

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

 ONE HUNDRED THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 29, 2002

The House of Representatives convened at 3:00 p.m. and was called to order by Speaker pro tempore Boudreau.

Prayer was offered by Representative Gary W. Kubly, District 15B, Granite Falls, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

The Speaker assumed the Chair.

Holberg and Tingelstad were excused.

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

REPORTS OF CHIEF CLERK

S. F. No. 1755 and H. F. No. 1868, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davids moved that the rules be so far suspended that S. F. No. 1755 be substituted for H. F. No. 1868 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 24, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 2473, relating to anatomical gifts; making certain changes to driver's license applications; specifying intent and consent requirements for anatomical gift designations.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
2460		348	1:50 p.m. April 24	April 24
	2473	349	1:55 p.m. April 24	April 24

Sincerely,

MARY KIFFMEYER
Secretary of State

SECOND READING OF SENATE BILLS

S. F. No. 1755 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kahn introduced:

H. F. No. 3718, A bill for an act relating to alcoholic beverages; authorizing Minneapolis to issue an on-sale wine license and on-sale malt beverage license to the Southern Theatre; amending Minnesota Statutes 2001 Supplement, section 340A.404, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Finseth introduced:

H. F. No. 3719, A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee:

Senators Neuville, Betzold and Hottinger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the following change in the membership of the Conference Committee on S. F. No. 3024:

The name of Metzen has been stricken and the name of Sams has been added.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2392, A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11,

subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Metzen; Kelley, S. P., and Ourada.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osskopp moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2392. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2598, A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cassell moved that the House refuse to concur in the Senate amendments to H. F. No. 2598, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration S. F. No. 2989:

S. F. No. 2989, A bill for an act relating to corrections; clarifying mandatory sentences for driving while impaired offenders; enhancing offender accountability by requiring offender co-payment of certain sex offender treatment fees; authorizing an independent, contracted, board-certified forensic pathologist to sign the record of death on department incarcerated deaths; amending Minnesota Statutes 2000, section 241.67, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 169A.276, subdivision 1; 390.23.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fuller moved that the House accede to the request of the Senate for the return of S. F. No. 2989, for further consideration by the Senate. The motion prevailed.

CALENDAR FOR THE DAY

S. F. No. 2986 was reported to the House.

Slawik moved to amend S. F. No. 2986 as follows:

Page 1, after line 19, insert:

"Sec. 2. [123B.7493] [STUDENT-ON-STUDENT ABUSE IN A SCHOOL ZONE.]

Subdivision 1. [SCHOOL ZONE.] For the purposes of this section, "school zone" has the same meaning as in section 152.01, subdivision 14a.

Subd. 2. [REPORTING POLICY.] To the extent applicable, school officials must use the requirements under section 121A.03, subdivision 2, to develop and implement a policy for reporting student-on-student abuse that is occurring or has occurred in a school zone.

Subd. 3. [POLICY PROVISIONS.] (a) Consistent with the applicable requirements under subdivision 2, and section 626.556, a school board must adopt a written policy prohibiting student-on-student abuse, including at least:

(1) student-on-student sexual abuse, consistent with the definition of "sexual abuse" under section 626.556, subdivision 2, paragraph (a); and

(2) student-on-student physical assault or battery, consistent with the definition of assault in sections 609.221, subdivision 1; 609.222, subdivision 1; 609.223, subdivision 1; and 609.2231.

(b) The policy must require a teacher, administrator, or other school personnel who knows or has reason to believe that student-on-student abuse is occurring or has occurred in a school zone to report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff immediately after learning the information.

(c) The policy must encourage a student who knows or has reason to believe that student-on-student abuse is occurring or has occurred in a school zone to report the information to a teacher, school administrator, or other school personnel immediately after learning the information.

(d) For the purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.

Subd. 4. [POLICY SUBMITTED TO COMMISSIONER.] Each school board must submit to the commissioner a copy of the student-on-student abuse policy that the board has adopted under subdivision 3.

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

Amend the title accordingly

A roll call was requested and properly seconded.

Wolf moved that S. F. No. 2986 be returned to the General Register. The motion prevailed.

S. F. No. 2738 was reported to the House.

Holsten moved to amend S. F. No. 2738 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2973, the second engrossment:

"Section 1. Minnesota Statutes 2000, section 84.153, is amended to read:

84.153 [PROPERTY; LEASING, RENTING.]

(a) The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as the commissioner may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months written notice. All money received from these leases shall be credited to the fund from which the property was acquired, except an amount equal to the cost of maintenance of the leased property shall be credited to the fund charged with the cost of maintenance. Money credited for leased property maintenance is appropriated to the commissioner for that purpose.

(b) The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time the lessee's services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

(c) All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

(d) Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee.

Sec. 2. Minnesota Statutes 2000, section 84.975, is amended by adding a subdivision to read:

Subd. 4. [AQUATIC PLANT GRANTS.] The commissioner may make grants for aquatic plant restoration projects, research, and propagation.

Sec. 3. Minnesota Statutes 2000, section 85.054, is amended by adding a subdivision to read:

Subd. 9. [LAKE BEMIDJI STATE PARK.] A state park permit is not required and a fee may not be charged for motor vehicle entry to, use of roads to, or parking at the department of natural resources regional headquarters portion of Lake Bemidji state park.

Sec. 4. Minnesota Statutes 2000, section 97A.055, is amended by adding a subdivision to read:

Subd. 2a. [FEDERAL AID DISPOSITION.] (a) Federal aid reimbursements under the Federal Aid in Wildlife Restoration Act, United States Code, title 16, sections 669 to 669i, shall be deposited in the game and fish fund.

(b) Federal aid reimbursements under the Federal Aid in Fish Restoration Act, United States Code, title 16, sections 777 to 777k, shall be deposited in the game and fish fund.

Sec. 5. [97A.057] [FEDERAL LAW COMPLIANCE; RESTRICTION ON LICENSE REVENUE.]

Subdivision 1. [COMPLIANCE WITH FEDERAL LAW.] The commissioner shall take any action necessary to comply with the Federal Aid in Wildlife Restoration Act, United States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act, United States Code, title 16, sections 777 to 777k.

Subd. 2. [RESTRICTION ON LICENSE REVENUE.] Money accruing to the state from fees charged for hunting and angling licenses shall not be used for any purpose other than game and fish activities and related activities under the administration of the commissioner.

Sec. 6. Laws 2001, First Special Session chapter 2, section 5, subdivision 2, is amended to read:

Subd. 2. Land and Mineral Resources Management

	7,079,000	7,273,000
	Summary by Fund	
General	6,500,000	6,679,000
Natural Resources	152,000	156,000
Game and Fish	427,000	438,000

\$307,000 the first year and \$308,000 the second year are for iron ore cooperative research, of which \$200,000 the first year and \$200,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$370,000 the first year and \$372,000 the second year are for mineral diversification.

\$100,000 the first year and \$101,000 the second year are for minerals cooperative environmental research, of which \$50,000 the first year and \$50,500 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

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

Sec. 7. Laws 2001, First Special Session chapter 2, section 5, subdivision 5, is amended to read:

Subd. 5. Parks and Recreation Management

	40,295,000	41,218,000
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Summary by Fund

General	23,452,000	24,023,000
Natural Resources	16,843,000	17,195,000

\$638,000 the first year and \$640,000 the second year are from the water recreation account in the natural resources fund for state park development projects. If the appropriation in either year is insufficient, the appropriation for the other year is available for it.

\$4,000,000 the first year and \$4,000,000 the second year are for payment of a grant to the metropolitan council for metropolitan area regional parks maintenance and operations. The portion of this appropriation allocated to the Minneapolis park and recreation board includes money for the Bassett's Creek trail to connect the Cedar Lake trail and the Luce Line trail.

\$247,000 the first year and \$253,000 the second year are for state forest campground operations.

\$4,103,000 the first year and \$4,453,000 the second year are from the natural resources fund for state park and recreation area operations and acquisition. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2). Of this amount:

- (1) \$1,805,000 the first year and \$1,805,000 the second year are to restore camping and day use in state parks, make camping available in the spring and fall, provide maintenance to the facilities and security for park visitors, and partially fund winter operations;
- (2) \$280,000 the first year and \$290,000 the second year are to fund state park emergency maintenance projects;
- (3) \$413,000 the first year and \$413,000 the second year are to fund state park resource management activities;
- (4) \$185,000 the first year is to fund the purchase of the campground manager/point-of-sale system for 28 state parks;
- (5) \$100,000 the first year and \$100,000 the second year are to make improvements to the state park Web site and provide additional state park informational brochures and more state park maps;
- (6) \$50,000 the first year and \$50,000 the second year are to replace computers in the field and regional office locations according to department standards;
- (7) \$75,000 the first year is to complete master plans for both Big Bog and Red River state recreation areas;

(8) ~~\$600,000~~ \$200,000 the second year is for operating costs, including fisheries management, of the Red River state recreation area;

(9) \$200,000 the first year and ~~\$200,000~~ \$100,000 the second year are for operating costs of the Big Bog state recreation area; ~~and~~

(10) \$995,000 the first year ~~and \$995,000 the second year are~~ is for acquisition of in-holdings for state parks and recreation areas; and

(11) \$1,495,000 the second year is for state park operations.

The appropriations in clauses (2) to ~~(10)~~ (11) are one-time appropriations.

\$4,130,000 the first year and \$5,130,000 the second year are from the natural resources fund for a grant to the metropolitan council for metropolitan area regional parks and trails maintenance and operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3). The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 30, 2004.

\$1,000,000 the first year is from the natural resources fund for a grant to the city of St. Paul to restore East Como Lake trail and lakeshore in Como Park. The money is available until expended. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3).

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

Sec. 8. Laws 2001, First Special Session chapter 2, section 5, subdivision 6, is amended to read:

Subd. 6. Trails and Waterways Management

	19,263,000	19,616,000
	Summary by Fund	
General	2,053,000	2,083,000
Natural Resources	16,315,000	16,223,000
Game and Fish	895,000	1,310,000

\$4,424,000 the first year and \$4,424,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid.

\$600,000 each year is dedicated to the grant-in-aid system from the snowmobile trails and enforcement account in the natural resources fund made available by the increase to one percent in the unrefunded gas tax for snowmobile activity.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2003, for the snowmobile, all-terrain vehicle, off-highway vehicle, and off-road vehicle grants in this subdivision are available until June 30, 2004.

\$259,000 the first year and \$261,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior.

\$852,000 the first year and \$852,000 the second year are from the natural resources fund for state trail operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2). This is a one-time appropriation.

\$684,000 the first year and \$684,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4). This is a one-time appropriation. The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 3, 2004.

The appropriation from the general fund of \$1,400,000 authorized in Laws 1998, chapter 404, section 7, subdivision 26, for Skunk Hollow trail in Yellow Medicine and Chippewa counties is reappropriated for the purpose of developing the Minnesota River trail under Minnesota Statutes, section 85.015, subdivision 22.

\$300,000 the first year and \$300,000 the second year are from the water recreation account in the natural resources fund for preconstruction, acquisition, and staffing needs for the Mississippi Whitewater trail authorized by Minnesota Statutes, section 85.0156. This is a one-time appropriation.

\$150,000 the first year is from the water recreation account in the natural resources fund for necessary improvements and repairs at the Knife river harbor of refuge and marina. This appropriation is available until spent.

\$100,000 the first year is from the water recreation account in the natural resources fund for an inventory of the Red River of the North, to make recommendations to the legislature on the cost of improvements necessary for the canoe and boating route on the river, and for mapping and signing the lower portion of the river from Breckenridge to Georgetown.

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

Sec. 9. Laws 2001, First Special Session chapter 2, section 5, subdivision 7, is amended to read:

Subd. 7. Fish Management

	27,692,000	28,948,000
	Summary by Fund	
General	646,000	660,000
Natural Resources	191,000	197,000
Game and Fish	26,855,000	28,091,000

\$222,000 the first year and \$227,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$84,000 the first year and \$85,000 the second year are from the game and fish fund.

\$303,000 the first year and \$311,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2.

\$666,000 the first year and \$671,000 the second year are from the trout and salmon management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 3.

\$205,000 the first year and \$207,000 the second year are available for aquatic plant restoration.

\$4,735,000 the first year and \$5,451,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Of this amount:

(1) \$1,980,000 the first year and \$1,980,000 the second year are to carry out projects such as installing lake aeration systems, removing access barriers for physically disabled anglers, building fishing piers, modifying dams, constructing rough fish barriers, conducting creel surveys, improving streams, improving spawning areas, repairing hatcheries and rearing ponds, stabilizing lake shorelines, and acquiring aquatic management areas and trout stream easements; and to provide field offices with some discretionary money for local habitat improvements and restorations in partnership with local stakeholders and other department units, for lake and stream surveys and assessments, and for equipment to do field projects;

(2) \$250,000 the first year and \$250,000 the second year are to provide more fishing opportunities for children and other anglers on small lakes and ponds in the Twin Cities metropolitan area;

- (3) \$150,000 the first year and \$150,000 the second year are to protect and restore aquatic vegetation and other aquatic habitat in cooperation with local stakeholders;
- (4) \$500,000 the first year and \$500,000 the second year are for asset preservation and improvement of state fish hatcheries and rearing ponds;
- (5) \$500,000 the first year and \$500,000 the second year are for acquisitions of the division of fisheries' highest priority acquisitions;
- (6) \$150,000 the first year and \$150,000 the second year are to maintain funding for three field positions to do fish management activities including fish culture and stocking, lake and stream monitoring, and habitat improvement;
- (7) \$553,000 the first year and \$553,000 the second year are for accelerated walleye stocking;
- (8) \$134,000 the first year is for restoration and aeration of Powderhorn Lake in Minneapolis;
- (9) \$850,000 the second year is to make ~~grants~~ loans from the stream protection and improvement loan program under Minnesota Statutes, section 103G.705; and
- (10) \$518,000 the first year and \$518,000 the second year are available for aquatic plant restoration.

The appropriations in clauses (1), except for \$950,000 each year, (2) to (5), and (8) to (10) are one-time appropriations.

The division of fisheries shall provide a written report to the chairs of the house and senate natural resources policy and finance committees by January 1, 2003, on how the accelerated walleye stocking money was spent, including, but not limited to, lakes that were stocked and the amount of fry, frylings, or fingerlings stocked.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2003, for the aquatic restoration grants in this subdivision are available until until June 30, 2004.

Sec. 10. Laws 2001, First Special Session chapter 2, section 5, subdivision 8, is amended to read:

Subd. 8. Wildlife Management

	22,948,000	23,521,000
	Summary by Fund	
General	1,636,000	1,655,000
Game and Fish	21,312,000	21,866,000

\$106,000 the first year and \$106,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$26,000 the first year and \$26,000 the second year are from the game and fish fund.

\$552,000 the first year and \$565,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2.

\$1,419,000 the first year and \$1,430,000 the second year are from the wildlife acquisition surcharge account for only the purposes specified in Minnesota Statutes, section 97A.071, subdivision 2a.

\$1,245,000 the first year and \$1,269,000 the second year are from the deer habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (b).

\$147,000 the first year and \$148,000 the second year are from the deer and bear management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (c).

\$699,000 the first year and \$708,000 the second year are from the waterfowl habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 2.

\$546,000 the first year and \$546,000 the second year are from the pheasant habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4. In addition to the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4, this appropriation may be used for pheasant restocking efforts.

\$308,000 the first year and \$313,000 the second year are from the game and fish fund for activities relating to reduction and prevention of property damage by wildlife. \$50,000 each year is for emergency damage abatement materials.

\$8,000 the first year and \$8,000 the second year are from the game and fish fund for the wild turkey management program. This amount shall be included in the department's base to be transferred to the wild turkey management account and is appropriated for purposes under Minnesota Statutes, section 97A.075, subdivision 5.

\$86,000 the first year and \$87,000 the second year are from the wild turkey management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 5.

\$3,060,000 the first year and \$3,265,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section

297A.94, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Of this amount:

(1) \$250,000 the first year and \$250,000 the second year are for prescribed burning of grassland, wetland, and forest habitats;

(2) \$250,000 the first year and \$225,000 the second year are for prairie grassland development including the restoration of native species of grasses and forbs on public lands and for the improvement of existing stands through interseeding and other practices to improve stand diversity;

(3) \$200,000 the first year and \$200,000 the second year are for the development of forest openings and to enhance mast production, regenerate stands, improve thermal cover in order to maintain healthy sustainable forest wildlife populations, and improve wildlife-related recreational opportunities in forest habitats;

(4) \$300,000 the first year and \$225,000 the second year are for restoration of drained wetland basins and improvement of existing basins through water level maintenance and water control structures to maintain and improve habitats for wetland dependent wildlife;

(5) \$300,000 the first year and \$300,000 the second year are for the completion of applied management research and monitoring projects for wetlands and forest wildlife populations;

(6) \$95,000 the first year and \$400,000 the second year are for the state of Minnesota to assume management of the wolf, including monitoring wolf populations, conducting cooperative wolf depredation management, conducting telemetry, and other applied research and includes funding for a cooperative agreement for depredation management with United States Department of Agriculture Wildlife Services. \$305,000 the second year is only available if the federal government finalizes delisting the wolf from protection under the Endangered Species Act of 1973;

(7) \$125,000 the first year and \$125,000 the second year are for the shearing and burning of brushland habitats to maintain and improve high priority brushland ecosystems on public and private lands across northern Minnesota for sharp-tailed grouse, moose, deer, and many other species dependent on these areas;

(8) \$1,000,000 the first year and \$1,000,000 the second year are for development and rehabilitation of wildlife management area lands and includes boundary surveys and posting, site cleanup and erosion control, access development, grant administration, and appropriate cover establishment for wildlife habitat. \$945,000 the first year and \$950,000 the second year are available for grants to

local outdoor sports clubs for habitat improvement projects on wildlife management area lands. The unencumbered balance in the first year does not cancel but is available for the second year;

(9) \$35,000 the first year and \$35,000 the second year are for waterfowl development in Canada as authorized in Minnesota Statutes, section 97A.127;

(10) \$30,000 the first year and \$30,000 the second year are to provide funds to match private contributions for the purpose of completing the capture, relocation, and monitoring of prairie chickens being reintroduced in west central Minnesota; and

(11) \$475,000 the first year and \$475,000 the second year are for statewide technical assistance to improve wildlife habitats on private lands, including vegetation establishment, management, and stewardship planning, and other wildlife habitat development and management techniques.

The appropriations in clauses (1) to (11) are one-time appropriations.

\$13,000 the first year and \$13,000 the second year are to publicize the critical habitat license plate match program.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2003, for the wildlife habitat grants in this subdivision are available until June 30, 2004.

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

Sec. 11. Laws 2001, First Special Session chapter 2, section 5, subdivision 11, is amended to read:

33,292,000	33,674,000
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Subd. 11. Operations Support

Summary by Fund

General	20,528,000	20,656,000
Natural Resources	4,405,000	4,490,000
Game and Fish	8,359,000	8,528,000

\$413,000 the first year and \$418,000 the second year are for technical assistance and grants to assist local government units and organizations in the metropolitan area to acquire and develop natural areas and greenways.

\$556,000 the first year and \$572,000 the second year are for the community assistance program to provide for technical assistance and regional resource enhancement grants.

\$2,538,000 the first year and \$2,595,000 the second year are for the operations of the youth programs. Of these amounts, \$478,000 the first year and \$491,000 the second year are from the natural resources fund.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2003, for the metro greenways, Red River, and community assistance program grants in this subdivision are available until June 30, 2004.

The commissioner may contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota Conservation Corps.

\$304,000 the first year and \$304,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Zoo and Conservatory and the city of Duluth Zoo. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5). This is a one-time appropriation. The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 3, 2004.

\$199,000 the first year is for grants to Cook, Lake, and St. Louis counties for emergency communications equipment. This appropriation is available until spent. Of this amount, \$106,000 is for a grant to Cook county for a communications system upgrade and development of radio paths along the north shore of Lake Superior; \$47,000 is for a grant to Lake county to upgrade the existing communications tower in the Two Harbors area; and \$46,000 is for a grant to St. Louis county to enhance the emergency alerting system by installing a dispatching transmitter in the Crane Lake area.

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

Delete the title and insert:

"A bill for an act relating to natural resources; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; appropriating money; amending Minnesota Statutes 2000, sections 84.153; 84.975, by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; Laws 2001, First Special Session chapter 2, section 5, subdivisions 2, 5, 6, 7, 8, 11; proposing coding for new law in Minnesota Statutes, chapter 97A."

The motion prevailed and the amendment was adopted.

The Speaker called Boudreau to the Chair.

Holsten moved to amend S. F. No. 2738, as amended, as follows:

Page 3, after line 23, insert:

"Sec. 6. Minnesota Statutes 2000, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. [DEER, BEAR, AND LIFETIME LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding and management of chronic wasting disease. Money appropriated for emergency deer feeding and management of chronic wasting disease is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and chronic wasting disease at the end of a fiscal year exceeds \$1,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for chronic wasting disease has been spent.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding exceeds \$1,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$1,500,000 is canceled and available for deer and bear management programs and computerized licensing.

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

The motion prevailed and the amendment was adopted.

Holsten, Haas and Erickson moved to amend S. F. No. 2738, as amended, as follows:

Page 8, after line 28, insert:

"\$150,000 is appropriated from the game and fish fund for research work on Lake Mille Lacs."

Correct internal references

Adjust amounts accordingly

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holsten and Bakk moved to amend S. F. No. 2738, as amended, as follows:

Page 3, after line 1, insert:

"Sec. 4. Minnesota Statutes 2000, section 89A.05, subdivision 1, is amended to read:

Subdivision 1. [DEVELOPMENT.] The council shall coordinate the development of comprehensive timber harvesting and forest management guidelines. The guidelines must address the water, air, soil, biotic, recreational, and aesthetic resources found in forest ecosystems by focusing on those impacts commonly associated with applying site-level forestry practices. The guidelines must reflect a range of practical and sound practices based on the best available scientific information, and be integrated to minimize conflicting recommendations while being easy to understand and implement. By June 30, 2003, the council shall review ~~and, if deemed necessary, update~~ the guidelines and identify potential revisions. If deemed necessary, the council shall update the guidelines by June 30, 2005. Changes to the guidelines shall be peer reviewed prior to final adoption by the council. By December 1999, the council must undertake a peer review of the recommendations in the forest management guidelines adopted in December 1998 for protecting forest riparian areas and seasonal ponds.

Sec. 5. Minnesota Statutes 2001 Supplement, section 89A.06, subdivision 2a, is amended to read:

Subd. 2a. [REGIONAL FOREST COMMITTEE REPORTING.] The council must report annually on the activities and progress made by the regional forest committees established under subdivision 2, including the following:

(1) by December 1, 1999, the regional committee for the council's northeast landscape will complete the identification of draft desired future outcomes, key issues, and strategies for the landscape;

(2) by July 1, 2000, the council will complete assessments for the council's north central and southeast landscape regions;

(3) by July 1, 2001, the regional committees for the north central and southeast landscapes will complete draft desired future outcomes, key issues, and strategies for their respective landscapes; and

(4) by June 30, 2002, all remaining landscape regions must complete assessments and by June 30, 2003, desired future outcomes and strategies for all remaining regions except the northern, east central, metropolitan, and prairie regions. By June 30, 2004, the northern region must complete desired future outcomes and strategies, and by June 30, 2005, the east central region must complete desired future outcomes and strategies."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Ozment moved to amend S. F. No. 2738, as amended, as follows:

Page 14, after line 33, insert:

"Sec. 12. [EXCEPTION TO REDUCTION IN CONTRACT EXPENDITURES; MORATORIUM ON CONSULTANT CONTRACTS, AND HIRING FREEZE.]

Notwithstanding any law to the contrary, Laws 2002, chapter 220, article 10, sections 36, 37, and 38 do not apply to monies appropriated from the Minnesota environment and natural resources trust fund or the Minnesota future resources fund."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom, Peterson, Nornes, Ozment, Cassell and Rukavina moved to amend S. F. No. 2738, as amended, as follows:

Page 14, after line 33, insert:

"Sec. 12. [AQUATIC FARMING LICENSE STUDY.]

The commissioner of natural resources must review the leasing of lakes by private aquaculture licensees and assess:

(1) the number of waters of the state that are licensed aquatic farms or private fish hatcheries and subject to one individual;

(2) what the proper length of time is for an aquatic farm or private fish hatchery license;

(3) fee structure for private aquaculture licenses;

(4) whether there should be a competitive process for licensing ponds for rearing brood fish;

(5) when landowners around the licensed water should be notified for comment prior to any private aquaculture license being granted;

(6) in which cases waters licensed for private aquaculture should require lease agreements by all landowners surrounding the lake before licensing; and

(7) what information landowners should be given before licensing about potential changes in the ecosystem of the lake.

The commissioner must report on this review to the house and senate chairs of the environment and natural resources committees by January 15, 2003."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Marquart and Goodno moved to amend S. F. No. 2738, as amended, as follows:

Page 1, after line 13, insert:

"Section 1. [84.0847] [VIDEO NEWS REPORTS.]

Any news video that the commissioner produces for local and regional news market distribution must be offered to each qualified news source within the region. The commissioner may charge a fee for this service to reflect the cost.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Jaros moved to amend S. F. No. 2738, as amended, as follows:

Page 14, after line 33, insert:

"Sec. 13. [ONE-DAY PAPER FISHING LICENSES.]

The commissioner must allow one-day paper fishing licenses to be sold by fishing guides operating charter boats."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina offered an amendment to S. F. No. 2738, as amended.

POINT OF ORDER

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

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

S. F. No. 2738, A bill for an act relating to natural resources; providing for acquisitions of stream easements; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; providing for the Cuyuna Lakes Trail; restricting the taking of fish in certain private fish hatcheries on aquatic farms; authorizing sale, conveyance, or exchange of certain tax-forfeited and surplus lands; allowing certain zoning nonconformities in the Lower Saint Croix National Scenic Riverway; deleting and adding areas to certain state parks; allowing certain snowmobile trail grants to be used for reimbursement of snowmobile trail grooming equipment; appropriating money; amending

Minnesota Statutes 2000, sections 84.0272; 84.153; 84.975, by adding a subdivision; 85.015, by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision; Laws 2001, First Special Session chapter 2, section 5, subdivisions 2, 5, 6, 7, 8, 11; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Gerlach	Krinkie	Olson	Vandevour
Buesgens	Jacobson	Lipman	Rukavina	

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

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2598:

Cassell; Anderson, B., and Marquart.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2392:

Osskopp, Rhodes and Walz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2707:

Juhnke, Vandevveer and Erickson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3024:

Haas, Jacobson and Huntley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3134:

Holsten, Mares and Sertich.

MOTIONS AND RESOLUTIONS

Kuisle moved that the name of Knoblach be added as an author on H. F. No. 3364. The motion prevailed.

Ozment moved that H. F. No. 3719 be recalled from the Committee on Agriculture Policy and be re-referred to the Committee on Environment and Natural Resources Policy. The motion prevailed.

Boudreau moved that House Resolution No. 29 be recalled from the Committee on Rules and Legislative Administration and be placed upon its adoption. The motion prevailed.

House Resolution No. 29 was reported to the House.

HOUSE RESOLUTION NO. 29

A house resolution recognizing May 2, 2002, as a Day of Prayer in Minnesota.

Whereas, the citizens of the state of Minnesota are a diverse group of people, with nearly every nationality and a variety of religious traditions being represented; and

Whereas, the history of our state is replete with leaders who voluntarily called upon their God, whether the need was great or small; and

Whereas, civic and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

Whereas, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the laws of Nature and of Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

Whereas, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both houses of Congress and signed by President Ronald Reagan; and

Whereas, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and its citizens; and

Whereas, May 2, 2002, marks the fifty-first consecutive observance of the National Day of Prayer in cities and towns throughout the United States; and

Whereas, the citizens of Minnesota should gather together on this day in their homes, churches, meeting places, and chosen places of worship to pray in their own way for unity of the hearts of all humankind and for strong moral character in the lives of the people of all nations, as well as peace and understanding throughout the world; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes May 2, 2002, as a Day of Prayer in the state of Minnesota and commends this observance to all citizens.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the National Prayer Committee.

Boudreau moved that House Resolution No. 29 be now adopted. The motion prevailed and House Resolution No. 29 was adopted.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, May 1, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, May 1, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives