

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

NINETY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, April 9, 2002

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

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	

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Johnson, Dave; Orfield and Pappas were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 4, 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
2881		315	12:56 p.m. April 5	April 5
2612		316	12:58 p.m. April 5	April 5
2680		317	12:55 p.m. April 5	April 5
2739		318	12:56 p.m. April 5	April 5
	2706	319	12:59 p.m. April 5	April 5

Sincerely,
Mary Kiffmeyer
Secretary of State

April 8, 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. 3322, 2949, 2533, 2678, 3352, 3054, 3174, 1811 and 2150.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3028.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 2002

Mr. President:

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

S.F. No. 2457: A bill for an act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.

Senate File No. 2457 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 2002

CONCURRENCE AND REPASSAGE

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 2457 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2457 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 54 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Betzold	Foley	Reiter
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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. 2592: A bill for an act relating to insurance; authorizing the reorganization of a mutual insurance holding company into a stock company; modifying accounting provisions for certain ceding transactions; amending Minnesota Statutes 2000, sections 60A.075; 60A.09, subdivision 5.

Senate File No. 2592 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 2002

CONCURRENCE AND REPASSAGE

Senator Oliver moved that the Senate concur in the amendments by the House to S.F. No. 2592 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2592 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Chaudhary	Dille
Bachmann	Berg	Betzold	Day	Fischbach

Foley	Kinkel	Limmer	Pariseau	Sabo
Fowler	Kiscaden	Lourey	Pogemiller	Sams
Frederickson	Kleis	Marty	Price	Scheevel
Higgins	Knutson	Moua	Ranum	Scheid
Hottinger	Krentz	Murphy	Reiter	Schwab
Johnson, Debbie	Langseth	Neuville	Rest	Stumpf
Johnson, Doug	Larson	Oliver	Ring	Terwilliger
Kelley, S.P.	Lesewski	Olson	Robertson	Vickerman
Kierlin	Lessard	Ourada	Robling	Wiener

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

MESSAGES FROM THE HOUSE - CONTINUED

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

S.F. No. 2363: A bill for an act relating to insurance; limiting the use of credit information; amending Minnesota Statutes 2000, section 72A.20, by adding a subdivision.

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

Davids, Stang and Entenza.

Senate File No. 2363 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 2002

Mr. President:

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

S.F. No. 3384: A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 10A.02, subdivision 11; 10A.025, subdivisions 2, 4; 10A.03, subdivision 3; 10A.04, subdivisions 4, 5, 6; 10A.08; 10A.09, subdivision 7; 10A.11, subdivision 7; 10A.12, subdivision 6; 10A.13, subdivision 1; 10A.14, subdivision 4; 10A.15, subdivision 4; 10A.16; 10A.17, subdivision 5, by adding a subdivision; 10A.18; 10A.20, subdivision 12, by adding subdivisions; 10A.25, subdivision 10, by adding a subdivision; 10A.255, subdivision 1; 10A.27, subdivisions 1, 9, 11, 13; 10A.273, subdivisions 1, 4, 5; 10A.28, subdivisions 1, 2, 4; 10A.29; 10A.322, subdivision 1; 10A.323; 356A.06, subdivision 4; Minnesota Statutes 2001 Supplement, section 10A.31, subdivision 7.

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

Rhodes, Seifert and Mahoney.

Senate File No. 3384 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3359:

H.F. No. 3359: A bill for an act relating to professions; modifying certain protocols for nurses;

amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; Minnesota Statutes 2001 Supplement, section 148.284.

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

Abeler, Davids and Huntley have been appointed as such committee on the part of the House.

House File No. 3359 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 April 8, 2002

Senator Wiener moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3359, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3163:

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

section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 1.

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

Lipman, Wilkin and Dawkins have been appointed as such committee on the part of the House.

House File No. 3163 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 April 8, 2002

Senator Betzold moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3163, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to inform you that the House has repassed House File No. 197, notwithstanding the veto of the Honorable Jesse Ventura, Governor of the State.

There is herewith transmitted to the Senate:

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

2. The veto message of the Governor, dated March 27, 2002.

3. The enrolled copy of Chapter No. 280, H.F. No. 197, with all of the signatures of the officers of the Senate and the House of Representatives but minus the signature of the Governor.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 2002

Senator Hottinger moved that H.F. No. 197 and the veto message thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3127.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 3127: A bill for an act relating to retirement; various retirement plans; clarifying the laws applicable to the remaining local police and paid firefighter pension plans; repealing obsolete local police and paid firefighter pension plan laws; authorizing service credit purchase for certain strike periods; providing public employee pension coverage for certain foreign citizens; clarifying membership eligibility and allowable service credit for the public employees retirement

association; requiring membership for charter school teachers in the teachers retirement association; providing for the payment of unpaid closed charter school retirement contributions from charter school lease aid; eliminating contribution rate increases in the local government correctional service retirement plan; establishing provisions relating to employees of the Kanabec hospital if the hospital is privatized; extending the expiration date for certain prior service credit purchase authorizations; recodifying social security coverage provisions; implementing recommended changes in salary actuarial assumptions; clarifying the restrictions on supplemental and local pension plans for plans funded from accumulated sick and vacation leave; reorganizing the revising various general retirement provisions; instructing the revisor of statutes; authorizing the commissioner of administration to lease pension fund facilities to deferred compensation service providers; authorizing certain volunteer firefighters to receive service pensions or disability benefits without terminating active service; creating the coordinated program of the legislators retirement plan; providing a second social security referendum for legislators; modifying Minneapolis police optional annuity provision; modifying voluntary unpaid leave of absence provision for state employees; providing for an extension of the rule of 90 benefit tier for the teachers retirement association and the Duluth teachers retirement fund association; changing the effective date for certain modifications to the judges retirement plan; amending Minnesota Statutes 2000, sections 69.77; 69.80; 353.01, by adding a subdivision; 353.64, subdivision 7a; 353A.08, subdivision 6a; 353E.02, subdivision 1, by adding a subdivision; 353E.03; 353F.02, subdivision 4; 354.05, subdivision 38; 354.44, subdivision 6; 354A.011, subdivisions 15A, 27; 354A.31, subdivisions 4a, 5, 6, 7; 355.01, subdivisions 1, 3, 6, 8, by adding subdivisions; 355.02; 355.03; 355.05; 355.07; 355.08; 356.001; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.215, as amended; 356.216; 356.217; 356.219; 356.22; 356.23; 356.24, subdivisions 1b, 1c, 2; 356.245; 356.25; 356.30; 356.302; 356.303; 356.32; 356.40; 356.41; 356.50; 356.55, as amended; 356.551; 356.611; 356.65, subdivision 2; 356.87; 356.89, subdivision 3; 423A.17; 423A.171; 423B.09, subdivision 6; 424A.02, subdivision 1; 424A.09; Minnesota Statutes 2001 Supplement, sections 352.01, subdivision 11; 353.01, subdivisions 2a, 2b, 11b, 16; 353.27, subdivisions 4, 11; 354.05, subdivisions 2, 13; 356.24, subdivision 1; 356.555; 356.62; 356.65, subdivision 1; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1999, chapter 222, article 16, section 16; Laws 2000, chapter 461, article 10, section 3, as amended; Laws 2000, chapter 461, article 12, section 20; Laws 2000, chapter 461, article 18, section 10; Laws 2001, First Special Session chapter 10, article 6, section 21; proposing coding for new law in Minnesota Statutes, chapters 3A; 355; 356; proposing coding for new law as Minnesota Statutes, chapter 356B; repealing Minnesota Statutes 2000, sections 69.25; 69.26; 69.27; 69.28; 69.29; 69.30; 69.32; 69.361; 69.37; 69.38; 69.39; 69.40; 69.41; 69.42; 69.43; 69.44; 69.45; 69.46; 69.47; 69.48; 69.49; 69.50; 69.51; 69.52; 69.53; 69.62; 69.78; 297I.10, subdivision 2; 355.01, subdivisions 2, 4, 5, 9, 10; 355.11; 355.12; 355.13; 355.14; 355.15; 355.16; 355.17; 355.201; 355.202; 355.203; 355.204; 355.205; 355.206; 355.207; 355.208; 355.209; 355.21; 355.22; 355.23; 355.24; 355.25; 355.26; 355.27; 355.28; 355.281; 355.282; 355.283; 355.284; 355.285; 355.286; 355.287; 355.288; 355.29; 355.291; 355.292; 355.293; 355.294; 355.295; 355.296; 355.297; 355.298; 355.299; 355.30; 355.311; 355.391; 355.392; 355.393; 355.41; 355.42; 355.43; 355.44; 355.45; 355.46; 355.48; 355.49; 355.50; 355.51; 355.52; 355.54; 355.55; 355.56; 355.57; 355.58; 355.59; 355.60; 355.61; 355.621; 355.622; 355.623; 355.624; 355.625; 355.626; 355.627; 355.628; 355.71; 355.72; 355.73; 355.74; 355.75; 355.76; 355.77; 355.78; 355.79; 355.80; 355.81; 355.90; 356.19; 356.305; 356.306; 356.31; 356.325; 356.35; 356.36; 356.37; 356.371, subdivisions 2, 3; 356.372; 356.38; 356.39; 356.45; 356.451; 356.452; 356.453; 356.454; 356.455; 356.615; 356.71; 356.80; 356.81; 356.86; 356.865; 356.88; 356.89; 423.37; 423.371; 423.372; 423.373; 423.374; 423.375; 423.377; 423.378; 423.379; 423.38; 423.381; 423.382; 423.383; 423.384; 423.385; 423.386; 423.387; 423.388; 423.389; 423.39; 423.391; 423.392; 423.801; 423.802; 423.803; 423.804; 423.805; 423.806; 423.808; 423.809; 423.810; 423.812; 423.813; 423.814; 423.90; 423A.03; 424.01; 424.02; 424.03; 424.04; 424.05; 424.06; 424.08; 424.14; 424.15; 424.16; 424.165; 424.17; 424.18; 424.19; 424.20; 424.21; 424.22; 424.23; 424.24; 424.25; 424.27; 424.28; 424.29; Minnesota Statutes 2001 Supplement, sections 353.01, subdivision 39; 356.371, subdivision 1; 356.866; Special Session Laws 1889, chapter 425; Special Session Laws 1891, chapter 11; Laws 1897, chapters 389; 390; Laws 1915, chapter 68; Laws 1917, chapter 196; Laws 1919, chapters 68, 515; Laws 1921, chapter 118; Laws 1923, chapter 54; Laws 1925, chapter 197; Laws 1931, chapter 48; Laws 1933, chapter 122; Laws 1935, chapters 92; 192; 208; 259; Laws 1937, chapters 132; 197; 253; Laws 1939, chapters 124; 304; Laws 1941, chapters 74; 182; 196; Laws 1943, chapters 170;

267; 397; 413; 432; Laws 1945, chapters 74; 182; 277; 300; Laws 1947, chapters 40; 43; 101; 274; 329; Laws 1949, chapters 87; 144; 153; 154; 164; 191; 235; 281; 378; Laws 1951, chapters 43; 45; 48; 144; 233; 243; 420; 435; 499; Laws 1953, chapters 37; 44; 91; 235; 253; 348; 391; 401; 406; Laws 1955, chapters 42; 49; 75; 151; 187; 188; 293; 294; 348; 375; 827; Laws 1957, chapters 10; 16; 36; 127; 144; 164; 256; 257; 455; 630; 793; Laws 1959, chapters 108; 131; 191; 207; 208; 211; 437; Laws 1961, chapters 186; 290; 295; 300; 343; 376; 399; 434; 435, section 2; 443; 620; 631; 747; Extra Session Laws 1961, chapters 28; 80; Laws 1963, chapters 36; 208; 221; 271; 443; 453; 454; 464; 619; 636; 643; 670; 715; Laws 1965, chapters 174; 179; 190; 418; 457; 458; 465; 498; 536; 540; 594; 604; 605; 636; 790; Laws 1967, chapters 644; 678; 702; 708; 730; 732; 736; 751; 775; 783; 798; 807; 816; 848; Laws 1969, chapters 138; 442; 443; 552; 576; 594; 614; 641; 668; 669; 670; 671; 672; 686; 694; 716; 849; 1087; Laws 1971, chapters 51; 178; 407; 549; 614; 807; 809; 810; Extra Session Laws 1971, chapter 41; Laws 1973, chapters 286; 287; 346; 359; 432; 433; 587; Laws 1974, chapters 251; 382; Laws 1975, chapters 120; 121; 127; 254, sections 1, 2, 3, 4, 5, 6; 368, section 54; 389; 408; 423; 424; 425; Laws 1976, chapters 36; 78; 85; 99; 247; Laws 1977, chapters 83; 164, sections 1, 3; 169; 270; 275; 374, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60; 429, section 62; Laws 1978, chapters 563, sections 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30; 579; 648; 690, sections 9, 10; 793, section 96; Laws 1979, chapters 131, section 3; 216, sections 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44; Laws 1980, chapters 341, sections 2, 3, 4, 5, 6, 9, 10; 600, sections 11, 12, 13, 14, 15, 16, 17, 18, 22; 607, article XV, section 23; Laws 1981, chapter 68, sections 31, 32, 33, 34, 35, 36, 37, 41, 42, 43; Laws 1981, chapter 224, sections 236, 237, 239, 240, 243, 244, 247, 248, 252, 253, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 270, 272, 273; Laws 1981, chapter 297, sections 1, 2; Laws 1982, chapters 402; 443; 574, sections 3, 4, 5, 6, 8; 578, article II, section 1, subdivision 8, article III, section 18; 610, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20; Laws 1983, chapters 47; 74; 84, section 1; 291, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; Laws 1984, chapter 574, sections 18, 19, 20, 22, 23, 24, 25, 26, 33; Laws 1985, chapters 259, sections 5, 6; 261, sections 14, 15, 16, 18, 20, 32, 33, 34, 35, 36; Laws 1985, First Special Session chapter 16, article 2, section 6; Laws 1986, chapters 359, sections 22, 23, 24, 25; 458, sections 23, 34; Laws 1987, chapter 372, article 2, sections 7, 8, 9, 10, 12; Laws 1988, chapter 709, articles 8, section 5; 9, section 5; Laws 1989, chapter 319, article 11, sections 2, 3, 4, 12; Laws 1990, chapter 589, article 1, section 7; Laws 1991, chapters 96; 269, article 2, sections 12, 13; Laws 1992, chapters 392, section 1; 393, section 1; 422; 431, section 1; 448; 455; 563, sections 3, 4, 5; 586, section 1; Laws 1993, chapters 72; 110; 112, section 2; 126; 202, article 1; Laws 1994, chapters 409; 410; 474; 490; 541, section 3; Laws 1995, chapter 262, article 10, section 4; Laws 1996, chapter 448, article 2, section 1; Laws 1997, chapter 233, article 1, section 58; Laws 1997, chapter 241, article 2, sections 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 20; Laws 1999, chapter 222, article 3, section 6; Laws 2000, chapter 461, article 10, section 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2984, now on General Orders.

MOTIONS AND RESOLUTIONS

Senators Samuelson, Kinkel, Murphy, Metzen and Sams introduced--

Senate Resolution No. 209: A Senate resolution honoring the servicemen and women who lost their lives during the Bataan assault and those who survived the Bataan Death March and Japanese prisoner-of-war camps on the 60th anniversary of the official surrender and beginning of the Death March.

Senator Hottinger moved that Senate Resolution No. 209 be laid on the table. The motion prevailed.

Senator Stumpf introduced--

Senate Resolution No. 210: A Senate resolution congratulating Northland Community and Technical College of Thief River Falls, 2002 Minnesota Community College Conference Women's Basketball State Champions and National Junior College Athletic Association Division III Women's Basketball Runners Up.

Referred to the Committee on Rules and Administration.

Senator Johnson, Dean introduced--

Senate Resolution No. 211: A Senate resolution congratulating Lowell and Larry Konsterlie of Pennock, Minnesota for being named Farm Family of the Year.

Referred to the Committee on Rules and Administration.

Senator Johnson, Dean introduced--

Senate Resolution No. 212: A Senate resolution honoring Sergeant Vernon Bierbaum of Willmar, Minnesota, for receiving the Chief of Staff Army Supply Excellence Award.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

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

H.F. No. 3203, S.F. No. 2937, H.F. Nos. 2970 and 3183.

SPECIAL ORDER

H.F. No. 3203: A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles and requiring a study; allowing certain transactions with department of public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying certain license plate display requirements; authorizing special veteran and patriot license plates; modifying commercial driver's license exemption for snowplow drivers; providing for driver's license to be issued to legally emancipated minor; modifying commercial driver's license provisions to conform to federal law; exempting certain funds from matching requirements; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 17, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.123, subdivision 2; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.06, by adding a subdivision; 169.26, subdivision 1; 169.28, subdivision 1; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 171.02, subdivisions 1, 5; 171.04, subdivision 1; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; Minnesota Statutes 2001 Supplement, section 115A.908, subdivision 1.

Senator Murphy moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 49, after line 5, insert:

"Sec. 42. Minnesota Statutes 2001 Supplement, section 169.781, subdivision 2, is amended to read:

Subd. 2. [INSPECTION REQUIRED.] It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis, ~~including, but not limited to, a mobile crane, a water well drilling rig, and a concrete placement pumper,~~

unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9."

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 34, line 31, delete "The" and insert "A classified" and after "advertisement" insert "in a print medium"

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 49, after line 31, insert:

"Sec. 45. Minnesota Statutes 2000, section 169.974, subdivision 5, is amended to read:

Subd. 5. [DRIVING RULES.] (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or other cargo which prevent the person from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle may be driven or operated in a manner so as to deprive a motorcycle of the full use of a traffic lane.

(g) A person operating a motorcycle upon a roadway must be granted the rights and is subject to the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Paragraph (e) of this subdivision does not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

(j) When parking on the right-of-way of a street or highway, the motorcycle must be parked completely within the parking spot, if marked. The front of the motorcycle should be pointed or angled toward the roadway as practicable and necessary to allow the operator (1) to view any traffic in both directions of the street or highway without having to move the motorcycle into a lane of traffic and without losing balance or control of the motorcycle and (2) to ride the motorcycle forward and directly into the roadway when sufficiently clear of traffic."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 55, line 33, after the stricken period, insert "All first-time applications and change of status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public."

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 73, after line 15, insert:

"ARTICLE 3

COMMERCIAL VEHICLE ENFORCEMENT

Section 1. 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. 2. 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 ~~no~~ 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. 3. 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 or section 169.781 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. 4. 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. 5. 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. 6. 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 driver is not required to unload under paragraph (b).

Sec. 7. 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), clause (3).

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

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

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

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

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

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

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

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

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

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

(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.

Sec. 9. [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.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Schwab moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 39, after line 25, insert:

"Sec. 21. Minnesota Statutes 2000, section 168A.15, is amended by adding a subdivision to read:

Subd. 4. [MOTORCYCLE WITH NEW ENGINE.] (a) If the commissioner does not require that a new or amended title be issued and stamped as reconstructed or otherwise under this chapter for an automobile being operated with an engine that is not its original engine, then the commissioner shall not require that title issued for a motorcycle being operated with an engine that is not its original engine be stamped or otherwise labeled as reconstructed or otherwise.

(b) This subdivision does not prevent the commissioner from requiring that a new application be completed according to section 168A.04 and be filed with the commissioner. Upon receipt of the completed application and the old title, the commissioner shall issue another certificate of title, which must list the engine number, for the motorcycle with the nonoriginal engine."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 24, after the second semicolon, insert "168A.15, by adding a subdivision;"
The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 11, after line 5, insert:

"Sec. 8. [168.1255] [SPECIAL VETERAN CONTRIBUTION LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The registrar shall issue special veteran contribution license plates to an applicant who:

(1) is a veteran, as defined in section 197.447;

(2) is an owner or joint owner of a passenger automobile, pickup truck, or van;

(3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

(4) pays the registration tax required under section 168.013;

(5) pays the fees required under this chapter;

(6) pays an additional one-time World War II memorial contribution of \$30, which the department shall retain until all start-up costs associated with the development and issuing of the plates have been recovered, after which the commissioner shall deposit contributions in the World War II donation match account; and

(7) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. [DESIGN.] The commissioner of veterans affairs shall design the special plates, subject to the approval of the registrar, that satisfy the following requirements:

the special veteran contribution plates must bear the inscription "PROUD TO BE A VETERAN" on the bottom of the plate, and the flag of the United States of America must appear on the left side of the plate just preceding the first letter or numeral of the special license plate number.

Subd. 3. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 4. [FEES CREDITED.] The fees collected under this section must be deposited in the state treasury and credited to the highway user tax distribution fund. Fees collected under this section do not include the contributions collected for the World War II memorial donation match account.

Subd. 5. [RECORD.] The registrar shall maintain a record of the number of special plates issued under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Cohen moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 1, after line 43, insert:

"Section 1. Minnesota Statutes 2000, section 16B.27, subdivision 1, is amended to read:

Subdivision 1. [USE.] The governor's residence must be used for official ceremonial functions of the state, and to provide suitable living quarters for the governor of the state. If the governor chooses not to live in the residence, it must be kept open for tours by the public and for official ceremonies as needed. Notwithstanding the departure of the governor, security at the residence must continue to be provided by the commissioner of public safety."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Cohen amendment to H.F. No. 3203 as follows:

Page 1, line 14, delete "departure" and insert "residency"

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

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

Senator Kiscaden moved to amend H.F. No. 3203, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3233.)

Page 73, after line 12, insert:

"Sec. 23. [299A.53] [TOWING SERVICES; OPERATOR TRAINING CERTIFICATION.]

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3203 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson

Bachmann

Belanger

Berg

Berglin

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

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

SPECIAL ORDER

S.F. No. 2937: A bill for an act relating to the environment; further clarifying the statute of limitations for actions to recover response costs under the Minnesota Environmental Response and Liability Act; amending Minnesota Statutes 2000, section 115B.11, by adding subdivisions.

CALL OF THE SENATE

Senator Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 2937. The Sergeant at Arms was instructed to bring in the absent members.

Senator Neuville moved to amend S.F. No. 2937 as follows:

Page 1, lines 10 and 25, delete "3a" and insert "2a"

Page 2, line 10, delete "3a" and insert "2a"

The motion prevailed. So the amendment was adopted.

S.F. No. 2937 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 38 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Marty	Pogemiller	Scheid
Bachmann	Johnson, Doug	Metzen	Price	Solon, Y.P.
Chaudhary	Kelley, S.P.	Moe, R.D.	Ranum	Stumpf
Cohen	Kinkel	Moua	Rest	Tomassoni
Foley	Kleis	Murphy	Ring	Wiener
Fowler	Krentz	Neuville	Sabo	Wiger
Frederickson	Langseth	Oliver	Sams	
Higgins	Lourey	Ourada	Samuelson	

Those who voted in the negative were:

Belanger	Fischbach	Larson	Pariseau	Schwab
Berg	Johnson, Debbie	Lesewski	Reiter	Terwilliger
Betzold	Kierlin	Lessard	Robertson	Vickerman
Day	Kiscaden	Limmer	Robling	
Dille	Knutson	Olson	Scheevel	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Samuelson moved that Senate Resolution No. 209 be taken from the table. The motion prevailed.

Senate Resolution No. 209: A Senate resolution honoring the servicemen and women who lost their lives during the Bataan assault and those who survived the Bataan Death March and Japanese prisoner-of-war camps on the 60th anniversary of the official surrender and beginning of the Death March.

WHEREAS, the Japanese attack on the Phillippines began on December 8, 1941; and

WHEREAS, American and Filipino troops fought against round-the-clock bombardments by the Japanese and worked hard to hold the battle front; and

WHEREAS, after more than 23,000 troops died during the 98-day battle, including members of Company A 194th Tank Battalion of the Minnesota National Guard, the gallant U.S. and Philippine forces surrendered on April 9, 1942; and

WHEREAS, April 9, 1942, marked the beginning of the infamous Bataan Death March which led to Japanese prison camps; and

WHEREAS, legislation was approved during the 2001 Legislative Session to mount a Bataan Memorial Plaque on the Wall of Honor on the Minnesota State Capitol grounds to commemorate the hundreds of men and women who served on Bataan; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it recognizes April 9, 2002, as the 60th anniversary of the fall of Bataan and the beginning of the Death March.

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.

Senator Samuelson moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

Senator Reiter 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**SPECIAL ORDER**

H.F. No. 2970: A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of employees for operations and maintenance of a certain off-highway vehicle recreation area; providing that a certain speed limit set by rule for waters of the state does not apply in certain circumstances to snowmobiles; exempting all-terrain vehicles used exclusively on owners' or drivers' property from registration; authorizing the commissioner of natural resources to use grant money for snowmobile trail grooming equipment reimbursement; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, sections 84.025, by adding a subdivision; 84.87, by adding a subdivision; 84.922, subdivision 1a.

Senator Stumpf moved to amend H.F. No. 2970, as amended pursuant to Rule 45, adopted by the Senate April 4, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3010.)

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 84.025, is amended by adding a subdivision to read:

Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC PURPOSES.] All snowmobiles and outboard motors that are purchased by the commissioner of natural resources must be of the four-stroke engine model. All all-terrain vehicles purchased by the commissioner must be manufactured in the state of Minnesota.

Sec. 2. [PUBLIC USE OF RECREATIONAL AREAS; RULES.]

(a) The commissioner of natural resources shall amend the permanent rules relating to public use of recreational areas, Minnesota Rules, parts 6100.0100 to 6100.2400, according to this section and pursuant to Minnesota Statutes, section 14.388.

(b) Minnesota Rules, part 6100.1950, subpart 1, item A, shall be amended to read: "A. On forest lands classified as managed, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed and in areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part."

(c) Minnesota Rules, part 6100.1950, subpart 1, item B, shall be amended to read: "B. On forest lands classified as limited, a person may operate a motor vehicle only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part."

(d) Minnesota Rules, part 6100.1950, subpart 7, item D, shall be amended to read: "D. Except as provided in item C, on forest lands classified as managed or limited, a person may use an ATV off forest trails in a manner consistent with this subpart when lawfully:

(1) engaged in hunting big game or constructing hunting stands during October, November, and December;

(2) retrieving big game during September; or

(3) trapping during open seasons."

(e) Minnesota Rules, part 6100.1950, subpart 7, shall be amended by adding a new item F to read: "F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes."

(f) Minnesota Rules, part 6100.1950, subpart 7, shall be amended by adding a new item G to read: "G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands."

Sec. 3. [IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA.]

Notwithstanding Laws 2002, chapter 220, article 10, section 38, the commissioner may hire employees for the operations and maintenance of the Iron Range off-highway vehicle recreation area using money appropriated for this purpose in Laws 2001, First Special Session chapter 2, section 5, subdivision 6.

Sec. 4. [SNOWMOBILE TRAILS AND ENFORCEMENT ACCOUNT; AUTHORIZATION.]

Upon a showing of need, the commissioner of natural resources may use up to 50 percent of a snowmobile maintenance and grooming grant under Minnesota Statutes, section 84.83, that was available as of December 31, 2001, to reimburse the intended recipient for the actual cost of snowmobile trail grooming equipment to be used for grant-in-aid trails. The costs must be incurred between July 1, 2001, and May 1, 2002, and recipients must provide acceptable documentation of the costs to the commissioner. All applications for reimbursement under this section must be received no later than September 1, 2002."

Page 1, after line 17, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 2 to 4 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Stumpf amendment to H.F. No. 2970 as follows:

Page 2, line 28, delete "the actual cost" and insert "expenses incurred in the purchase or lease"

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

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

H.F. No. 2970 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 3183: A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; prohibiting tampering with farm tractor clock-hour meters; prescribing civil and criminal penalties; authorizing the northern counties land use coordinating board to initiate a land use management pilot project; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18B.37, subdivisions 2, 5; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046,

subdivision 2; Laws 2001, chapter 206, section 14; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Murphy moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Pages 3 and 4, delete section 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ourada moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 16, insert:

"Sec. 19. [SEASONAL AGRICULTURAL OPERATIONS; MANUFACTURED HOMES PARK EXCLUSION.]

Notwithstanding Minnesota Statutes, section 327.14, subdivision 3, the term "manufactured home park" does not include up to four manufactured homes located on premises associated with a seasonal agricultural operation that:

(1) are used exclusively to house labor or other personnel employed at the operation; and

(2) meet the standards established in Minnesota Rules, part 4715.0310.

This section is effective the day following final enactment and expires July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Marty questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Murphy moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 4, line 32, after "not" insert "knowingly"

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 4, after line 30, insert:

"Sec. 8. [18C.109] [PREEMPTION OF LOCAL LAW; AGRICULTURAL USE FERTILIZERS.]

Except as specifically provided in this chapter, a local unit of government may not adopt any

ordinance, regulate, or in any way restrict the distribution, sale, handling, use, or application of fertilizer, fertilizer products, plant amendments, or any other plant food that is applied or will be applied to land used for growing crops or any other agricultural use. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal."

Page 10, line 18, delete "Section 18 is" and insert "Sections 8 and 19 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on H.F. No. 3183. The Sergeant at Arms was instructed to bring in the absent members.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Johnson, Doug moved that the following members be excused for a Conference Committee on H.F. No. 3270 at 3:00 p.m.:

Senators Johnson, Doug; Berglin; Pogemiller; Price and Day. The motion prevailed.

Senator Sams moved to amend the third Murphy amendment to H.F. No. 3183 as follows:

Page 1, line 9, after "chapter" insert "and chapter 116"

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

Senator Murphy moved to amend the third Murphy amendment to H.F. No. 3183 as follows:

Page 1, line 16, after the second comma, insert "public health and safety,"

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

Senator Frederickson moved to amend the third Murphy amendment to H.F. No. 3183 as follows:

Page 1, line 12, after the first "fertilizer" insert ", other than anhydrous ammonia"

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

Senator Murphy withdrew his third amendment.

Senator Dille moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 16, insert:

"Sec. 19. [FARM SAFETY AND HEALTH PROGRAM; APPROPRIATION AVAILABILITY.]

The encumbered balance on April 1, 2002, of the appropriation for a farm safety and health program grant to the Minnesota extension service in Laws 1999, chapter 231, section 11, subdivision 3, is available until June 30, 2002."

Page 10, line 18, delete "Section 18 is" and insert "Sections 18 and 19 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dille then moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 5, insert:

"Sec. 17. [41B.049] [METHANE DIGESTER LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The authority shall establish and implement a methane digester loan program to help finance the purchase of necessary equipment and the construction of a system that will utilize manure to produce electricity.

Subd. 2. [REVOLVING FUND.] There is established in the state treasury a revolving fund, which is eligible to receive appropriations and the transfer of funds from other services. All repayments of financial assistance granted under subdivision 1, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the manure digester loan program, including costs incurred by the authority to establish and administer the program.

Subd. 3. [ELIGIBILITY.] Notwithstanding section 41B.03, to be eligible for a loan under this section a borrower must:

- (1) locate the projects and utilize the equipment and practices on land located in Minnesota;
- (2) provide evidence of financial stability;
- (3) demonstrate an ability to repay the loan; and
- (4) provide evidence that the practices implemented and capital assets purchased will be properly managed and maintained.

Subd. 4. [LOANS.] (a) The authority may make a direct loan or participate in a loan with an eligible lender to a farmer who is eligible under subdivision 3. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan. The authority's interest rate for a direct loan or a loan participation must not exceed four percent.

(b) Application for a direct loan or a loan participation must be made on forms prescribed by the authority.

(c) Standards for loan amortization shall be set by the rural finance authority not to exceed ten years.

(d) Security for the loans must be a personal note executed by the borrower and whatever other security is required by the eligible lender or the authority.

(e) No loan proceeds may be used to refinance a debt existing prior to application.

(f) The authority may impose a reasonable nonrefundable application fee for each application for a direct loan or a loan participation. The authority may review the application fees annually and make adjustments as necessary. The application fee is initially set at \$100 for a loan under subdivision 1. The fees received by the authority must be deposited in the revolving fund created in subdivision 2.

Subd. 5. [LOAN CRITERIA.] (a) To be eligible, a borrower must be a resident of Minnesota or an entity that is not prohibited from owning agricultural land under section 500.24.

(b) State participation in a participation loan is limited to 45 percent of the principal amount of the loan. A direct loan or loan participation may not exceed \$250,000.

(c) Loans under this program may be used as a match for federal loans or grants.

(d) A borrower who has previously received a loan under subdivision 1 is prohibited from receiving another methane digester loan under subdivision 1."

Page 10, after line 16, insert:

"Sec. 20. [TRANSFER OF FUNDS; DEPOSIT OF REPAYMENTS.]

The remaining balance in the revolving account in Minnesota Statutes, section 17.115, that is dedicated to manure digester loans under Minnesota Statutes, section 17.115, subdivision 5, shall be transferred to the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2, on the effective date of this section. Notwithstanding Minnesota Statutes, section 17.115, and Laws 2002, chapter 220, article 9, section 7, all future receipts from manure digester loans originated under Minnesota Statutes, section 17.115, and from disaster recovery loans, under Minnesota Statutes, section 41B.047, shall be deposited in the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2.

Sec. 21. [UNIVERSITY OF MINNESOTA.]

Notwithstanding the restrictions in Minnesota Statutes, section 41B.049, subdivision 4, the commissioner may participate in a zero interest loan to the University of Minnesota for up to \$100,000 for purchase of a methane digester under Minnesota Statutes, section 41B.049, subdivision 1."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dille then moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 5, after line 7, insert:

"Sec. 9. Minnesota Statutes 2000, section 18E.02, is amended by adding a subdivision to read:

Subd. 5a. [EMERGENCY INCIDENT.] "Emergency incident" means an incident resulting from a flood, fire, tornado, transportation accident, storage container rupture, or other event as determined by the commissioner that immediately, uncontrollably, and unpredictably releases agricultural chemicals into the environment and that may cause unreasonable adverse effects on the public health or the environment.

Sec. 10. Minnesota Statutes 2000, section 18E.03, subdivision 4, is amended to read:

Subd. 4. [FEE.] (a) The response and reimbursement fee consists of the surcharges and any adjustments made by the commissioner in this subdivision and shall be collected by the commissioner. The amount of the response and reimbursement fee shall be determined and imposed annually by the commissioner as required to satisfy the requirements in subdivision 3. The commissioner shall adjust the amount of the surcharges imposed in proportion to the amount of the surcharges listed in this subdivision. License application categories under paragraph (d) must be charged in proportion to the amount of surcharges imposed up to a maximum of 50 percent of the license fees set under chapters 18B and 18C.

(b) The commissioner shall impose a surcharge on pesticides registered under chapter 18B to be collected as a surcharge on the registration application fee under section 18B.26, subdivision 3,

that is equal to 0.1 percent of sales of the pesticide in the state and sales of pesticides for use in the state during the previous calendar year, except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants as determined by the commissioner. No surcharge is required if the surcharge amount based on percent of annual gross sales is less than \$10. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under section 18B.26, subdivision 3, paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the surcharge in this paragraph if the registrant properly documents the sale location and the distributors.

(c) The commissioner shall impose a ten cents per ton surcharge on the inspection fee under section 18C.425, subdivision 6, for fertilizers, soil amendments, and plant amendments.

(d) The commissioner shall impose a surcharge on the license application of persons licensed under chapters 18B and 18C consisting of:

(1) a \$75 surcharge for each site where pesticides are stored or distributed, to be imposed as a surcharge on pesticide dealer application fees under section 18B.31, subdivision 5;

(2) a \$75 surcharge for each site where a fertilizer, plant amendment, or soil amendment is distributed, to be imposed on persons licensed under sections 18C.415 and 18C.425;

(3) a \$50 surcharge to be imposed on a structural pest control applicator license application under section 18B.32, subdivision 6, for business license applications only;

(4) a \$20 surcharge to be imposed on commercial applicator license application fees under section 18B.33, subdivision 7;

(5) a \$20 surcharge to be imposed on noncommercial applicator license application fees under section 18B.34, subdivision 5, except a surcharge may not be imposed on a noncommercial applicator that is a state agency, political subdivision of the state, the federal government, or an agency of the federal government; and

(6) a \$20 surcharge to be imposed on aquatic pest control licenses under section 18B.315.

(e) A \$1,000 fee shall be imposed on each site where pesticides are stored and sold for use outside of the state unless:

(1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or

(2) the registrant pays the surcharge under paragraph (b) and the registration fee under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for use outside of the state.

(f) Paragraphs (c) to (e) apply to sales, licenses issued, applications received for licenses, and inspection fees imposed on or after July 1, 1990.

Sec. 11. Minnesota Statutes 2001 Supplement, section 18E.04, subdivision 2, is amended to read:

Subd. 2. [PAYMENT OF CORRECTIVE ACTION COSTS.] (a) On request by an eligible person, the board may pay the eligible person for the reasonable and necessary cash disbursements for corrective action costs incurred by the eligible person as provided under subdivision 4 if the board determines:

(1) the eligible person pays the first \$1,000 of the corrective action costs;

(2) the eligible person provides the board with a sworn affidavit and other convincing evidence that the eligible person is unable to pay additional corrective action costs;

(3) the eligible person continues to assume responsibility for carrying out the requirements of corrective action orders issued to the eligible person or that are in effect;

(4) the incident was reported as required in chapters 18B, 18C, and 18D; and

(5) the eligible person submits an application for payment or reimbursement to the department within three years of (i) incurring eligible corrective action costs, or (ii) approval of a corrective action report design, whichever is later.

(b) The eligible person must submit an application for payment or reimbursement of eligible cost incurred prior to July 1, 2001, no later than June 1, 2004.

(c) An eligible person is not eligible for payment or reimbursement and must refund amounts paid or reimbursed by the board if false statements or misrepresentations are made in the affidavit or other evidence submitted to the commissioner to show an inability to pay corrective action costs.

(d) The board may pay the eligible person and one or more designees by multiparty check.

Sec. 12. Minnesota Statutes 2000, section 18E.04, subdivision 3, is amended to read:

Subd. 3. [PARTIAL REIMBURSEMENT.] (a) If the unencumbered balance of the account drops below \$2,000,000, the board may only pay or reimburse an eligible person up to \$100,000 within the same fiscal year.

(b) If the board determines that an incident was caused by a violation of chapter 18B, 18C, or 18D, the board may reimburse or pay a portion of the corrective action costs of the eligible person based on the culpability of the eligible person and the percentage of the costs not attributable to the violation.

Sec. 13. Minnesota Statutes 2001 Supplement, section 18E.04, subdivision 4, is amended to read:

Subd. 4. [REIMBURSEMENT PAYMENTS.] (a) The board shall pay a person that is eligible for reimbursement or payment under subdivisions 1, 2, and 3 from the agricultural chemical response and reimbursement account for:

~~(1) 90 percent of the total reasonable and necessary corrective action costs greater than \$1,000 and less than or equal to \$200,000;~~

~~(2) 80 percent of the total reasonable and necessary corrective action costs greater than \$200,000 but less than or equal to \$300,000; and~~

~~(3) 60 percent of the total reasonable and necessary corrective action costs greater than \$300,000 but less than or equal to \$350,000.~~

(b) A reimbursement or payment may not be made until the board has determined that the costs are reasonable and are for a reimbursement of the costs that were actually incurred.

(c) The board may make periodic payments or reimbursements as corrective action costs are incurred upon receipt of invoices for the corrective action costs.

(d) Money in the agricultural chemical response and reimbursement account is appropriated to the commissioner to make payments and reimbursements directed by the board under this subdivision.

(e) The board may not make reimbursement greater than the maximum allowed under paragraph (a) for all incidents on a single site which:

(1) were not reported at the time of release but were discovered and reported after July 1, 1989; and

(2) may have occurred prior to July 1, 1989, as determined by the commissioner.

(f) The board may only reimburse an eligible person for separate incidents within a single site if the commissioner determines that each incident is completely separate and distinct in respect of location within the single site or time of occurrence.

(g) Except for an emergency incident, the board may not reimburse or pay for more than 60 percent of the corrective action costs of an eligible person or for an incident within five years of a previous incident at a single site resulting from a site recontamination, as determined by the commissioner.

Sec. 14. Minnesota Statutes 2000, section 18E.04, is amended by adding a subdivision to read:

Subd. 4a. [MAXIMUM ELIGIBLE SINGLE SITE COSTS.] The board may only reimburse or pay an eligible person for eligible corrective action costs up to a maximum of \$350,000 for a single site except for emergency incidents.

Sec. 15. Minnesota Statutes 2000, section 18E.06, is amended to read:

18E.06 [REPORT.]

By ~~September~~ December 1 of each year, the agricultural chemical response compensation board and the commissioner shall submit to the house of representatives committee on ways and means, the senate committee on finance, the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture, and the environmental quality board a report detailing the activities and reimbursements for which money from the account has been spent during the previous year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved that H.F. No. 3183 be laid on the table. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Kelley, S.P. moved that the following members be excused for a Conference Committee on S.F. No. 2908 at 4:00 p.m.:

Senators Kelley, S.P.; Foley and Limmer. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

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. 2650: A bill for an act relating to financial institutions; modifying regulation of credit unions; amending Minnesota Statutes 2000, sections 52.02, subdivisions 2, 3; 52.04, subdivision

3; 52.05, subdivisions 1, 2; 52.09, subdivision 3; 52.12; 52.15, subdivision 1; 52.19, subdivision 2; Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 52.

Senate File No. 2650 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 2002

CONCURRENCE AND REPASSAGE

Senator Samuelson moved that the Senate concur in the amendments by the House to S.F. No. 2650 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2650 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Dean	Lessard	Price	Scheid
Berg	Johnson, Debbie	Limmer	Ranum	Schwab
Betzold	Kierlin	Lourey	Reiter	Stumpf
Chaudhary	Kinkel	Marty	Rest	Terwilliger
Cohen	Kiscaden	Metzen	Ring	Tomassoni
Dille	Kleis	Moe, R.D.	Robertson	Vickerman
Fischbach	Knutson	Moua	Robling	Wiener
Fowler	Krentz	Murphy	Sabo	Wiger
Frederickson	Langseth	Neuville	Sams	
Higgins	Larson	Ourada	Samuelson	
Hottinger	Lesewski	Pariseau	Scheevel	

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. 3238: A bill for an act relating to nonprofit corporations; neighborhood organizations; providing options regarding the election of directors, voting rights, and meeting notice requirements; amending Minnesota Statutes 2000, sections 317A.435, by adding a subdivision; 317A.437, by adding a subdivision; 317A.439, by adding a subdivision; 317A.441.

Senate File No. 3238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 2002

CONCURRENCE AND REPASSAGE

Senator Ranum moved that the Senate concur in the amendments by the House to S.F. No. 3238 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3238 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 49 and nays 3, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Dean	Lesewski	Price	Scheevel
Berg	Johnson, Debbie	Lessard	Ranum	Scheid
Betzold	Kierlin	Lourey	Reiter	Schwab
Chaudhary	Kinkel	Marty	Rest	Stumpf
Cohen	Kiscaden	Metzen	Ring	Terwilliger
Dille	Kleis	Moe, R.D.	Robertson	Tomassoni
Fischbach	Knutson	Moua	Robling	Vickerman
Fowler	Krentz	Murphy	Sabo	Wiener
Frederickson	Langseth	Neuville	Sams	Wiger
Higgins	Larson	Ourada	Samuelson	

Those who voted in the negative were:

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Langseth moved that H.F. No. 197 and the veto message thereon be taken from the table. The motion prevailed.

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

VETO RECONSIDERATION

Senator Langseth moved that H.F. No. 197 be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

CALL OF THE SENATE

Senator Langseth imposed a call of the Senate for the balance of the proceedings on H.F. No. 197. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Langseth motion.

The roll was called, and there were yeas 53 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann

Berglin

Limmer

Neuville

Ourada

The motion prevailed. So the bill was repassed and its title was agreed to, the objections of the Governor notwithstanding.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3163: Senators Betzold, Cohen and Robertson.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Sams introduced--

S.F. No. 3459: A bill for an act relating to levy limits; allowing a special levy for out-of-home placements; amending Minnesota Statutes 2001 Supplement, section 275.70, subdivision 5.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senator Stevens was excused from the Session of today from 12:00 noon to 12:45 and at 1:30 p.m. Senators Johnson, Dean and Moe, R.D. were excused from the Session of today from 12:00 noon to 1:15 p.m. Senator Samuelson was excused from the Session of today from 12:00 noon to 1:15 p.m. and 2:15 to 2:45 p.m. Senator Wiger was excused from the Session of today from 12:30 to 1:00 p.m. Senator Solon, Y.P. was excused from the Session of today at 3:45 p.m. Senator Oliver was excused from the Session of today from 3:45 to 4:15 p.m. Senator Olson was excused from the Session of today at 3:50 p.m. Senator Anderson was excused from the Session of today at 4:00 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Thursday, April 11, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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