in the area.

Sec. 25. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; DOUGLAS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Douglas county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Douglas county and is described as:

Lot 4, Block 1, Cedar Hills 1st Addition, Section 8, Township 130, Range 37.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 26. [PRIVATE OR PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KANDIYOHI COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell the surplus land and buildings bordering on public waters that are described in paragraph (c) to the city of New London; or notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public sale the surplus land and buildings bordering on public waters that are described in paragraph (c).

(b) The sale must be in a form approved by the attorney general for consideration no less than the appraised value of the land and buildings. The sale shall reserve to the state an easement along the Crow river to ensure public access and access for dam management and maintenance at the outlet of the mill pond known as Mud lake.

(c) The land to be sold is located in Kandiyohi county and is described as:

All of Lots 9, 10, 11, 12, and 13 and that part of Lot 14 otherwise described as the Mill Lot lying north and east of the Crow river, all being in Block 8 within the city of New London, Minnesota, excepting therefrom the following three parcels:

(1) commencing at a point on the west line of Lot 8, Block 8 in the village of New London, 16-2/3 feet North of the southwest corner of said Lot 8; running thence easterly on a line parallel to the south line of said Lot 8, 100 feet to the west line of Main Street; thence southerly on west line of Main Street to a point, 50 feet; thence westerly on a line parallel to the south line of said Lot 8 to a point, 70 feet; thence northwesterly to the PLACE OF BEGINNING;

(2) commencing at a point 16 feet West from the northwest corner of Lot 1, Block 8 of the village of New London; thence 120 feet South parallel with the west line of Lots 1, 2, 3, 4, 5, and 6; thence West to the bank of the Crow river; thence along said bank of the Crow river to a point intersecting with a line drawn North and South from a point, 100 feet West of the PLACE OF

BEGINNING; thence North to the north line of Block 8; thence East to the PLACE OF BEGINNING; and

(3) commencing at a point on the north line of Block 8, 220 feet West of the northeast corner of said Block 8; thence West 50 feet; thence South 30 feet; thence southeasterly to a point which is 50 feet South of the PLACE OF BEGINNING; thence due North 50 feet to the PLACE OF BEGINNING.

The above described tract contains 0.46 acres to be sold.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose other than easement access for dam maintenance and that the state's land management interests would best be served if the land was sold by public sale or sold to the city of New London.

Sec. 27. [PUBLIC SALE OF TRUST FUND LAND BORDERING PUBLIC WATER; ITASCA COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust fund land bordering public water that is described in paragraph (c), under the remaining provisions in Minnesota Statutes, chapter 92.

(b) The conveyance shall be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Itasca county and is described as follows: Lot 6, Block 1 of Little Island Lake Leased homesites, located in Government Lot 9, Section 16, Township 58 North, Range 25 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold.

Sec. 28. [LAND EXCHANGE; LAKE OF THE WOODS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 94.342, the commissioner of natural resources may exchange, with the adjoining landowner, the acquired forest land bordering public waters described in paragraph (b).

(b) The land to be exchanged is located in Lake of the Woods county and is described as the West 450 feet of Government Lot 7, Section 5, Township 167 North, Range 33 West.

(c) The exchange will correct an inadvertent trespass on state land.

Sec. 29. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MEEKER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Meeker county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Meeker county and is described as:

Pt Southeast Quarter of Southeast Quarter (SE1/4 SE1/4) beginning southeast corner Section 23, thence West 683.17 feet to point of beginning, northwest 252.31 feet northwest 122 feet, northeast 91 feet, southerly to south line Southeast Quarter of Southeast Quarter (SE1/4 SE1/4), thence West 44 feet to point of beginning. Section 23, Township 120, Range 31 (PID 12-0213001).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 30. [PRIVATE SALE OF SURPLUS STATE LAND; MORRISON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Morrison county and is described as: the South 33 feet of the Northwest Quarter of the Southeast Quarter, the West 33 feet of Government Lot 2, and the South 33 feet of the West 33 feet of the Northeast Quarter of the Southeast Quarter, all in Section 11, Township 132 North, Range 31 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 31. [CONVEYANCE OF STATE LAND BORDERING PUBLIC WATER; RAMSEY, STEVENS, AND CARLTON COUNTIES.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, or any other law to the contrary, the commissioner of administration may convey to the University of Minnesota board of regents for no consideration the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may correct the legal descriptions under paragraph (c) as reasonably necessary after review of a survey and title report delivered to the board of regents.

(c) The land to be conveyed is located in Ramsey, Stevens, and Carlton counties and is described as:

(1) the North Half of the West Half of the West Half of the Southwest Quarter of Section 21, Township 29 North, Range 23 West, Ramsey county, Minnesota;

(2) the Northeast Quarter of the Southwest Quarter, the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(3) the South Half of the South Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(4) beginning at the northwest corner of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, and running thence South on the quarter line 11.05 chains; thence East at right angles with said quarter line 3.16 chains; thence South parallel with said quarter line 2.57 chains to the Morris and Cyrus public road; thence easterly along the north line of said road to a point on the east line of the Northwest Quarter of Southeast Quarter of said Section 36 7.25 chains South of the northeast corner of the Northwest Quarter of said Southeast Quarter of said Section 36 aforesaid; thence North 7.25 chains to the northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 36 aforesaid; thence West on the north line of said Northwest Quarter of Southeast Quarter of said Section 36 to the northwest corner of said Southeast Quarter of said Section 36, or place of beginning, containing twenty one and one half acres, more or less according to the government survey thereof; the same being all that portion of the Northwest Quarter of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, lying and being North of the public highway running from the city of Morris to Cyrus, except one acre thereof in the southwest corner thereof used by the city of Morris as a pumping station;

(5) all that part of the East one half of the Southwest Quarter of the Southwest Quarter of

Section 36, Township 125 North, Range 42 West, lying South of the county road running from Morris, Minnesota to Cyrus, Minnesota, and contains 15 acres more or less according to government survey, and all lying in the county of Stevens;

(6) Lot 3 of county subdivision of unplatted part of East Half of Section 35, Township 125, Range 42, Stevens county, Minnesota containing according to said county subdivision 8 and 3/4 acres described as follows: Commencing at a point on the North side of the county road leading from Morris to Cyrus, Minnesota, 688 feet from the southeast corner of Section 35, Township 125, Range 42; thence North 887 feet; thence West 440 feet; thence South 646 feet; thence southeast 391 feet to said county road; thence northeast along said road 232 feet to the place of beginning, containing 8.75 acres;

(7) beginning at the Quarter Post; being the southwest corner of the Northwest Quarter of Section 31, Township 125 North, Range 41 West, Stevens county, Minnesota; running along the county road (Morris, Minnesota to Glenwood, Minnesota) or along the established line of the said county road running from said quarter post North sixty three degrees and thirty minutes East one and fifty six one hundredths chains; thence North sixty one degrees East eight and thirteen one hundredths chains; thence North eighty seven degrees and twenty five minutes East seven and seven one hundredths chains; thence North sixty nine degrees and thirty minutes East fourteen and eighty five one hundredths chains; thence North seventy seven degrees East twenty seven chains; thence leaving the said county road and running North twenty five chains to a point on the north boundary line of the said Section 31, Township 125, Range 41, fifteen chains East of the northeast corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence West along the said north boundary line of the said Section 31, Township 125, Range 41 to the northwest corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence South along the west boundary line of said Section 31, Township 125, Range 41 to the place of beginning, except twelve and nine tenths acres of land owned by the Northern Pacific Railway Company, being used for railroad right-of-way and special snow fence purposes. The above described part of said Section 31, Township 125, Range 41, contains however one hundred and sixty acres, exclusive of said twelve and nine tenths acres of railroad right-of-way;

(8) all that part of the SE 1/4 SW 1/4 and NE 1/4 SW 1/4 SW 1/4 Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying north of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota, and more particularly described as follows: Beginning at a point where said road intersects the north line of the SE 1/4 SW 1/4; thence in a westerly direction 16.06 chains to the NW corner of the NE 1/4 SW 1/4 SW 1/4 of said Section 36; thence in a southerly direction along the west line of said NE 1/4 SW 1/4 SW 1/4, 5.90 chains to the north line of said road right-of-way; thence in a northeasterly direction along the north line of said road right-of-way 17.05 chains to the point of beginning containing 4.80 acres, more or less, and being the same lands conveyed to the United States by Edwin J. Jones, et ux, by deed dated January 26, 1903, and Harold Thorson, et ux, by deed dated February 26, 1903;

(9) all of that part of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying North of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota and further described by metes and bounds as follows, to-wit: Beginning at a point on the east line of the NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains South of the northeast corner of said NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, running North on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains to the said northeast corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence West on the north line of said described land, ten chains, more or less to the northwest corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence South on the west line of said described tract of land five and ninety one hundredths chains to the said wagon road; thence northeast along said wagon road, ten and sixty one hundredths chains to the place of beginning on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, containing about four and ten one hundredths acres, more or less, according to the government survey thereof;

(10) beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota and running South two and thirty hundredths chains on the west line of said Southeast Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42 to the road. Thence northeast along the north line of the road six and forty five hundredths chains to the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42; thence West on the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, six and six hundredths chains, to place of beginning, containing seven tenths of an acre, more or less;

(11) all of Section 36, Township 49, Range 18, Carlton county, Minnesota, except the East Half of the Northeast Quarter; all of Section 31, Township 49, Range 17, except the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter, the South Half of the Southwest Quarter, the Northeast Quarter of the Southeast Quarter, and the South Half of the Northeast Quarter, all in Section 30, Township 49, Range 17; the Northeast Quarter of the Northwest Quarter, the South Half of the Northwest Quarter, all of the Southwest Quarter, the South Half of the Southeast Quarter, and Northeast Quarter of the Southeast Quarter, Section 29, Township 49, Range 17; the North Half of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter, Section 32, Township 49, Range 17, containing two thousand and ninety-four and ninety-seven hundredths acres, according to government survey thereof;

(12) the Southeast Quarter of the Northwest Quarter of Section 30 in Township 49 North, Range 17 West, Carlton county, Minnesota, containing forty acres, according to the official plat of the survey of the said lands, returned to the general land office by the surveyor general; and

(13) the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30, Township 49 North, Range 17 West, Carlton county, Minnesota.

(d) Conveyance of land in Stevens county under this section is subject to Minnesota Statutes, section 137.16. Land conveyed under this section retains any bonding obligations on the buildings located thereon that exist at the time of conveyance.

Sec. 32. [TAX-FORFEITED LAND IN RAMSEY COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Ramsey county may sell by private sale the tax-forfeited land that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The sale must be in a form approved by the attorney general.

(c) The land to be sold is located in Ramsey county and is described as:

The property defined as Laporte Meadows North of the state highway 10 right-of-way.

(d) Ramsey county has determined that the county's land management interests would be best served if the land was sold to the city of Mounds View for the use of a public purpose.

Sec. 33. [PUBLIC SALE OF SCHOOL TRUST LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The conveyance must include an easement to ensure public access and state management access to the state-owned land on the north side of Blueberry lake. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis county and is approximately three acres adjacent

to Blueberry lake in the northeast corner of the Southwest Quarter of the Northeast Quarter, Section 4, Township 61 North, Range 12 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership. The adjoining private owner has inadvertently built part of a home, a septic system, and yard improvements on the land.

Sec. 34. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the land described in paragraph (c) is withdrawn from memorial forest status.

(c) The land to be sold is located in St. Louis county and is described as:

the westerly 100 feet of the northerly 300 feet of the NW1/4 of the NW1/4, Section 34, Township 61 North, Range 15 West of the Fourth Principal Meridian located in St. Louis county.

Sec. 35. [PUBLIC SALE OF STATE WILDLIFE MANAGEMENT AREA LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell the wildlife management area land bordering public waters described in paragraph (e) by public sale according to Minnesota Statutes, section 97A.135, subdivision 2a.

(b) The conveyance shall be in a form approved by the attorney general for consideration of no less than the appraised value of the land.

(c) The deed must contain a restrictive covenant that prohibits altering, disturbing vegetation in, draining, filling, or placing any material or structure of any kind on or in the existing wetland area located on the land; prohibits any run-off from other lands or buildings into said wetland; and prohibits diverting or appropriating water from said wetland.

(d) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources for wildlife land acquisition purposes.

(e) The land that may be sold is in the Prior Lake wildlife management area in Scott county and is described as:

The East 1200 feet of the South 800 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 115 North, Range 22 West. Including the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Hastings and Dakota Railway Company). Containing 22 acres, more or less.

(f) This land no longer fits into the state wildlife management area system because of hunting limitations, its small size, and future development planned for the area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public hunting.

Sec. 36. [PRIVATE SALE OF SURPLUS STATE LAND; SHERBURNE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the lands that are described in paragraph (c) to the adjacent landowners upon completion of an internal land exchange whereby the status of the lands described in paragraph (c) will become acquired state forest status.

(b) The conveyances must be in a form approved by the attorney general for consideration not less than the appraised value of the lands.

(c) The lands to be conveyed are located in Sherburne county and are described as:

(1) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence North 00 degrees 35 minutes 14 seconds West 727.25 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said north line to the point of beginning; containing 1.35 acres;

(2) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36 and the point of beginning; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence South 00 degrees 20 minutes 40 seconds East 416.58 feet to the south line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said south line to the southeast corner of said Northeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 417.08 feet along the east line of said Northeast Quarter of the Southwest Quarter to the point of beginning; containing 1.06 acres;

(3) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road and the point of beginning; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence South 00 degrees 35 minutes 14 seconds East 593.77 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 43 minutes 53 seconds East 25.00 feet along said south line to the southeast corner of said Southeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 575.49 feet along the east line of said Southeast Quarter of the Southwest Quarter to the point of beginning; containing 0.59 acres; and

(4) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence North 00 degrees 20 minutes 40 seconds West 904.24 feet to the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 50 minutes 32 seconds East 171.71 feet along said north line to the point of beginning; containing 3.06 acres.

(d) The lands described in paragraph (c) are part of an internal pending land exchange. After approval of the exchange by the state land exchange board, the trust fund status of the lands described in paragraph (c) will become acquired state forest status. The lands described in

paragraph (c) are then withdrawn from the Sand Dunes state forest and will be certified as surplus by the commissioner. The commissioner of natural resources has determined, due to recent survey information, that the lands described in paragraph (c) are not suitable for public land management; that the state's land management interests would best be served by conveyance of the land to the adjacent land owners; and that the conveyance will resolve a long-standing unintentional trespass.

Sec. 37. [LAND CONVEYANCE; CITY OF WABASHA.]

(a) Notwithstanding Minnesota Statutes, sections 94.09, 94.10, 161.43, 161.44, or any law to the contrary, the commissioner of transportation may convey, for no consideration, to the city of Wabasha the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the land is not used for public purposes.

(c) The land conveyed is in Wabasha county and is described as:

(1) Government Lot 4 of Section 29, Township 111 North, Range 10 West, in the city of Wabasha, according to the plat thereof now on file and of record in the office of the county recorder in and for Wabasha county, Minnesota;

which lies within a distance of 12 feet on each side of the following described line:

Beginning at a point on a line drawn parallel with and distant one foot southeasterly from the northeasterly extension of the dividing line between Lots 4 and 5 in Block 6, Original Town of the city of Wabasha, distant 59.1 feet northeasterly of its intersection with the northeasterly line of Lot 4 in said Block 6; thence run northwesterly at an angle of 90 degrees 19 feet with said parallel line (when measured from southwest to northwest) for 309.2 feet; thence deflect to the right on a curve having a radius of 100 feet (delta angle 89 degrees 32 feet) for 156.3 feet, and there terminating;

together with a strip 3 feet in width adjoining and westerly of the above described strip and a strip 6 feet in width adjoining and easterly of the first above described strip, both beginning opposite a point on the above described line, distant 309.2 feet northwesterly of its point of beginning (when measured along said line) and extending northerly to the northeasterly line of the above described tract; the title thereto being registered as evidenced by Certificate of Title No. 279; and

(2) Government Lot 4 of Section 29, Township 111 North, Range 10 West, in the city of Wabasha, according to the plat thereof now on file and of record in the office of the county recorder in and for Wabasha county, Minnesota;

which lies within a distance of 12 feet on each side of the following described line:

Beginning at a point on a line drawn parallel with and distant one foot southeasterly from the northeasterly extension of the dividing line between Lots 4 and 5 in Block 6, original Town of the city of Wabasha, distant 59.1 feet northeasterly of its intersection with the northeasterly line of Lot 4 in said Block 6; thence run southeasterly at an angle 89 degrees 41 feet with said parallel line (when measured from southwest to southeast) for a distance of 171.9 feet; thence deflect to the right on a curve having a radius of 50 feet for a distance of 78.1 feet; thence on tangent to said curve for 8 feet, more or less, to the southeasterly extension of the northeasterly line of said Block 6, being the northeasterly end of Pembroke Street in said city of Wabasha;

together with a strip 4 feet in width on each side of the above described strip, beginning opposite a point on the above described line, distant 171.9 feet southeasterly of its point of beginning (when measured along said line) and extending to the termination of said line, (being that part of the land lying between the northeasterly boundary line of Lots 1, 2, 3, and 4 in the aforesaid Block 6 and the Mississippi River).

(d) The land to be conveyed to the city of Wabasha was part of a conveyance of land from the state of Wisconsin and is not needed for state purposes.

Sec. 38. [PRIVATE SALE OF TAX-FORFEITED LAND; WASHINGTON COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Washington county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for a consideration of taxes due on the property and any penalties, interest, and costs.

(c) The land to be sold is located in Washington county and is described as:

Lot 7, Block 5, Sandlewood Addition, city of Woodbury, Washington county.

(d) The county has determined that this conveyance is necessary to correct an inadvertent forfeiture due to an error in transferring property by the previous owner.

Sec. 39. [PRIVATE SALE OF SURPLUS STATE LAND; WINONA COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land.

(c) The land to be sold is located in Winona county and is described as:

That part of the Southeast Quarter of the Southwest Quarter of Section 26, Township 105 North, Range 9 West, Winona county, Minnesota, described as follows:

Beginning at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the Winona County Coordinate System of 1983 (1986 Adjustment), of South 00 degrees 17 minutes 40 seconds West along the west line of said Southeast Quarter of the Southwest Quarter 388.05 feet; thence North 85 degrees 20 minutes 05 seconds East 87.79 feet; thence North 02 degrees 44 minutes 27 seconds West 353.94 feet; thence North 86 degrees 36 minutes 30 seconds East 423.51 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 43 minutes 52 seconds West along the north line of said Southeast Quarter of the Southwest Quarter 491.34 feet to the point of beginning; containing 0.82 acres.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 40. [CONVEYANCE TO WISCONSIN.]

(a) Notwithstanding Minnesota Statutes, sections 161.43, 161.44, or any other law to the contrary, the commissioner of transportation may convey the land described in paragraph (b) to the state of Wisconsin.

(b) The lands to be conveyed are all those parts or parcels of land situated in the county of Buffalo, state of Wisconsin, more particularly described as follows:

(1) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point on the south line of the Southeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, 635 feet West of the southeast corner of said Section 1; thence North 27 degrees East a distance of 1,400 feet to a point in the east line of said Section 1, 85 feet South of the northeast corner of the Southeast Quarter of said Section 1, containing 6.3 acres more or less, according to the survey thereof and being a part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 21 North, Range 14 West;

(2) a tract of land for road purposes situated in the southeast corner of the Northeast Quarter of

the Southeast Quarter of Section 1, Township 22 North, Range 14 West, described as follows: Beginning at the southeast corner of said Northeast Quarter of said Southeast Quarter of said Section 1, running thence North 125 feet; thence South 27 degrees West a distance of 140.3 feet; thence East 63.7 feet to the place of beginning, containing one-tenth of an acre;

(3) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point 72.6 feet North of the southwest corner of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West; thence South 30 degrees West, 350 feet to the north bank of the Mississippi river, containing 1.6 acres and being a part of Government Lot 5 in said Section, Township, and Range; and

(4) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point in the west line of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West, 72.6 feet North of the southwest corner of said Northeast Quarter of said Northwest Quarter of said Section 13; thence North 27 degrees East a distance of 1,400 feet to a point in the north line of said Section 13, 684.4 feet West of the northeast corner of said Northeast Quarter of the Northwest Quarter of said Section 13; thence continuing said center line in a straight line North 27 degrees, East an additional distance of 2,963 feet to a point in the east and west quarter line of said Section 12, Township and Range aforesaid, 660 feet East of center of said Section 12, said strip containing 19.90 acres and being a part of the Northeast Quarter of the Northwest Quarter of said Section 13 and the East Half of the Southwest Quarter of said Section 12 and the Northwest Quarter of the Southeast Quarter of said Section 12, in the county of Buffalo and the state of Wisconsin.

(c) The deed authorized by this law is intended to convey to the state of Wisconsin all the interest of the state of Minnesota in lands situated in the state of Wisconsin that the state of Minnesota received by deed from the Wabasha-Nelson Bridge Company, dated March 24, 1947, and filed of record in Book 91 of Deeds, page 101, files of the register of deeds in and for Buffalo county, Wisconsin."

Page 14, after line 43, insert:

"Sec. 42. [EFFECTIVE DATE.]

Section 8 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2738 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 3132: A bill for an act relating to land use management; authorizing the northern counties land use coordinating board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government, and with Canadian officials regarding land use management issues; appropriating money.

Senator Oliver moved to amend S.F. No. 3132 as follows:

Page 2, after line 18, insert:

"Sec. 2. [CITY OF DEEPHAVEN USE OF PARK PROPERTY; DEDICATION OF LAND FOR PARK PURPOSES.]

Subdivision 1. [USE OF PARK PROPERTY FOR FIRE STATION.] Notwithstanding any statute or rule of law to the contrary, there may be constructed and maintained facilities for use as a fire station and other public safety related facilities on the following property, which has been dedicated by plat to the city of Deephaven for park purposes:

20215 Minnetonka Blvd., recorded as

Amesbury North Park 3

(PID# 24-117-23 34 0037);

20225 Minnetonka Blvd., recorded as

Amesbury North Park 1

(PID# 24-117-23 34 0036); and

20260 Minnetonka Blvd., recorded as

Amesbury North Park 2

(PID# 24-117-23 33 0046) excepting that portion lying within the Southwest Quarter of the Southwest Quarter of Section 24, Township 117, Range 23

Subd. 2. [DEDICATION OF LAND FOR PARK PURPOSES.] During any period that any portion of the property described in subdivision 1 is used for fire station purposes, the following property owned by the city of Deephaven must only be used for park purposes:

19175 Minnetonka Blvd., recorded as

Registered Land Survey No. 306 - Tract E Ex. Hwy

(PID# 19-117-22 32 0009)

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day after approval by the city of Deephaven and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3132 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Olson	Samuelson
Bachmann	Higgins	Larson	Ourada	Scheevel
Belanger	Hottinger	Lesewski	Pariseau	Scheid
Berg	Johnson, Dean	Lessard	Pogemiller	Schwab
Berglin	Johnson, Debbie	Limmer	Price	Solon, Y.P.
Betzold	Johnson, Doug	Lourey	Ranum	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
Fowler	Krentz	Oliver	Sams	

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

SPECIAL ORDER

H.F. No. 2473: A bill for an act relating to drivers' licenses; specifying that organ donor designation on driver's license or Minnesota identification card establishes intent; amending Minnesota Statutes 2000, section 525.9211.

Senator Ranum moved to amend H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Amend the title as follows:

Page 1, line 2, delete "drivers' licenses" and insert "anatomical gifts"

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Page 3, line 15, delete "August 1, 2002," and insert "the day following final enactment"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Page 2, lines 28 and 29, delete "or by a document of gift, including" and insert a comma

The motion prevailed. So the amendment was adopted.

Senator Neuville then moved to amend H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a class C, class B, or class A driver's license also must state the applicant's social security number. An application for a class D driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number.

(b) The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

(c) The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

(d) The application form must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and, the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

- (1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and
- (2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts."

Page 3, line 15, after "is" insert "effective December 1, 2002, and applies to application forms distributed on or after that date. Section 2 is"

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 H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a class C, class B, or class A driver's license also must state the applicant's social security number. An application for a class D driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number. The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. The application form must contain an additional space where applicants who indicate a desire to make an anatomical gift may further indicate whether they wish to allow a family member or other person with authority under section 525.9212 to override the anatomical gift designation at the time of the donor's death. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

(b) The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

(c) The application form must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts.

Sec. 2. Minnesota Statutes 2000, section 171.07, subdivision 5, is amended to read:

Subd. 5. [ANATOMICAL GIFT; DONOR DOCUMENT.] The department shall offer a donor document to each person making application for a driver's license or a Minnesota identification card who indicates a desire not to make a decision about making an anatomical gift at the time the application is made. The commissioner of public safety shall prescribe the form of the donor document and the application for a driver's license or a Minnesota identification card. The forms must be designed so that execution by the applicant of the donor document or application will make an anatomical gift under the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224. If the donor is 18 years of age or older, the donor document or application must be

signed by the donor. If the donor cannot sign, the donor document or application may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document or application in the donor's presence. If the donor is a minor, the donor document or application must be signed by the minor donor, and one of the minor donor's parents, a legal guardian, or a parent having legal custody. If the minor cannot sign, the donor document or application may not be signed for the minor. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or Minnesota identification card. The designation must be designed to indicate whether the donor elected to allow a family member or other person with authority under section 525.9212 to override the anatomical gift designation, as provided in section 171.06, subdivision 3. The issuance of a driver's license or Minnesota identification card identifying the person as a "donor" completes the donation process and the license or identification card constitutes the final donor record. The department is not required to keep the physical record of the donor card or application after issuing the driver's license or identification card for the donation to be valid. The department shall maintain a computer record of donors. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift. The designation "donor" constitutes sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation. The donor designation may be removed only upon written notice to the department. Delivery of the license or Minnesota identification card during the donor's lifetime is not necessary to make the gift valid."

Page 2, line 33, before the period, insert "unless the donor indicated a contrary intent under section 171.06, subdivision 3"

Page 3, line 15, delete "Section 1" and insert "Sections 1 and 2 are effective December 1, 2002, and apply to application forms distributed on or after that date. Section 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer then moved to amend H.F. No. 2473, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2807.)

Page 3, delete lines 35 and 36

Page 4, delete line 1

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

CALL OF THE SENATE

Senator Ramum imposed a call of the Senate for the balance of the proceedings on H.F. No. 2473. The Sergeant at Arms was instructed to bring in the absent members.

Senator Ranum moved that H.F. No. 2473 be laid on the table. The motion prevailed.

SPECIAL ORDERS

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

H.F. Nos. 3364 and 2214.

Senator Moe, R.D. moved that H.F. No. 3364 be taken from the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 3364: A bill for an act relating to transportation; establishing major highway project account; authorizing bonding; exempting certain contracts from moratorium on state contracts for professional or technical services; appropriating money; amending Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapter 161.

Senator Johnson, Dean moved to amend H.F. No. 3364 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 3364, and insert the language after the enacting clause, and the title, of S.F. No. 2812, the fourth engrossment.

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend H.F. No. 3364, as amended by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2812.)

Page 13, line 17, delete "AND" and insert a comma and after "PROTECTION" insert ", AND TRANSPORTATION POLICY"

Page 15, after line 6, insert:

"Sec. 3. Minnesota Statutes 2000, section 168.011, subdivision 17, is amended to read:

Subd. 17. [FARM TRUCK.] (a) "Farm truck" means all single unit trucks, truck-tractors, tractors, semitrailers, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced or finished by the owner of the truck, and any other personal property owned by the farmer to whom the license for the truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, truck-tractors, tractors, semitrailers, and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when the transportation constitutes the first haul of the products, and may be used by the owner thereof, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, chips, railroad ties and other raw and unfinished forest products from the place of production to an intermediate or final assembly point or transfer yard or railhead when the transportation constitutes, which transportation may be continued by another farm truck to a place for final processing or manufacture located within 200 miles of the place of production and all of which is deemed to constitute the first haul thereof, of unfinished wood products; provided that the owner and operator of the vehicle transporting planed lumber shall have in immediate possession a statement signed by the producer of the lumber designating the governmental subdivision, section, and township where the lumber was produced and that this haul, indicating the date, is the first haul thereof. The licensed vehicles may also be used by the owner thereof to transport, to and from timber-harvesting areas, equipment and appurtenances incidental to timber harvesting, and gravel and other road-building materials for timber haul roads.

(b) "Farm trucks" shall also include only single unit trucks, ~~which that~~, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream en route from a farm to an assembly point or place for final manufacture, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of the truck cannot carry on usual accommodation services for patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

Sec. 4. Minnesota Statutes 2000, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded

weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of a motor vehicle, trailer, or semitrailer shall not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products in accordance with paragraph (d)(3) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, shall be guilty of a misdemeanor and be subject to increased registration or reregistration according to the following schedule:

(1) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1,000 pounds, whichever is greater, the allowance set forth in paragraph (b) but less than 25 percent or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than four percent or 1,000 pounds, whichever is greater, the allowance set forth in paragraph (b) but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer, or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight

limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) the first, continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of first unloading final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 5. Minnesota Statutes 2000, section 169.771, subdivision 2, is amended to read:

Subd. 2. [INSPECTION BY STATE TROOPER.] (a) The commissioner of public safety is directed to accelerate spot check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the state patrol who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.

(b) However, personnel of the state patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

Sec. 6. Minnesota Statutes 2000, section 169.771, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot check inspections shall be held in compliance with subdivision 2 and in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause.

Sec. 7. Minnesota Statutes 2000, section 169.85, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The driver of a vehicle which that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales, and.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Sec. 8. Minnesota Statutes 2000, section 169.85, subdivision 2, is amended to read:

Subd. 2. [UNLOADING.] (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or 169.825, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (a) (1) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) (2) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) (3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), then the vehicle is deemed to be not in violation under paragraph (b).

Sec. 9. Minnesota Statutes 2000, section 169.851, subdivision 3, is amended to read:

Subd. 3. [FIRST HAUL.] "First haul" means ~~the first, continuous transportation from the place of production or on farm storage site to any other location within 50 miles of the place of production or on farm storage site~~ has the meaning given it in section 168.013, subdivision 3, paragraph (d)(3).

Sec. 10. 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.

(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. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. 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:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	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	Four consec- utive axles spaced within 14 feet or less
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."

Page 23, after line 24, insert:

"Sec. 23. [NORTHERN ZONE LOAD RESTRICTION STUDY.]

The commissioner of transportation shall conduct a study of load restrictions and seasonal load increases in the northern zone of Minnesota and make recommendations regarding the establishment of one or more new zones given the varying climate in the northern area of the state. The commissioner shall report findings back to the committees of the senate and house of representatives with jurisdiction over transportation policy by December 15, 2002."

Page 23, line 29, after the period, insert "Sections 3 to 10 and 23 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3364 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 39 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Pogemiller	Solon, Y.P.
Belanger	Johnson, Dave	Lessard	Price	Stumpf
Betzold	Johnson, Dean	Lourey	Ranum	Terwilliger
Cohen	Johnson, Doug	Metzen	Rest	Tomassoni
Foley	Kelley, S.P.	Moe, R.D.	Ring	Vickerman
Fowler	Kinkel	Moua	Sabo	Wiener
Frederickson	Kiscaden	Murphy	Samuelson	Wiger
Higgins	Krentz	Ourada	Scheid	

Those who voted in the negative were:

Bachmann	Dille	Knutson	Neuville	Robertson
Berg	Fischbach	Larson	Oliver	Robling
Berglin	Johnson, Debbie	Lesewski	Olson	Sams
Chaudhary	Kierlin	Limmer	Pariseau	Scheevel
Day	Kleis	Marty	Reiter	Schwab

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

Senator Moe, R.D. moved that H.F. No. 2214 be taken from the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 2214: A bill for an act relating to a baseball park; providing for financing of a major league baseball park; providing a site selection process; authorizing state revenue bonds; establishing a baseball park gift fund; authorizing a state loan to the site city; requiring local government body approval; establishing a sports facilities fund; imposing certain obligations on the major league baseball team; requiring a use agreement and a guaranty from major league baseball; providing a property tax exemption for the baseball park; exempting sales of construction materials for the park from the sales tax; requiring payment of the prevailing wage rate to ballpark construction workers; requiring the state executive council to select a city for the site; requiring the legislative commission on planning and fiscal policy to make a recommendation to the council; providing an opportunity for community ownership if the baseball team is sold; requiring a donation from private sources as a precondition to issuing bonds or loaning state money; authorizing certain temporary city taxes and an admission tax if approved by referendum; authorizing parking surcharges; authorizing issuance of an additional liquor license; authorizing a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

Senator Johnson, Dean moved to amend H.F. No. 2214 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2214, and insert the language after the enacting clause, and the title, of S.F. No. 1857, the fifth engrossment.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2214. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Johnson, Dean amendment.

The roll was called, and there were yeas 33 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Oliver	Terwilliger
Berglin	Hottinger	Lessard	Pogemiller	Tomassoni
Betzold	Johnson, Dave	Marty	Price	Vickerman
Cohen	Johnson, Dean	Metzen	Sabo	Wiener
Foley	Johnson, Doug	Moe, R.D.	Scheid	Wiger
Fowler	Kelley, S.P.	Moua	Solon, Y.P.	
Frederickson	Kinkel	Murphy	Stumpf	

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Lesewski	Ranum	Samuelson
Belanger	Kierlin	Limmer	Reiter	Scheevel
Berg	Kiscaden	Lourey	Rest	Schwab
Chaudhary	Kleis	Neuville	Ring	Stevens
Day	Knutson	Olson	Robertson	
Dille	Krentz	Ourada	Robling	
Fischbach	Larson	Pariseau	Sams	

The motion prevailed. So the amendment was adopted.

H.F. No. 2214 was read the third time, as amended.

Senator Moe, R.D. moved that H.F. No. 2214 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Ranum moved that H.F. No. 2473 be taken from the table. The motion prevailed.

H.F. No. 2473: A bill for an act relating to drivers' licenses; specifying that organ donor designation on driver's license or Minnesota identification card establishes intent; amending Minnesota Statutes 2000, section 525.9211.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2473. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Limmer amendment, as amended.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Larson	Olson	Robling
Belanger	Johnson, Debbie	Lesewski	Ourada	Scheevel
Berg	Kierlin	Limmer	Pariseau	Terwilliger
Dille	Kleis	Neuville	Reiter	
Fischbach	Knutson	Oliver	Robertson	

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Price	Solon, Y.P.
Berglin	Johnson, Dave	Lessard	Ranum	Stumpf
Betzold	Johnson, Dean	Lourey	Rest	Tomassoni
Chaudhary	Johnson, Doug	Marty	Ring	Vickerman
Cohen	Kelley, S.P.	Metzen	Sabo	Wiener
Foley	Kinkel	Moua	Sams	Wiger
Fowler	Kiscaden	Murphy	Scheid	
Higgins	Krentz	Pogemiller	Schwab	

The motion did not prevail. So the Limmer amendment, as amended, was not adopted. H.F. No. 2473 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 51 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Price	Solon, Y.P.
Belanger	Johnson, Dave	Lessard	Ranum	Stumpf
Berg	Johnson, Dean	Lourey	Rest	Terwilliger
Berglin	Johnson, Doug	Marty	Ring	Tomassoni
Betzold	Kelley, S.P.	Metzen	Robertson	Vickerman
Chaudhary	Kierlin	Moua	Sabo	Wiener
Cohen	Kinkel	Murphy	Sams	Wiger
Dille	Kiscaden	Neuville	Samuelson	
Foley	Knutson	Oliver	Scheevel	
Fowler	Krentz	Ourada	Scheid	
Higgins	Langseth	Pogemiller	Schwab	

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Lesewski	Olson	Reiter
Fischbach	Kleis	Limmer	Pariseau	Robling
Frederickson				

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3174 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3174

A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

March 25, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3174, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 3174 be further amended as follows:

Page 1, line 10, before "Each" insert "Each licensee engaging in money transmission in three or fewer locations in the state, either directly or through authorized delegates, must have a net worth of at least \$25,000. Each licensee engaging in money transmission at more than three locations in the state, but fewer than seven locations, either directly or through authorized delegates, must have a net worth of at least \$50,000."

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

Senate Conferees: (Signed) Steve Kelley, Mee Moua, Arlene J. Lesewski

House Conferees: (Signed) Dan McElroy, Bob Gunther, Karen Clark

Senator Kelley, S.P. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3174 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.

S.F. No. 3174 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MEMBERS EXCUSED

Senator Murphy was excused from the Session of today from 12:00 noon to 12:30 p.m. Senator Stevens was excused from the Session of today at 2:20 p.m. Senator Day was excused from the Session of today at 2:50 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 3, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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