

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 FORTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 30, 2001

The House of Representatives convened at 10:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Kahn, Koskinen and Marquart were excused.

Kalis was excused until 10:40 a.m. Paymar was excused until 10:45 a.m. Olson was excused until 10:55 a.m. Osthoff was excused until 1:30 p.m. Clark, K., was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Goodwin 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. 923 and H. F. No. 1067, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boudreau moved that the rules be so far suspended that S. F. No. 923 be substituted for H. F. No. 1067 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1263 and H. F. No. 1869, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, B., moved that the rules be so far suspended that S. F. No. 1263 be substituted for H. F. No. 1869 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1932 and H. F. No. 2070, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gunther moved that S. F. No. 1932 be substituted for H. F. No. 2070 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2006 and H. F. No. 1830, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Workman moved that the rules be so far suspended that S. F. No. 2006 be substituted for H. F. No. 1830 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2046 and H. F. No. 2225, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nornes moved that S. F. No. 2046 be substituted for H. F. No. 2225 and that the House File be indefinitely postponed. The motion prevailed.

CERTIFICATION PURSUANT TO RULE 4.03
ON FINANCE AND REVENUE BILLS

April 30, 2001

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that S. F. No. 2343 and H. F. No. 351 reconcile with the budget resolution, the Higher Education Finance budget target, and the Judiciary Finance budget target.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 26, 2001

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 Files:

H. F. No. 1391, urging the United States Postal Service to create a postage stamp reproducing Eric Enstrom's photograph "Grace."

H. F. No. 274, relating to the environment; restricting the sale of mercury thermometers.

H. F. No. 323, relating to motor vehicle fuel franchises; extending an expiration date.

H. F. No. 1160, relating to health; changing the frequency with which physician assistant delegated prescribing activities must be reviewed.

H. F. No. 239, relating to real property; clarifying law relating to servitudes created by a common owner of multiple pieces of property; providing for filing of an amended application to register land; authorizing attorney general to represent state in certain torrens proceedings; providing for issuance of certificates of title for common elements in a condominium; permitting owners of certain land to request new certificates of title; modifying certificates of possessory title; modifying Minnesota Common Interest Ownership Act; exempting registered/torrens land from the 40 year law.

H. F. No. 1260, relating to family law; neutralizing certain terminology.

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 2001 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 2001</i>	<i>Date Filed 2001</i>
	1391	Resolution No. 3	10:20 a.m. April 26	April 26
249		46	10:25 a.m. April 26	April 26
	274	47	10:21 a.m. April 26	April 26
	323	48	10:22 a.m. April 26	April 26
	1160	49	10:24 a.m. April 26	April 26
	239	50	10:25 a.m. April 26	April 26
	1260	51	10:25 a.m. April 26	April 26
1419		52	10:26 a.m. April 26	April 26

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 218, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions relating to state and local government operations; amending Minnesota Statutes 2000, sections 3.012; 3.3005, subdivisions 2, 3, 3a, 4, 5, by adding subdivisions; 3.305, by adding subdivisions; 3.85, subdivision 3; 3.97, subdivision 3a; 3.979, by adding a subdivision; 3.98, subdivision 2; 4A.05, subdivision 1; 4A.07, subdivisions 1, 2, 4, 5; 4A.08; 4A.09; 4A.10; 6.48; 6.56, subdivision 2; 6.58; 7.09, subdivision 1; 8.15, subdivisions 1, 2, 3; 10A.01, subdivision 21; 11A.075; 15.059, subdivision 5a; 15.50, subdivision 2, by adding a subdivision; 16A.06, by adding a subdivision; 16A.10, by adding a subdivision; 16A.103, subdivision 1; 16A.11, subdivision 6; 16A.152, subdivisions 4, 7; 16B.58, by adding a subdivision; 16B.60, subdivision 3, by adding subdivisions; 16B.61, subdivision 1; 16B.65; 16B.70, subdivision 2; 16B.76, subdivision 1; 16B.88, subdivision 1; 16C.03, subdivision 3; 16C.25; 43A.04, by adding subdivisions; 43A.38, subdivisions 1, 6, 7; 62E.10, by adding a subdivision; 103C.311, subdivision 1; 116R.02, subdivision 3; 138.35, by adding a subdivision; 138.39; 161.1419, subdivision 8; 161.32, subdivision 1b; 190.06, subdivision 1; 190.07; 193.144, subdivision 6; 193.145, subdivision 4; 193.148; 197.75, subdivisions 1, 2; 201.016, subdivision 1a; 201.022; 201.061, subdivision 3; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, by adding a

subdivision; 201.155; 202A.19, subdivision 1; 203B.04, subdivisions 1, 5; 203B.06, by adding a subdivision; 203B.07, subdivision 1; 203B.11, by adding a subdivision; 203B.16, subdivision 1; 203B.17, subdivision 1; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.20; 204B.22, subdivisions 1, 3; 204B.23; 204B.27, by adding a subdivision; 204B.28, subdivision 1; 204B.45, subdivision 2; 204B.46; 204C.03, subdivision 1; 204C.10; 204C.35; 204C.36, subdivisions 1, 3; 204D.04, subdivision 2; 204D.09; 204D.11, subdivision 4; 204D.24, subdivision 2; 205.02, subdivision 1; 205.13, subdivision 1a; 205.17, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.11, subdivision 2; 206.81; 208.06; 208.08; 209.065; 211A.02, subdivisions 1, 4; 211B.16, subdivision 1; 240A.08; 317A.123, subdivision 1; 317A.827, subdivision 2; 358.10; 367.03, subdivision 6; 394.232, subdivisions 1, 2, 3, 4, 5, 7, by adding a subdivision; 403.11, subdivisions 1, 2; 403.113, subdivisions 1, 2; 462.351; 462.352, subdivisions 5, 6; 462.3535, subdivisions 1, 2, 3, 4, 10; 473.13, by adding a subdivision; 473.1455; 473.901, subdivisions 1, 2; 517.08, subdivisions 1b, 1c; 645.44, by adding a subdivision; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, sections 115, 116; proposing coding for new law in Minnesota Statutes, chapters 3; 4A; 5; 6; 16A; 16C; 16E; 43A; 200; 201; 204B; 206; 240A; 473; proposing coding for new law as Minnesota Statutes, chapter 116T; repealing Minnesota Statutes 2000, sections 3.885; 3.9222; 4A.07, subdivision 3; 8.31, subdivision 2c; 13.202, subdivision 8; 13.606, subdivision 2; 16A.67; 16A.6701; 16B.37; 16B.58, subdivision 7; 129D.06; 204B.06, subdivision 1a; 204C.15, subdivision 2a; 246.18, subdivision 7; 394.232; 462.352, subdivision 18; 462.3535, subdivisions 5, 6, 7, 8, 9; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 473.1455; 572A.01; 572A.03, subdivision 2; Minnesota Rules, part 8250.1400.

Reported the same back with the following amendments:

Page 3, delete line 2 and insert:

"14,102,000	14,102,000"
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Page 3, delete lines 47 to 49

Page 4, delete line 21 and insert:

"Environmental	142,000	145,000
Solid Waste	477,000	484,000"

Page 4, delete lines 22 to 26

Page 4, delete line 42 and insert:

"AND LONG-RANGE PLANNING	4,693,000	4,378,000"
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Page 7, delete line 15 and insert:

"Appropriation	78,808,000	47,786,000"
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Page 7, delete line 17 and insert:

"General	36,762,000	28,022,000"
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Page 7, delete line 18 and insert:

"Special Revenue	42,046,000	19,764,000"
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Page 7, delete lines 25 to 36 and insert:

"Summary by Fund

General	859,000	859,000
Special Revenue	20,327,000	19,764,000
For 2001 \$3,988,000		

The appropriation from the special revenue fund is for recurring costs of 911 emergency telephone service."

Page 8, delete line 12 and insert:

"4,057,000	3,868,000"
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Page 8, line 40, delete everything after the period and insert "To avoid duplication, a station using money from this appropriation to construct a tower must consult with public radio stations in its area to determine if they have a similar need. If a public radio station has a similar need, a cost benefit analysis must be completed to determine if it is more economically feasible to jointly construct the new tower. All parties must share in the cost of construction and maintenance of the tower."

Page 8, delete lines 41 to 48

Page 11, delete line 21 and insert:

"Appropriation	89,375,000	89,506,000"
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Page 11, delete line 27 and insert:

"Environmental	107,000	110,000
Solid Waste	200,000	200,000"

Page 11, delete line 38 and insert:

"Environmental	107,000	110,000
Solid Waste	200,000	200,000"

Page 12, after line 3, insert:

"In fiscal year 2001, \$186,000 in general funds is transferred from Laws 1999, chapter 250, article 1, section 28, to the department of military affairs to pay for higher than anticipated fuel costs of the department's training and community center facilities."

Page 13, delete line 35 and insert:

"Appropriation	10,603,000	10,611,000"
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Page 15, after line 13, insert:

"Sec. 34. [EFFECTIVE DATE.]

The appropriations for fiscal year 2001 are effective the day following final enactment."

Page 18, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 2000, section 3.855, subdivision 3, is amended to read:

Subd. 3. [OTHER SALARIES AND COMPENSATION PLANS.] The commission shall also:

(1) review and approve, reject, or modify a plan for compensation and terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(2) review and approve, reject, or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(3) review and approve, reject, or modify recommendations for salaries submitted by the governor or other appointing authority under section ~~43A.18~~ 15A.0815, subdivision 5, covering agency head positions listed in section 15A.0815;

(4) review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, ~~subdivision~~ subdivisions 7b and 7c; and

(5) review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivisions 3a and 4."

Pages 31 to 33, delete sections 33 to 35

Page 45, after line 7, insert:

"Sec. 38. Minnesota Statutes 2000, section 15A.0815, subdivision 1, is amended to read:

Subdivision 1. [SALARY LIMITS.] The governor or other appropriate appointing authority shall set the salary rates for positions listed in this section within the salary limits listed in subdivisions 2 to 4, subject to approval of the legislative coordinating commission and the legislature as provided by subdivision 5 and sections 3.855; and 15A.081, subdivision 7b, and 43A.18, subdivision 5.

Sec. 39. Minnesota Statutes 2000, section 15A.0815, is amended by adding a subdivision to read:

Subd. 5. [APPOINTING AUTHORITIES TO RECOMMEND CERTAIN SALARIES.] (a) The governor, or other appropriate appointing authority, may submit to the legislative coordinating commission recommendations for salaries within the salary limits for the positions listed in subdivisions 2 to 4. An appointing authority may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the appointing authority shall consult with the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the appointing authority shall consider the criteria established in section 43A.18, subdivision 8, and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The appointing authority shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities, and in determining recommendations, rate each position by this system.

(d) Before the appointing authority's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative coordinating commission and the legislature under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

(e) The appointing authority shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in subdivisions 2 to 4, may be increased or decreased by the appointing authority from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the appointing authority increases a salary under this paragraph, the appointing authority shall submit the new salary to the legislative coordinating commission and the full legislature for approval, modification, or rejection under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved."

Page 45, delete section 43

Page 60, line 9, after "by" insert "the Minnesota zoological board under chapter 85A or"

Page 65, after line 4, insert:

"Sec. 66. Minnesota Statutes 2000, section 43A.17, subdivision 9, is amended to read:

Subd. 9. [POLITICAL SUBDIVISION COMPENSATION LIMIT.] The salary and the value of all other forms of compensation of a person employed by a statutory or home rule charter city, county, town, metropolitan or regional agency, or other political subdivision of this state excluding a school district, or employed under section 422A.03, may not exceed 95 percent of the salary of the governor as set under section 15A.082, except as provided in this subdivision. Deferred compensation and payroll allocations to purchase an individual annuity contract for an employee are included in determining the employee's salary. Other forms of compensation which shall be included to determine an employee's total compensation are all other direct and indirect items of compensation which are not specifically excluded by this subdivision. Other forms of compensation which shall not be included in a determination of an employee's total compensation for the purposes of this subdivision are:

(1) employee benefits that are also provided for the majority of all other full-time employees of the political subdivision, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature; and

(3) reimbursement for actual expenses incurred by the employee which the governing body determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment.

The value of other forms of compensation shall be the annual cost to the political subdivision for the provision of the compensation. The salary of a medical doctor or doctor of osteopathy occupying a position that the governing body of the political subdivision has determined requires an M.D. or D.O. degree is excluded from the limitation in this subdivision. The commissioner may increase the limitation in this subdivision for a position or class of positions that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. In making determinations on the appropriate salary, the commissioner may consider evidence of actual or anticipated difficulties in attracting or retaining a qualified person or persons. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state and nation. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the legislative coordinating commission and received the commission's recommendation on it. The recommendation is advisory only. If the commission does not give its recommendation on a proposed increase within 30 days from its receipt of the proposal, the commission is deemed to have recommended approval."

Pages 67 to 69, delete sections 72 and 73

Page 73, after line 10, insert:

"Sec. 77. Minnesota Statutes 2000, section 136F.07, is amended to read:

136F.07 [CHANCELLOR.]

The board shall appoint a chancellor who shall serve in the unclassified service. The chancellor shall possess powers and perform duties as delegated by the board. The board shall set the salary of the chancellor according to section ~~15A.0815~~ 15A.081, subdivision 7c.

Sec. 78. Minnesota Statutes 2000, section 136F.40, subdivision 2, is amended to read:

Subd. 2. [~~COMPENSATION CONTRACTS.~~] ~~Notwithstanding any other provision to the contrary, when establishing compensation the board may provide, through a contract, a liquidated salary amount or other compensation if a contract with a chancellor or president is terminated by the board prior to its expiration.~~

~~Any benefits shall be excluded in computation of retirement, insurance, and other benefits available through or from the state. Any benefits or additional compensation must be as provided under the plan approved under section 43A.18, subdivision 3a. (a) The board may enter into a contract with the chancellor, a vice-chancellor, or a president, containing terms and conditions of employment. The terms of the contract must be authorized under a plan approved under section 43A.18, subdivision 3a.~~

~~(b) Notwithstanding section 43A.17, subdivision 11, or other law to the contrary, a contract under this section may provide a liquidated salary amount or other compensation if a contract is terminated by the board prior to its expiration."~~

Page 74, after line 18, insert:

"Sec. 83. Minnesota Statutes 2000, section 179A.15, is amended to read:

179A.15 [MEDIATION.]

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the commissioner for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be ~~delivered to~~ served on the commissioner in ~~person or sent by certified mail~~ writing. The petition shall state briefly the nature of the

disagreement of the parties. Upon receipt of a petition and upon concluding that mediation would be useful, the commissioner shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

If the commissioner determines that mediation would be useful in resolving a dispute, the commissioner may mediate the dispute even if neither party has filed a petition for mediation. In these cases, the commissioner shall proceed as if a petition had been filed.

The commissioner shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the commissioner for conferences and shall continue in conference until excused by the commissioner."

Page 85, lines 30 to 33, delete the new language and reinstate the stricken language

Page 86, lines 4 to 9, delete the new language and reinstate the stricken language

Page 86, lines 29 to 32, delete the new language and reinstate the stricken language

Pages 87 to 89, delete sections 103 to 105

Pages 93 and 94, delete sections 117 and 118

Page 97, after line 30, insert:

"Sec. 118. Laws 1998, chapter 404, section 23, subdivision 6, is amended to read:

Subd. 6. St. Paul RiverCentre Arena

65,000,000

This appropriation is from the general fund to the commissioner of finance for a loan to the city of St. Paul to demolish the existing St. Paul RiverCentre Arena and to design, construct, furnish, and equip a new arena. This appropriation is not available until the lessee to whom the city has leased the arena has agreed to make rental or other payments to the city under the terms set forth in this subdivision. The loan is repayable solely from and secured by the payments made to the city by the lessee. The loan is not a public debt and the full faith, credit, and taxing powers of the city are not pledged for its repayment.

(a) \$48,000,000 of the loan must be repaid to the commissioner, without interest, within 20 years from the date of substantial completion of the arena in accordance with the following schedule:

(1) no repayments are due in the first two years from the date of substantial completion;

(2) in each of the years three to five, the lessee must pay \$1,250,000;

(3) in each of the years six to ten, the lessee must pay \$1,500,000;

(4) in each of the years 11 to 13, the lessee must pay \$2,000,000;

(5) in year 14, the lessee must pay \$3,000,000;

(6) in year 15, the lessee must pay \$4,000,000; and

(7) in each of the years 16 to 20, the lessee must pay \$4,750,000.

(b) The commissioner must deposit the repayments in the ~~state treasury and credit them to the youth activities account, which is hereby created in the special revenue fund. Money in the youth activities account is available for expenditure as appropriated by law~~ general fund.

(c) The loan may not be made until the commissioner has entered into an agreement with the city of St. Paul identifying the rental or other payments that will be made and establishing the dates on and the amounts in which the payments will be made to the city and by the city to the commissioner. The payments may include operating revenues and additional payments to be made by the lessee under agreements to be negotiated between the commissioner, the city, and the lessee. Those agreements may include, but are not limited to, an agreement whereby the lessee pledges to provide each year a letter of credit sufficient to guarantee the payment of the amount due for the next succeeding year; an agreement whereby the lessee agrees to maintain a net worth, certified each year by a financial institution or accounting firm satisfactory to the commissioner, that is greater than the balance due under the payment schedule in paragraph (a); and any other agreements the commissioner may deem necessary to ensure that the payments are made as scheduled.

(d) The agreements must provide that the failure of the lessee to make a payment due to the city under the agreement is an event of default under the lease between the city and the lessee and that the state is entitled to enforce the remedies of the lessor under the lease in the event of default. Those remedies must include, but need not be limited to, the obligation of the lessee to pay the balance due for the remainder of the payment schedule in the event the lessee ceases to operate a National Hockey League team in the arena.

(e) By January 1, 1999, the commissioner shall report to the chair of the senate committee on state government finance and the chair of the house committee on ways and means the terms of an agreement between the lessee and the amateur sports commission whereby the lessee agrees to make the facilities of the arena available to the commission on terms satisfactory to the commission for amateur sports activities consistent with the purposes of Minnesota Statutes, chapter 240A, each year during the time the loan is outstanding. The amateur sports commission must negotiate in good faith and may be required to pay no more than actual out-of-pocket expenses for the time it uses the arena. The agreement may not become effective before February 1, 1999.

During any calendar year after 1999 that an agreement under this paragraph is not in effect and a payment is due under the schedule, the lessee must pay to the commissioner a penalty of \$750,000 for that year. If the amateur sports commission has not negotiated in good faith, no penalty is due."

Page 100, line 23, before "The" insert "(a)" and delete "and"

Page 100, line 24, delete everything before "a"

Page 101, after line 15, insert:

"(b) The legislative auditor shall submit an interim report of the cost accounting to the legislature by March 1, 2002, and shall submit a final report to the legislature by March 1, 2003."

Page 102, after line 5, insert:

"Sec. 131. [RENT ADJUSTMENTS.]

General fund appropriations in this act to state agencies for increased rent costs must be reduced by a total of \$2,864,000. The commissioner of finance must allocate this reduction proportionately among agencies and reduce appropriations to the agencies accordingly.

Sec. 132. [RATIFICATIONS.]

Subdivision 1. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The amendments to the plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on July 21, 2000, are ratified.

Subd. 2. [SALARIES FOR HEADS OF STATE AGENCIES.] The proposal to increase the salaries of certain heads of state agencies, approved by the legislative coordinating commission subcommittee on employee relations on July 21, 2000, is ratified.

Subd. 3. [ENGINEERS.] The arbitration award and labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission subcommittee on employee relations on September 8, 2000, are ratified.

Subd. 4. [SALARIES FOR CERTAIN HEADS OF STATE AGENCIES.] The proposals to increase the salaries of the directors of the state board of investment and the teachers retirement association, as approved by the legislative coordinating commission subcommittee on employee relations on September 8, 2000, are ratified."

Page 102, delete lines 10 to 13

Page 102, line 14, delete "(b)"

Page 102, line 18, delete "3.885;"

Page 102, line 19, delete "16A.67; 16A.6701;"

Page 102, line 20, delete "246.18, subdivision 7;"

Page 102, after line 28, insert:

"(d) Minnesota Statutes 2000, sections 16A.67; 16A.6701; and 246.18, subdivision 7, are repealed.

(e) Minnesota Statutes 2000, section 43A.18, subdivision 5, is repealed."

Page 102, line 32, delete "69 to 71" and insert "67 to 70"

Page 102, line 35, after the period, insert "Sections 13; 38; 39; 77; 78; 83; 132; and 135, paragraph (e), are effective the day following final enactment. Section 135, paragraph (d), is effective December 31, 2001."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 1250, A bill for an act relating to data practices; classifying certificates of discharge from military service filed with the county recorder as private data; amending Minnesota Statutes 2000, sections 13.785, by adding a subdivision; and 386.20, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Stanek from the Committee on Judiciary Finance to which was referred:

H. F. No. 1314, A bill for an act relating to transportation; making seat belt violation by a minor a primary offense; amending Minnesota Statutes 2000, section 169.686, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"ARTICLE 1

TRAFFIC SAFETY: SEAT BELTS"

Page 1, line 23, strike "15" and insert "18"

Page 1, line 24, reinstate the stricken period

Page 2, after line 32, insert:

"ARTICLE 2

TRAFFIC SAFETY: 0.08 PER SE LIMIT

Section 1. Minnesota Statutes 2000, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is ~~0.10~~ 0.08 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is ~~0.10~~ 0.08 or more; or
- (6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow and arrow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow and arrow in this state or on a boundary water of this state.

Sec. 2. Minnesota Statutes 2000, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a), and one of the following conditions exists:

- (1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a);
- (2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;
- (3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or
- (4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

Sec. 3. Minnesota Statutes 2000, section 169A.20, subdivision 1, is amended to read:

Subdivision 1. [DRIVING WHILE IMPAIRED CRIME.] It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or on any boundary water of this state:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance;

(3) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;

(4) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and (3);

(5) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is ~~0.10~~ 0.08 or more;

(6) when the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

Sec. 4. Minnesota Statutes 2000, section 169A.51, subdivision 1, is amended to read:

Subdivision 1. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. The test must be administered at the direction of a peace officer.

(b) The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169A.20 or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169A.41 (preliminary screening test); or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

(c) The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

Sec. 5. Minnesota Statutes 2000, section 169A.52, subdivision 2, is amended to read:

Subd. 2. [REPORTING TEST FAILURE.] If a person submits to a test, the results of that test must be reported to the commissioner and to the authority having responsibility for prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of ~~0.10~~ 0.08 or more;

(2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or

(3) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols.

Sec. 6. Minnesota Statutes 2000, section 169A.52, subdivision 4, is amended to read:

Subd. 4. [TEST FAILURE; LICENSE REVOCATION.] (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired) and that the person submitted to a test and the test results indicate an alcohol concentration of ~~0.10~~ 0.08 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege:

- (1) for a period of 90 days;
 - (2) if the person is under the age of 21 years, for a period of six months;
 - (3) for a person with a qualified prior impaired driving incident within the past ten years, for a period of 180 days;
- or
- (4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165 (commercial driver's license disqualification).

Sec. 7. Minnesota Statutes 2000, section 169A.52, subdivision 7, is amended to read:

Subd. 7. [TEST REFUSAL; DRIVING PRIVILEGE LOST.] (a) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of ~~0.10~~ 0.08 or more.

(b) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall either:

- (1) take the driver's license or permit, if any, send it to the commissioner along with the certificate required by subdivision 3 or 4, and issue a temporary license effective only for seven days; or
- (2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 8. Minnesota Statutes 2000, section 169A.53, subdivision 3, is amended to read:

Subd. 3. [HEARING; ISSUES; ORDER; APPEAL.] (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to

ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

(5) If the screening test was administered, did the test indicate an alcohol concentration of ~~0.10~~ 0.08 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of ~~0.10~~ 0.08 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

Sec. 9. Minnesota Statutes 2000, section 169A.54, subdivision 7, is amended to read:

Subd. 7. [ALCOHOL-RELATED COMMERCIAL VEHICLE DRIVING VIOLATIONS.] (a) The administrative penalties described in subdivision 1 do not apply to violations of section 169A.20, subdivision 1 (driving while impaired crime), by a person operating a commercial motor vehicle unless the person's alcohol concentration as measured at the time, or within two hours of the time, of the operation was ~~0.10~~ 0.08 or more or the person violates section 169A.20, subdivision 1, clauses (1) to (4) or (7).

(b) The commissioner shall disqualify a person from operating a commercial motor vehicle as provided under section 171.165 (commercial driver's license, disqualification), on receipt of a record of conviction for a violation of section 169A.20.

(c) A person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order.

Sec. 10. Minnesota Statutes 2000, section 169A.76, is amended to read:

169A.76 [CIVIL ACTION; PUNITIVE DAMAGES.]

(a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of punitive damages if there is evidence that the accident was caused by a driver:

- (1) with an alcohol concentration of ~~0.10~~ 0.08 or more;
- (2) who was under the influence of a controlled substance;
- (3) who was under the influence of alcohol and refused to take a test required under section 169A.51 (chemical tests for intoxication); or
- (4) who was knowingly under the influence of a hazardous substance that substantially affects the person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.

(b) A criminal charge or conviction is not a prerequisite to consideration of punitive damages under this section. At the trial in an action where the trier of fact will consider an award of punitive damages, evidence that the driver has been convicted of violating section 169A.20 (driving while impaired) or 609.21 (criminal vehicular homicide and injury) is admissible into evidence.

Sec. 11. Minnesota Statutes 2000, section 171.20, subdivision 4, is amended to read:

Subd. 4. [REINSTATEMENT FEE.] Before the license is reinstated, a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, must pay a fee of ~~\$20~~ \$22.50. When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4. A suspension may be rescinded without fee for good cause.

Sec. 12. Minnesota Statutes 2000, section 192A.555, is amended to read:

192A.555 [DRUNKEN OR RECKLESS DRIVING.]

Any person subject to this code who drives, operates or is in actual physical control of any vehicle or aircraft while under the influence of an alcoholic beverage or narcotic drug or a combination thereof or whose blood contains ~~0.10~~ 0.08 percent or more by weight of alcohol or who operates said vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct. Chemical and other tests for intoxication shall be made only in accordance with rules issued under this code.

Sec. 13. Minnesota Statutes 2000, section 609.21, is amended to read:

609.21 [CRIMINAL VEHICULAR HOMICIDE AND INJURY.]

Subdivision 1. [CRIMINAL VEHICULAR HOMICIDE.] A person is guilty of criminal vehicular homicide resulting in death and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2. [RESULTING IN GREAT BODILY HARM.] A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another, not constituting attempted murder or assault, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2a. [RESULTING IN SUBSTANTIAL BODILY HARM.] A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another, as a result of operating a motor vehicle;

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2b. [RESULTING IN BODILY HARM.] A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another, as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to an unborn child who is subsequently born alive, as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4a. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge under subdivision 1, clause (6); 2, clause (6); 2a, clause (6); 2b, clause (6); 3, clause (6); or 4, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1.

(b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

Sec. 14. [FISCAL PROVISIONS.]

Any increased costs incurred by the attorney general as a result of this act must be absorbed internally within the attorney general's appropriations and must not be treated as a base adjustment for fiscal years 2004 and 2005.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 10, 12, and 13 are effective August 1, 2001, and apply to offenses committed on or after that date. Section 11 is effective July 1, 2001.

Delete the title and insert:

"A bill for an act relating to transportation; enacting the Implementation of the Federal Highway Transportation Revenue Recovery Act; making a seat belt violation by a minor a primary offense; reducing from 0.10 to 0.08 the per se alcohol concentration level for impairment offenses involving driving a motor vehicle, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, handling explosives, or operating military vehicles while impaired; amending Minnesota Statutes 2000, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169.686, subdivisions 1, 2; 169A.20, subdivision 1; 169A.51, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.53, subdivision 3; 169A.54, subdivision 7; 169A.76; 171.20, subdivision 4; 192A.555; 609.21."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2189, A bill for an act relating to transportation; appropriating money to the department of transportation and other agencies; authorizing certain assessments; providing for 20-year registration of certain trailers; restricting certain zoning actions in Minneapolis; modifying funding formulas for greater Minnesota transit; authorizing department of transportation to bill for certain maintenance costs; modifying and canceling certain prior-year appropriations; increasing percentage of gasoline tax attributable to snowmobiles; proposing constitutional amendments to dedicate 60 percent of motor vehicle sales tax revenues to the highway user tax distribution fund and authorize the use of general obligation bonds for trunk highways; providing for advertising, submitting, receiving, or posting certain highway bids electronically; restricting authority of commissioner of transportation to require payment of back wages; modifying provisions governing trunk highway bond proceeds and highway bond-financed property; authorizing use of unmarked motor vehicles by investigators of gambling control board and exempting their vehicles from payment of registration tax; authorizing issuance of "choose life" license plates; providing for tort immunity for claims arising out of use or operation of recreational motor vehicle on a highway right-of-way; permitting use of certain trailer brakes; authorizing payment of certain engineering costs from town bridge account; authorizing establishment of rail quiet zones; allowing local road authorities to provide financial assistance to expand railroad bridges; increasing motor vehicle registration filing fee; providing for allocation of motor vehicle sales tax revenues; defining certain employees as public safety officers for purpose of public safety officer's survivor benefit; modifying financing procedures for interregional transportation corridors; modifying provisions relating to statewide communications system and clarifying appropriation of related fees; modifying provisions relating to transportation revolving loan fund; modifying restrictions on funds in state-aid disaster accounts; modifying state rail bank lease provisions; prohibiting commissioner of transportation and metropolitan council from using certain considerations in programming or constructing trunk highway projects and other highway actions; restricting authority of commissioner of transportation to erect certain towers; placing restrictions on department of transportation expenditures for study of light rail transit, high-speed rail, and commuter rail; authorizing special taxing district for light rail transit operating costs; requiring reports; amending Minnesota Statutes 2000, sections 16A.641, subdivision 8; 16B.54, subdivision 2; 161.082, subdivision 2a; 161.23, subdivision 3; 161.32, subdivisions 1, 1a, 1b, 1e; 162.06, subdivision 3; 162.12, subdivision 3; 165.05, by adding a subdivision; 168.012, subdivision 1; 168.013, subdivision 1d; 168.33, subdivision 7; 169.67, subdivision 3; 174.24, subdivision 3b; 174.35; 174.55, subdivisions 4, 5; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 222.63, subdivision 4; 296A.18, subdivision 3; 297B.09, subdivision 1; 299A.41, subdivision 4; 446A.085; 466.03, by adding a subdivision; 473.399, by adding a subdivision; Laws 1997, chapter 159, article 2, section 4; Laws 1999, chapter 238, article 1, section 2, subdivision 7; Laws 2000, chapter 479, article 1, section 3, subdivision 3; Laws 2000, chapter 490, article 7, section 3; Laws 2000, chapter 492, article 2, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168; 174; 219; 473.

Reported the same back with the following amendments:

Page 10, line 53, delete "50,386,000" and insert "50,836,000" and delete "51,779,000" and insert "51,799,000"

Page 18, line 9, delete "\$11,455,000" and insert "\$11,055,000" and delete "\$11,434,000" and insert "\$11,034,000"

Pages 28 and 29, delete section 8

Page 29, after line 34, insert:

"Sec. 9. Minnesota Statutes 2000, section 161.442, is amended to read:

161.442 [RECONVEYANCE TO FORMER OWNER.]

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, ~~at the commissioner's sole discretion~~ with the consent of the owner, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of

title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner."

Pages 36 to 39, delete section 15

Page 63, line 26, delete "sale" and insert "transfer of title"

Page 63, line 34, delete "sale" and insert "transfer of title"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, delete everything after the semicolon

Page 1, delete line 18

Page 1, line 19, delete "back wages" and insert "providing for reconveyance of highway easements"

Page 1, line 24, delete everything after the semicolon

Page 1, line 25, delete "plates;"

Page 2, line 12, after the first semicolon, insert "161.442;"

Page 2, line 27, delete "168;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Stanek from the Committee on Judiciary Finance to which was referred:

S. F. No. 969, A bill for an act relating to crimes; extending the attorney general's and county attorney's authority for administrative subpoenas; enabling peace officers to execute search warrants on foreign corporations doing business in Minnesota to search for electronic evidence; allowing Minnesota corporations engaged in electronic communication services or remote computing services to provide electronic evidence when served with search warrants issued from other jurisdictions; enhancing penalties for dissemination and possession of pornographic work involving minors; amending Minnesota Statutes 2000, sections 8.16, subdivision 1; 388.23, subdivision 1; 617.247, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 2000, section 241.021, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law

except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the department of corrections licenses the facility with such authority and the facility meets requirements of section 243.52. The commissioner shall review the correctional facilities described in this subdivision at least once every biennium, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. The commissioner may grant licensure up to two years. The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. The commissioner may require that any or all such information be provided through the department of corrections detention information system. The education program offered in a correctional facility for the detention or confinement of juvenile offenders must be approved by the commissioner of children, families, and learning before the commissioner of corrections may grant a license to the facility.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent."

Page 6, line 10, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "authorizing private adult correctional facilities to enforce discipline and prevent escapes if licensed by the department of corrections;"

Page 1, line 13, after the semicolon, insert "241.021, subdivision 1;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Paulsen from the Committee on Redistricting to which was referred:

S. F. No. 1326, A joint resolution relating to redistricting; establishing districting principles for legislative and congressional plans.

Reported the same back with the following amendments:

Delete page 1, line 9 to page 3, line 27, and insert:

"(1) [NUMBER OF DISTRICTS.] (a) The Senate must be composed of 67 members. The House of Representatives must be composed of 134 members. Each district is entitled to elect a single member.

(b) A plan for congressional districts must have eight districts, each entitled to elect a single member.

(2) [NESTING.] A representative district may not be divided in the formation of a Senate district.

(3) [EQUAL POPULATION.] (a) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than .75 percent, plus or minus. The ideal population of a House district is 36,713. The ideal population of a Senate district is 73,425.

(b) Congressional districts must be as nearly equal in population as practicable. The ideal population of a congressional district is 614,935.

(4) [CONTIGUITY; COMPACTNESS.] The districts must be composed of convenient contiguous territory. To the extent consistent with the other principles in this resolution, districts should be compact. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.

(5) [MINORITY REPRESENTATION.] (a) The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States, the state of Minnesota, and public policy. The principles in this resolution must not be construed to supersede any provision of the Voting Rights Act of 1965, as amended.

(b) A proposed redistricting plan must not have the intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice.

(6) [PRESERVING COMMUNITIES OF INTEREST.] The districts should attempt to preserve identifiable communities of interest where that can be done in compliance with the preceding principles. For purposes of this clause, "community of interest" means a recognizable area with similarities of interests, including, but not limited to, racial, ethnic, geographic, local governmental, social, cultural, or historic interests, as well as commonality of communications.

(7) [POLITICAL COMPETITIVENESS.] The districts must not be created to unduly favor any political party.

(8) [NUMBERING.] (a) The legislative districts must be numbered in a regular series, beginning with House district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the eleven-county metropolitan area until the southeast corner has been reached; then to the eleven-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

(b) The congressional district numbers must begin with district one in the southeast corner of the state and end with district eight in the northeast corner of the state.

(9) [NONCONTIGUOUS PORTIONS OF MINOR CIVIL DIVISIONS.] If a noncontiguous portion of a minor civil division exists within another minor civil division or if discontinuous portions of a minor civil division are split by another minor civil division, the splitting of a minor civil division is not considered a split for purposes of these principles if any of the following circumstances exist:

(a) the minor civil division must be split to achieve equality of population between districts;

(b) a portion of a minor civil division is wholly contained within another minor civil division, and that other minor civil division would have to be split to keep the first minor civil division intact; or

(c) the noncontiguous portion of a minor civil division cannot be included in the same district with another portion of the same minor civil division without creating a noncontiguous district.

(10) [DATA TO BE USED.] The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Geographic Information Systems Office of the Legislative Coordinating Commission. The population counts will be the block population counts provided under Public Law Number 94-171, subject to correction of any errors acknowledged by the United States Census Bureau.

(11) [DATA READY; PLANS POSTED.] The director of Geographic Information Systems shall notify the President of the Senate and the Speaker of the House of Representatives when the necessary census data has been received from the United States Census Bureau, loaded into the Legislature's computerized redistricting system, and verified as ready for use in redistricting. A redistricting plan must not be considered for adoption by the Senate or House of Representatives until:

(a) the notice has been given;

(b) a block equivalency file showing the district to which each census block has been assigned, in a form prescribed by the director of Geographic Information Systems, has been filed with the director.

(12) [PRIORITY.] Where it is not possible to fully comply with the principles provided in paragraphs (1) to (7), a redistricting plan must give priority to those principles in the order in which they are listed in this resolution, except to the extent that doing so would violate federal or state law.

(13) [EXPIRATION.] This resolution expires December 31, 2002."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

S. F. No. 2022, A bill for an act relating to family law; clarifying crediting of support payments; modifying implementation of enforcement remedies to accommodate timing of support payments; amending Minnesota Statutes 2000, sections 518.551, subdivision 1; 518.6111, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

S. F. No. 2351, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a, as amended; 84.025, subdivision 7; 84.0887, subdivisions 1, 2, 4, 5, 6, 9; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.055, subdivision 2; 86A.21; 86B.106; 88.642; 88.645; 88.647; 88.648; 88.75, subdivision 1; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 6, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 103B.575; 103G.271, subdivisions 1, 5, 5a; 103G.301, subdivision 2; 115.03, by adding a subdivision; 115.55, subdivision 3; 115A.54, subdivision 2a; 115A.557, subdivision 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115B.49, subdivision 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d; 116.12, subdivision 1; 116P.02, subdivision 2; 116P.03; 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 1, 3, 4, 5, 6, 7; 116P.09, subdivisions 1, 5, 6, 7; 116P.10; 116P.11; 116P.13, subdivision 3; 256J.20, subdivision 3; 473.608, by adding a subdivision; 473.845, subdivision 3; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 1999, chapter 231, section 16, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 88; 97C; 116P; repealing Minnesota Statutes 2000, sections 86.71; 86.72; 88.641, subdivisions 4, 5; 88.644; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; Laws 1994, chapter 639, article 3, section 4, subdivision 2; Minnesota Rules, parts 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2001," "2002," and "2003," where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2001, June 30, 2002, or June 30, 2003, respectively. The term "the first year" means the year ending June 30, 2002, and the term "the second year" means the year ending June 30, 2003.

SUMMARY BY FUND

	2001	2002	2003	TOTAL
General		\$174,777,000	\$174,240,000	\$349,017,000

43RD DAY]

MONDAY, APRIL 30, 2001

3237

Petroleum Tank		3,511,000	3,616,000	7,127,000
State Government Special Revenue		47,000	48,000	95,000
Environmental		23,594,000	23,258,000	46,740,000
Solid Waste	500,000	7,494,000	7,729,000	15,223,000
Natural Resources		45,324,000	45,531,000	90,855,000
Game and Fish		79,374,000	80,511,000	159,885,000
Special Revenue		20,724,000	-0-	20,724,000
Metropolitan Landfill Contingency		7,100,000	-0-	7,100,000
Future Resources		14,965,000	340,000	15,305,000
Environmental and Natural Resources Trust Fund		17,239,000	17,238,000	34,477,000
Great Lakes Protection		87,000	-0-	87,000
Oil Overcharge		90,000	-0-	90,000
TOTAL	\$500,000	\$387,226,000	\$352,511,000	\$739,625,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Sec. 2. POLLUTION CONTROL AGENCY

Subdivision 1. Total Appropriation		\$57,238,000	\$51,698,000
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Summary by Fund

General	17,036,000	18,207,000
Petroleum Tank	3,511,000	3,616,000
State Government Special Revenue	47,000	48,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Environmental	22,150,000	22,198,000
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Solid Waste

500,000	7,394,000	7,629,000
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Metropolitan Landfill

Contingency	7,100,000	-0-
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Protection of the Water

14,822,000	15,127,000
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Summary by Fund

General	11,031,000	11,136,000
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State Government
Special Revenue

47,000	48,000
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Environmental

3,744,000	3,943,000
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\$2,348,000 the first year and \$2,348,000 the second year are for the clean water partnership program. Any balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$1,841,000 the first year and \$1,841,000 the second year are for grants for county administration of the feedlot permit program. These amounts are transferred to the board of water and soil resources for disbursement in accordance with Minnesota Statutes, section 103B.3369, in cooperation with the pollution control agency. Grants must be matched with a combination of local cash and/or in-kind contributions. Counties receiving these grants shall submit an annual report to the legislature and the pollution control agency regarding activities conducted under the grant, expenditures made, and local match contributions. First priority for funding shall be given to counties that have requested and received delegation from the pollution control agency for processing of animal feedlot permit applications under Minnesota Statutes, section 116.07, subdivision 7. For each year of the grant,

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

delegated counties shall be eligible to receive an amount of either: (1) \$50 multiplied by the number of feedlots with greater than ten animal units as determined by (i) registration data under Minnesota Rules, part 7020.0350, (ii) if registration data are not yet complete, a level 1 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991, or (iii) if an inventory has not been completed, the number of livestock or poultry farms with sales greater than \$10,000, as reported in the 1997 Census of Agriculture, published by the United States Bureau of Census; or (2) \$80 multiplied by the number of feedlots with greater than ten animal units as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991. At a minimum, delegated counties are eligible to receive a grant of \$7,500 per year. To receive the additional funding that is based on the county feedlot inventory, the inventory information shall be current within the most recent four-year period and the county shall submit a copy of the inventory to the pollution control agency. Any remaining money is for distribution to all counties on a competitive basis through the challenge grant process for the conducting of feedlot inventories, development of delegated county feedlot programs, and for information and education or technical assistance efforts to reduce feedlot-related pollution hazards. Any money remaining after the first year is available for the second year.

\$322,000 the first year and \$322,000 the second year are for community technical assistance and education, including grants and technical assistance to communities for local and basinwide water quality protection.

\$202,000 the first year and \$202,000 the second year are for individual sewage treatment system (ISTS) administration. Of this amount, \$86,000 in each year is transferred to the board of water and soil resources for assistance to local units of government through competitive grant programs for ISTS program development.

\$200,000 each year is for individual sewage treatment system grants. Any unexpended balance in the first year does not cancel, but is available in the second year.

\$13,000 the first year and \$100,000 the second year are from the environmental fund for implementation of the Lake Superior Lakewide Management Plan (LaMP). This is a one-time appropriation and shall be supplemented the first year by the appropriation under section 8, subdivision 7, paragraph (e).

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 3. Protection of the Air

	7,590,000	7,748,000
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Summary by Fund

General	134,000	59,000
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Environmental	7,456,000	7,689,000
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Up to \$150,000 the first year and \$150,000 the second year may be transferred to the environmental fund for the small business environmental improvement loan program established in Minnesota Statutes, section 116.993.

\$200,000 each year from the environmental fund is for a monitoring program under Minnesota Statutes, section 116.454.

Subd. 4. Protection of the Land

	10,050,000	10,304,000
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Summary by Fund

General	1,249,000	1,248,000
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Petroleum Tank	2,218,000	2,270,000
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Solid Waste	4,617,000	4,758,000
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Environmental	1,966,000	2,028,000
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\$200,000 the first year and \$200,000 the second year are from the solid waste fund to be transferred to the department of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities.

Subd. 5. Integrated Environmental Programs

	22,710,000	16,345,000
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Summary by Fund

General	2,556,000	3,590,000
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Petroleum Tank	1,293,000	1,346,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Environmental	8,984,000	8,538,000
Solid Waste	2,777,000	2,871,000
Metropolitan Landfill		
Contingency	7,100,000	-0-

\$562,000 the first year and \$574,000 the second year are from the petroleum tank fund for purposes of the leaking underground storage tank program to protect the land.

\$1,000,000 the first year from the environmental fund is for grants for compensation for remediation of environmental contamination discovered after issuance by the agency of a certificate of completion for property previously owned by the Port Authority of the city of St. Paul and known as the Empire Builder property in St. Paul. This appropriation shall be used to reimburse those parties that have incurred cleanup costs at the Empire Builder site. All claims of the state of Minnesota for recovery of the \$1,400,000 in response costs against responsible parties, under Minnesota Statutes, chapter 115B, or any other law, are assigned to the Port Authority of the city of St. Paul. The Port Authority of the city of St. Paul may bring any claims, under Minnesota Statutes, chapter 115B, or any other law, for recovery of these cleanup costs incurred by the state of Minnesota. Recoverable costs also include administrative, technical, and legal expenses, including attorney fees, to the extent provided by law. Costs recovered by the Port Authority of the city of St. Paul pursuant to the assignment of claims, less administrative, technical, and legal expenses, including attorney fees, shall, to the extent available, be first used to reimburse the state of Minnesota, up to the amount of the appropriation. Nothing in this item of appropriation shall be construed to modify or otherwise limit the rights of the Port Authority of the city of St. Paul to recover cleanup costs or other costs or damages as provided by Minnesota Statutes, chapter 115B, or any other law.

\$7,100,000 the first year is from the metropolitan landfill contingency action trust fund for a grant to the city of St. Paul to complete the response action plan at the Pig's Eye dump. This is a one-time appropriation and is available until spent.

\$1,025,000 the second year is for the purposes of section 92. Twelve full-time equivalent positions are transferred from the office of environmental assistance to the pollution control agency in the second year.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 6. Administrative Support

	2,067,000	2,174,000
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Subd. 7. Deficiency Appropriation for FLSA

\$500,000 in fiscal year 2001 is from the solid waste fund for back pay owed under settlements regarding overtime under the federal Fair Labor Standards Act.

Sec. 3. OFFICE OF ENVIRONMENTAL ASSISTANCE	21,882,000	-0-
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Summary by Fund

General	20,588,000	-0-
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Environmental	1,294,000	-0-
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\$14,008,000 each year is for a transfer to the department of revenue to distribute SCORE block grants to counties.

Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

All money deposited in the environmental fund for the metropolitan solid waste landfill fee in accordance with Minnesota Statutes, section 473.843, and not otherwise appropriated, is appropriated to the office of environmental assistance for the purposes of Minnesota Statutes, section 473.844.

Sec. 4. ZOOLOGICAL BOARD	7,299,000	7,372,000
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Sec. 5. NATURAL RESOURCES

Subdivision 1. Total Appropriation	233,512,000	236,373,000
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Summary by Fund

General	108,714,000	110,231,000
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Natural Resources	45,324,000	45,531,000
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Game and Fish	79,374,000	80,511,000
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Solid Waste	100,000	100,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 2. Mineral Resources Management

6,984,000 7,079,000

Summary by Fund

General 6,405,000 6,485,000

Natural Resources 152,000 156,000

Game and Fish 427,000 438,000

\$306,000 the first year and \$306,000 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. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$369,000 the first year and \$369,000 the second year are for mineral diversification.

\$98,000 the first year and \$98,000 the second year are for minerals cooperative environmental research, of which \$49,000 the first year and \$49,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Subd. 3. Water Resources Management

11,697,000 11,580,000

Summary by Fund

General 11,423,000 11,300,000

Natural Resources 274,000 280,000

\$10,000 the first year and \$10,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.

\$50,000 the first year is for a grant to the Blue Earth county board under Minnesota Statutes, section 103G.511, to study the feasibility of repairing or removing Rapidan Dam. The county board shall perform or have performed a study of the dam to

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

obtain information on whether the dam should be repaired or removed, including gathering information on the repairs needed; obtaining renewable energy production incentives to accomplish the repairs and future maintenance; comparing the costs to repair or to remove the dam; analyzing and estimating the cost of repair or replacement of the bridge on the dam, the right and left downstream abutments, the retaining wall at the power station, and the apron below the spillway; and gauging public sentiment for repairing or removing the dam. This is a one-time appropriation.

Subd. 4. Forest Management

	38,981,000	40,042,000
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Summary by Fund

General	38,495,000	39,543,000
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Natural Resources	486,000	499,000
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\$8,000,000 the first year and \$8,000,000 the second year are for emergency firefighting. Of these amounts, up to \$7,000,000 each year may be used for firefighting aircraft, operation of the Minnesota interagency fire center, seasonal and emergency staffing, training, controlled burns, and other presuppression and preparedness costs.

If the balance in either year is insufficient, the amount necessary to pay all direct costs of suppression is appropriated from the general fund. Direct costs include, but are not limited to, expanded staffing, regular and overtime costs incurred by permanent staff, costs associated with equipment used in the direct suppression of a fire incident, flight time and base costs of helicopters and airplanes, law enforcement and arson investigation costs, costs associated with the execution or enactment of an emergency declaration, and search and rescue costs. Any reimbursement from any source, other than federal mobilizations, must be deposited to the general fund.

By November 15 of each year, the commissioner of natural resources shall submit a report to the chairs of the house of representatives ways and means committee, the senate finance committee, the environment and agriculture budget division of the senate finance committee, and the house of representatives environment and natural resources finance committee, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. The report must be in a format agreed to by the

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

house and senate environmental committees, the department, and the department of finance. These appropriations may not be transferred.

\$724,000 the first year and \$724,000 the second year are for programs and practices on state, county, and private lands to regenerate and protect Minnesota's white pine. Up to \$280,000 of the appropriation in each year may be used by the commissioner to provide 50 percent matching funds to implement cultural practices for white pine management on nonindustrial, private forest lands at rates specified in the Minnesota stewardship incentives program manual. Up to \$150,000 of the appropriation in each year may be used by the commissioner to provide funds to implement cultural practices for white pine management on county-administered lands through grant agreements with individual counties, with priorities for areas that experienced wind damage in July 1995. \$40,000 each year is for a study of the natural regeneration process of white pine. The remainder of the funds in each fiscal year will be available to the commissioner for white pine regeneration and protection on department-administered lands.

\$62,000 the first year and \$62,000 the second year are for the focus on community forests program, to provide communities with natural resources technical assistance.

\$3,517,000 the first year and \$4,367,000 the second year are to be used as follows:

- (1) \$550,000 the first year and \$1,150,000 the second year are for field services;
- (2) \$250,000 the first year and \$500,000 the second year are for timber sales;
- (3) \$210,000 the first year and \$210,000 the second year are for commercial thinning;
- (4) \$1,147,000 the first year and \$1,147,000 the second year are for the forest resources council for implementation of the Sustainable Forest Resources Act.

The commissioner may not reprogram the appropriations in clauses (1) to (4) above for other purposes.

The forest resources council shall review monitoring, verification, and auditing programs for forest management activities. This review may include, but is not limited to, activities associated with

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

compliance monitoring conducted under Minnesota Statutes, section 89A.07, subdivision 2, the Sustainable Forestry Initiative, Smartwood, Master Logger, and International Organization for Standardization criteria. The review shall:

(1) describe the requirements and activities for the programs reviewed;

(2) identify opportunities to establish common standards and procedures for conducting third-party field audits among the various programs;

(3) identify opportunities for coordinating and integrating third-party field audits associated with the various programs; and

(4) be completed and transmitted to the chairs of the house and senate environment and natural resources committees, the house environment and natural resources finance committee, and the senate environment and agriculture budget division by January 31, 2002.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2003, for the forest health, white pine, stewardship, and Minnesota ReLeaf grants in this subdivision are available until June 30, 2004.

Subd. 5. Parks and Recreation Management

	39,212,000	39,174,000
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Summary by Fund

General	21,316,000	21,501,000
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Natural Resources	17,896,000	17,673,000
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\$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.

\$3,000,000 the first year and \$3,000,000 the second year are for payment of a grant to the metropolitan council for metropolitan area regional parks maintenance and operations.

\$242,000 the first year and \$242,000 the second year are for state forest campground operations.

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\$4,399,000 the first year and \$4,158,000 the second year are from the natural resources fund for state park and recreation area operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, 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) \$1,196,000 the first year and \$1,021,000 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) \$735,000 the first year is to fund the purchase of the campground manager/point-of-sale system for 28 state parks and to implement a revenue system;

(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) \$25,000 the first year and \$25,000 the second year are for a grant to the city of Taylors Falls for fire and rescue operations in support of Interstate park; and

(9) \$744,000 the second year is for operating costs, including fisheries management, of the Red River state recreation area.

The appropriations in clauses (1) to (9) are one-time appropriations.

\$5,131,000 the first year and \$5,131,000 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

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operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (3). Of this amount:

(1) \$450,000 the second year is for a grant to the Minneapolis park and recreation board for the construction of a portion of the Bassett's Creek trail to connect the Cedar Lake trail and the Luce Line trail in Minneapolis. This appropriation may be used for the relocation of a soccer field in the path of the trail;

(2) \$500,000 the first year is for a grant to the boards of commissioners of Ramsey and Washington counties to jointly prepare engineering design documents for the rehabilitation of the roadway and the development of an adjacent trail for marked trunk highway No. 120 from its intersection with Joy Road to its intersection with 20th Street in the city of North St. Paul, for marked trunk highway No. 96 from its intersection with marked trunk highway No. 61 to its intersection with marked trunk highway No. 244, and for marked trunk highway No. 244 from its intersection with marked trunk highway No. 96 to and including its intersection with Washington county road 12. The design must be consistent with the recommendations of the Lake Links Trail Network Master Plan prepared for Ramsey and Washington counties;

(3) \$100,000 is for a grant to the Westwood Hills nature center in St. Louis Park for making a boardwalk trail handicapped accessible. This appropriation is available when equally matched by nonstate money; and

(4) \$500,000 the second year is for a grant to the city of Chanhassen for a trail along the west side of trunk highway No. 101 from trunk highway No. 5 to state highway No. 62. The city of Chanhassen must contribute \$750,000 in matching funds.

The appropriations in clauses (1) to (4) are one-time appropriations.

\$70,000 the first year is for a grant to the St. Croix Valley Heritage Coalition, Inc. to repay private costs incurred on a project that was abandoned by the department. This is a one-time appropriation.

Subd. 6. Trails and Waterways Management

18,090,000

18,669,000

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Summary by Fund

General	2,030,000	2,036,000
Natural Resources	15,165,000	15,323,000
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.

\$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.44, subdivision 1, 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.44, subdivision 1, paragraph (e), clause (4). This is a one-time appropriation.

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 reauthorized and appropriated to the commissioner for the purpose of developing the Minnesota River trail according to Minnesota Statutes, section 85.015, subdivision 23.

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.

Subd. 7. Fish Management

29,133,000	30,280,000
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Summary by Fund

General	637,000	642,000
Natural Resources	191,000	197,000
Game and Fish	28,305,000	29,441,000

\$217,000 the first year and \$218,000 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.

\$45,000 the first year and \$53,000 the second year are from the game and fish fund for programs of the division of fisheries. This amount shall be included in the department's base appropriation.

\$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.

\$203,000 the first year and \$203,000 the second year are available for aquatic plant restoration.

\$5,167,000 the first year and \$5,783,000 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.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, 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;

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(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 first year is to be used in cooperation with the city of Minnetonka for site preparation and construction of a multiuse water access on Grays Bay, Lake Minnetonka;

(10) \$100,000 the first year is for necessary improvements at the Knife river harbor of refuge and marina. This appropriation is available until spent; and

(11) \$1,700,000 the second year is to make grants from the stream protection and improvement loan program under Minnesota Statutes, section 103G.705.

The appropriations in clauses (1), except for \$950,000 each year, (2), (4) to (6), and (8) to (11) 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.

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\$550,000 the first year and \$550,000 the second year are from the heritage enhancement account in the game and fish fund for the walleye stocking program. This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1).

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 June 30, 2004.

Subd. 8. Wildlife Management

	23,227,000	23,193,000
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Summary by Fund

General	1,618,000	1,621,000
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Game and Fish	21,609,000	21,572,000
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\$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.

\$8,000 the first year and \$8,000 the second year are from the game and fish fund for programs of the division of wildlife. This amount shall be included in the department's base appropriation.

\$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.

\$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).

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\$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. Of this amount, \$50,000 each year is for emergency damage abatement materials.

\$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.

\$3,357,000 the first year and \$2,971,000 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.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, 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;

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(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. The \$400,000 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, 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;

(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) \$772,000 the first year and \$181,000 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.

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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.

Subd. 9. Ecological Services

	9,834,000	8,962,000
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Summary by Fund

General	3,692,000	3,716,000
Natural Resources	1,979,000	2,013,000
Game and Fish	4,163,000	3,233,000

\$1,006,000 the first year and \$1,028,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management.

\$253,000 the first year and \$253,000 the second year are for population and habitat objectives of the nongame wildlife management program.

\$593,000 the first year and \$600,000 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.

\$100,000 the first year and \$100,000 the second year are for water monitoring activities, including integrated monitoring using biology, chemistry, hydrology, and habitat assessment for water quality assessment.

\$12,000 the first year and \$12,000 the second year are to publicize the tax donation checkoff to the nongame wildlife program.

\$970,000 the first year is from the game and fish fund for the wildlife conservation and restoration program. This appropriation is for the planning and implementation of a program that addresses wildlife conservation and restoration, wildlife-conservation education, and wildlife-associated recreation.

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\$1,406,000 the first year and \$1,406,000 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.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

(1) \$140,000 the first year and \$140,000 the second year are to provide funding for the Minnesota county biological survey;

(2) \$220,000 the first year and \$220,000 the second year are to expand the field effort of the nongame wildlife program;

(3) \$187,000 the first year and \$187,000 the second year are to upgrade the management of ecological information to improve its accessibility for habitat management and land use planning activities;

(4) \$74,000 the first year and \$74,000 the second year are to expand native prairie stewardship on private lands;

(5) \$100,000 the first year and \$100,000 the second year are to develop educational products that interpret emerging natural resource research and management information on river and stream ecosystems and natural communities;

(6) \$310,000 the first year and \$310,000 the second year are for matching grants to protect native oak forests from oak wilt; and

(7) \$375,000 the first year and \$375,000 the second year are for purchase and implementation of the FORIST system to provide better management, inventory, and habitat information.

The appropriations in clauses (1) to (7) are one-time appropriations.

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

Subd. 10. Enforcement

25,019,000

25,536,000

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Summary by Fund

General	4,679,000	4,699,000
Natural Resources	4,624,000	4,748,000
Game and Fish	15,616,000	15,989,000
Solid Waste	100,000	100,000

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety.

\$106,000 the first year and \$185,000 the second year are from the all-terrain vehicle account in the natural resources fund for administration of the all-terrain vehicle environment and safety education and training program under Minnesota Statutes, sections 84.925, and 84.9256, subdivision 1.

\$100,000 the first year and \$100,000 the second year are from the solid waste fund for solid waste enforcement activities under Minnesota Statutes, section 116.073.

\$315,000 the first year and \$315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities.

\$40,000 the first year and \$40,000 the second year are from the natural resources fund for enforcement activities relating to the iron range off-highway vehicle recreation area. Of the amount appropriated, \$40,000 is from the all-terrain vehicle account, \$32,000 is from the off-road vehicle account, and \$8,000 is from the off-highway motorcycle account.

\$130,000 the first year and \$130,000 the second year are for protected class employee recruitment and retention.

\$468,000 the first year and \$468,000 the second year is in addition to base for hiring new conservation officers after January 1, 2001.

\$834,000 the first year and \$844,000 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.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

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(1) \$664,000 the first year and \$664,000 the second year are for the replacement of necessary equipment; and

(2) \$170,000 the first year and \$180,000 the second year are to offset increased gas costs.

The appropriations in clauses (1) and (2) are one-time appropriations.

Overtime shall be distributed to conservation officers at historical levels. If funding for enforcement is reduced because of an unallotment, the overtime bank may be reduced in proportion to reductions made in other areas of the budget.

Notwithstanding Minnesota Statutes, section 16A.28, appropriations encumbered under contract on or before June 30, 2003, for the boat and water safety program are available until June 30, 2004.

Subd. 11. Operations Support

	31,334,000	31,857,000
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Summary by Fund

General	18,418,000	18,687,000
Natural Resources	4,557,000	4,642,000
Game and Fish	8,359,000	8,528,000

\$363,000 the first year and \$363,000 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.

\$1,938,000 the first year and \$1,958,000 the second year are for the operations of the Minnesota Conservation Corps youth programs. Of this amount, \$478,000 the first year and \$498,000 the second year are from the natural resources fund.

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.

\$456,000 the first year and \$456,000 the second year are from the natural resources fund for grants to be divided equally among the Minnesota Zoological Garden, the city of St. Paul for the Como

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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.44, subdivision 1, paragraph (e), clause (5). This is a one-time appropriation.

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 base appropriation to the commissioner of natural resources from the game and fish fund for operations support is reduced by \$61,000 in the first year and \$69,000 in the second year.

Sec. 6. BOARD OF WATER AND SOIL RESOURCES	40,701,000	19,948,000
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Summary by Fund

General	19,977,000	19,948,000
Special Revenue	20,724,000	-0-

\$5,268,000 the first year and \$5,268,000 the second year are for natural resources block grants to local governments.

The board shall reduce the amount of the natural resource block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation.

Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount that would be raised by a levy under Minnesota Statutes, section 103B.3369.

\$4,007,000 the first year and \$4,007,000 the second year are for grants to soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota (RIM) conservation reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts.

\$4,120,000 the first year and \$4,120,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of

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this amount, at least \$1,000,000 the first year and \$1,000,000 the second year are for grants for cost-sharing contracts for water quality management on feedlots.

\$189,000 the first year and \$189,000 the second year are for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for floodplain management. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

\$400,000 the first year and \$400,000 the second year are for the administrative costs of easement and grant programs.

\$500,000 the first year and \$500,000 the second year are for the special projects cost-share program for erosion and sediment control and water quality improvement. This appropriation is added to funds provided in the board's base.

\$20,724,000 the first year is from the contingency account in the special revenue fund for the Minnesota river basin conservation reserve enhancement program. This appropriation is to acquire easements on frequently flooded cropland, including land within the 100-year floodplain and the major tributaries; on marginal cropland along rivers and streams; and on drained or altered wetlands in the Minnesota river basin to protect soil, enhance water quality, and support fish and wildlife habitat as provided in Minnesota Statutes, sections 103F.515 and 103F.516. \$724,000 of this amount is for implementation costs related to the appropriation in Laws 2000, chapter 492, article 1, section 9, subdivision 3.

\$2,967,000 is from the general fund for implementation of easement costs of the board of water and soil resources. This appropriation is available until June 30, 2004.

Any unencumbered balance in the board's program of grants does not cancel at the end of the first year and is available for the second year for the same grant program.

Sec. 7. SCIENCE MUSEUM OF MINNESOTA	1,164,000	1,164,000
Sec. 8. MINNESOTA RESOURCES		
Subdivision 1. Total Appropriation	\$32,294,000	\$17,578,000

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Summary by Fund

Minnesota Future Resources Fund	14,965,000	340,000
Environment and Natural Resources Trust Fund	17,239,000	17,238,000
Oil Overcharge Money in the Special Revenue Fund	90,000	-0-
Great Lakes Protection Fund	87,000	-0-

Appropriations from the Minnesota future resources fund and oil overcharge money in the special revenue fund are available for either year of the biennium.

For appropriations from the environment and natural resources trust fund, any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Unless otherwise provided, the amounts in this section are available until June 30, 2003, when projects must be completed and final products delivered.

Subd. 2. Definitions

(a) "Future resources fund" means the Minnesota future resources fund referred to in Minnesota Statutes, section 116P.13.

(b) "Great Lakes protection fund" means the Great Lakes protection fund referred to in Minnesota Statutes, section 116Q.01.

(c) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

(d) "Oil overcharge money" means the money referred to in Minnesota Statutes, section 4.071, subdivision 2.

Subd. 3. Administration

822,000

393,000

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Summary by Fund

Future Resources Fund	429,000	-0-
Trust Fund	393,000	393,000

(a) Legislative Commission on Minnesota Resources

\$389,000 of this appropriation is from the future resources fund and \$338,000 the first year and \$338,000 the second year are from the trust fund for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

(b) Contract Administration

\$40,000 of this appropriation is from the future resources fund and \$55,000 the first year and \$55,000 the second year are from the trust fund to the commissioner of natural resources for contract administration activities assigned to the commissioner in this section. This appropriation is available until June 30, 2004.

Subd. 4. Fish and Wildlife Habitat	9,912,000	8,108,000
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Summary by Fund

Future Resources Fund	1,805,000	-0-
Trust Fund	8,107,000	8,108,000

(a) Forest and Prairie Stewardship of Private Lands

\$272,000 the first year and \$273,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Minnesota Forestry Association and the Nature Conservancy, to develop stewardship plans for private prairie and forested lands and to implement natural resource projects by providing matching money on a one-to-one basis to private landowners. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) State Fish Hatchery Rehabilitation

\$145,000 is from the future resources fund to the commissioner of natural resources to accelerate hatchery rehabilitation.

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(c) Enhancing Canada Goose Hunting and Management

\$340,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Waterfowl Association to acquire leases on private farmlands for foraging sites and public hunting opportunities and to provide technical assistance to local units of government in developing controlled hunts for nuisance geese.

(d) Biological Control of Eurasian Water Milfoil and Purple Loosestrife - Continuation

\$45,000 the first year and \$45,000 the second year are from the trust fund to the commissioner of natural resources for the fifth biennium of a five biennia project to develop and implement biological controls for Eurasian water milfoil and purple loosestrife. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Restoring Minnesota's Fish and Wildlife Habitat Corridors

\$5,873,000 the first year and \$5,872,000 the second year are from the trust fund to the commissioner of natural resources for acceleration of agency programs and cooperative agreements with Minnesota Waterfowl Association, Minnesota Deer Hunters Association, Ducks Unlimited, Inc., National Wild Turkey Federation, Pheasants Forever, The Nature Conservancy, Minnesota Land Trust, Trust for Public Land, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, Natural Resources Conservation Service, and the U.S. Forest Service to restore and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. \$352,000 is for program coordination, corridor identification, and mapping. \$3,343,000 is for restoration and management activities in wildlife management areas, wetland habitat, lakes, wild rice beds, grasslands, and fisheries habitat. \$2,650,000 is for conservation easement programs on riparian areas, big woods forests, native prairies, and wetlands. \$5,400,000 is for habitat acquisition activities on prairies, riparian areas, and other fish and wildlife habitat corridors. As part of the required work program, criteria and priorities for planned acquisition and restoration activities must be submitted to the legislative commission on Minnesota resources for review and approval. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated:

APPROPRIATIONS
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2002 2003

(1) as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or

(2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011.

The commissioner may so designate any lands acquired in less than fee title. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Engineering Support for Public Lands Waterfowl Projects

\$275,000 is from the future resources fund to the commissioner of natural resources for an agreement with Ducks Unlimited, Inc., to provide survey and engineering support to natural resources agencies for waterfowl projects on public lands.

(g) Metro Greenways

\$1,365,000 the first year and \$1,365,000 the second year are from the trust fund to the commissioner of natural resources for the metro greenways program for planning, improving, and protecting important natural areas in the metropolitan region through grants, contracted services, conservation easements, and fee acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Acquisition of Lands as Scientific and Natural Areas

\$227,000 the first year and \$228,000 the second year are from the trust fund to the commissioner of natural resources to acquire land with natural features of statewide significance in the scientific and natural area program long-range plan and to improve land acquired with this appropriation. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

(i) Big Rivers Partnership: Helping Communities to Restore Habitat

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$325,000 the first year and \$325,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Great River Greening to implement private and public habitat projects on a cost-share basis in the Mississippi and Minnesota River valleys. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Acquisition of Eagle Creek's Last Private Land

\$910,000 the first year is from the future resources fund to the commissioner of natural resources for an agreement with the city of Savage to acquire a buffer strip along Eagle Creek for transfer and dedication as an aquatic management area. Acquisition expenses incurred prior to July 1, 2001, may be reimbursed by the commissioner. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

(k) Neighborhood Wilds Program

\$135,000 is from the future resources fund to the commissioner of natural resources for the neighborhood wilds program to assist neighborhoods adjacent to public lands and natural areas in restoration and management of habitat through demonstration projects. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 5. Recreation

16,312,000

7,575,000

Summary by Fund

Future Resources

Fund	9,076,000	340,000
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Trust Fund	7,236,000	7,235,000
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(a) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,800,000 the first year is from the future 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.

APPROPRIATIONS
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\$696,000 the first year and \$696,000 the second year are from the trust fund to the Port Authority of the city of St. Paul for the acquisition of certain properties in the Trout Brook area for the reestablishment of natural habitat as well as recreational and environmental educational opportunities.

\$2,823,000 the first year and \$2,822,000 the second year are from the trust fund and \$550,000 the first year is from the future resources fund to the commissioner of natural resources for an agreement with the metropolitan council for subgrants for acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may not be used for the purchase of residential structures. This appropriation may be used to reimburse implementing agencies for acquisition of nonresidential property as expressly approved in the work program. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Local Grants Initiative: Program Outdoor Recreation Grants

\$1,827,000 the first year and \$1,827,000 the second year are from the trust fund and \$351,000 is from the future resources fund to the commissioner of natural resources for matching grants:

(1) for regional parks outside the metropolitan area as defined in Minnesota Statutes, section 473.121;

(2) for local parks, outdoor recreation areas, and natural and scenic areas under Minnesota Statutes, section 85.019;

(3) for statewide conservation partners grants of up to \$20,000 each to encourage private organizations and local governments to cost-share improvements of fish, wildlife, and native plant habitats and research and surveys of fish and wildlife; and

(4) for environmental partnerships program grants of up to \$20,000 each for environmental service projects and related education activities through public and private partnerships.

Grants under clause (1) may provide up to 60 percent of the nonfederal share of the project cost. Grants under clauses (2) to (4) may provide up to 50 percent of the nonfederal share of the project cost.

APPROPRIATIONS
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2002 2003

\$100,000 is to the city of Maplewood to complete restoration of the historic Bruentrup farm in Maplewood, which will be operated for environmental education purposes.

\$100,000 the first year is for a grant to Chisago county for improvements to a county park. This amount must be matched by one dollar of nonstate money for each dollar of state money.

The commission will monitor the grants for approximate balance over extended periods of time between the metropolitan area, under Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purposes of this paragraph, the match must be a nonstate contribution, but may be either cash or qualifying in kind. Recipients may receive funding for more than one project in any given grant period. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered.

(c) Regional and Local Trail Grants

\$1,000,000 is from the future resources fund to the commissioner of natural resources for matching trail grants on a one-to-one basis to local units of government, under Minnesota Statutes, section 85.019, for trail linkages between communities, trails, and parks, and for locally funded trails of regional significance outside the metropolitan area, under Minnesota Statutes, section 473.121. If a project financed under this program receives a federal grant, the availability of the financing from this subdivision for that project is extended to equal the period of the federal grant.

(d) Outdoors for Everyone: Accessing Recreational Trails and Facilities

\$115,000 the first year and \$115,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Wilderness Inquiry to provide technical assistance to local units of government for development of publicly funded trails and outdoor recreation facilities to ensure that federal standards for accessibility for persons with disabilities are met.

(e) Water Recreation: Boat Access, Fishing Piers, and Shorefishing

\$455,000 the first year and \$455,000 the second year are from the trust fund to the commissioner of natural resources to acquire and develop public water access sites statewide, to construct shorefishing and pier sites, and to restore shorelands at public

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

accesses. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Grays Bay, Lake Minnetonka Public Water Access

\$2,000,000 is from the future resources fund to the commissioner of natural resources to acquire, in cooperation with the city of Minnetonka, approximately five acres for a multiuse water access site on Grays Bay, Lake Minnetonka.

(g) McQuade Public Access

\$500,000 is from the future resources fund to the commissioner of natural resources to develop a public access for Lake Superior in cooperation with the McQuade Joint Powers Board, U.S. Army Corps of Engineers, and local units of government.

(h) Land Acquisition at the Minnesota Landscape Arboretum

\$365,000 the first year and \$365,000 the second year are from the trust fund to the University of Minnesota for an agreement with the University of Minnesota Landscape Arboretum Foundation for the fourth biennium to acquire in-holdings of the Minnesota Landscape Arboretum. This appropriation must be matched by at least \$730,000 of nonstate money. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) Gateway Trail Bridge

\$530,000 is from the future resources fund to the commissioner of natural resources for a trail bridge over state highway No. 96 and expanded parking.

(j) State Trail Projects

\$455,000 the first year and \$455,000 the second year are from the trust fund to the commissioner of natural resources to provide matching funds for state trail projects eligible to receive federal TEA-21 funds. If a project financed under this program receives a federal grant, the availability of the financing from this subdivision for that project is extended to equal the period of the federal grant.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(k) Gitchi-Gami State Trail

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Gitchi-Gami Trail Association, for the second biennium to acquire and develop approximately four miles of the Gitchi- Gami state trail between Gooseberry Falls state park and the Split Rock river. As a condition of this appropriation, the commissioner must apply for federal TEA-21 funds for funding of this portion of the trail, and must report back to the legislative commission on Minnesota resources prior to any expenditure. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(l) Forest History Center Interpretive Trail

\$90,000 is from the future resources fund to the Minnesota historical society to design and upgrade trails at the Forest History Center in Grand Rapids.

(m) Mesabi Trail Facility

\$190,000 is from the future resources fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Rail Authority for the authority to acquire land and design a Mesabi trail center building.

(n) Regional Trailhead Building

\$135,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Itasca county land department to complete construction of a trailhead building at Itasca county fairgrounds to serve regional trail users.

(o) Development and Rehabilitation of Recreational Shooting Ranges

\$910,000 is from the future resources fund to the commissioner of natural resources to provide cost-share grants on a one-to-one basis to local recreational shooting clubs for the purpose of developing or rehabilitating shooting sports facilities for public use. Recipient facilities must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(p) State Park and Recreation Area Acquisition

\$616,000 is from the future resources fund to the commissioner of natural resources for acquisition of in-holdings for state park and recreation areas. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

(q) LAWCON

\$404,000 the first year and \$340,000 the second year are from the future resources fund to the commissioner of natural resources for projects allowed under the federal Land and Water Conservation Fund Act.

Subd. 6. Water Resources	2,280,000	115,000
Summary by Fund		
Future Resources Fund	2,165,000	-0-
Trust Fund	115,000	115,000

(a) Accelerated Implementation of Local Water Plans

\$1,365,000 is from the future resources fund to the board of water and soil resources to accelerate the local water planning challenge grant program under Minnesota Statutes, sections 103B.3361 to 103B.3369, through the implementation of high-priority activities in comprehensive water management plans on a one-to-one match basis of cash or interest in land and for a program reporting system. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Green Infrastructure Design Strategies in Washington, Ramsey, and Dakota Counties

\$275,000 is from the future resources fund to the University of Minnesota to develop green infrastructure design strategies for incorporation into public works projects.

(c) Denitrification Strategies for Minnesota's Contaminated Aquifers

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$115,000 the first year and \$115,000 the second year are from the trust fund to the University of Minnesota to assess denitrification technology to remediate nitrate-contaminated groundwater. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Determination of Fecal Pollution Sources in Minnesota Watersheds

\$275,000 is from the future resources fund to the University of Minnesota for the second biennium to determine sources of fecal pollution in three impacted watersheds utilizing DNA fingerprinting techniques, and evaluate the efficacy of implemented and proposed abatement procedures to remediate fecal contamination.

(e) Mississippi Headwaters Board: Environmental Economic Assessments

\$100,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Mississippi Headwaters Board to accelerate the river watch watershed monitoring program and integrate economic and water data analysis into decision-making tools for landowners and local units of government.

(f) Chisago County Lake Improvements

\$150,000 is from the future resources fund to the commissioner of natural resources for a grant to the Chisago county soil and water conservation district for lake quality improvements in Chisago county.

Subd. 7. Land Use and Natural Resource Information	967,000	810,000
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Summary by Fund

Future Resources Fund	70,000	-0-
Trust Fund	810,000	810,000
Great Lakes Protection Fund	87,000	-0-

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(a) Hydraulic Impacts of Quarries and Gravel Pits

\$160,000 the first year and \$160,000 the second year are from the trust fund to the commissioner of natural resources to research and evaluate the impact of aggregate extraction on groundwater quality and quantity. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) GIS Management in Koochiching County

\$70,000 is from the future resources fund to the commissioner of natural resources for an agreement with Koochiching county to develop parcel-based GIS capability for Koochiching county for land use, natural resource, and fiscal data.

(c) Updating Outmoded Soil Surveys - Continuation

\$250,000 the first year and \$250,000 the second year are from the trust fund to the board of water and soil resources for the second biennium of a three biennia project to accelerate a statewide program to update and digitize outmoded soil surveys in four southeast Minnesota counties. Participating counties must provide a cost share. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Minnesota County Biological Survey - Continuation

\$400,000 the first year and \$400,000 the second year are from the trust fund to the commissioner of natural resources for the eighth biennium of a 12 biennia project to accelerate the survey that identifies significant natural areas and systematically collects and interprets data on the distribution and ecology of natural communities, rare plants, and animals.

(e) Lake Superior Lakewide Management Plan (LaMP)

\$87,000 the first year is from the Great Lakes protection fund for implementation of the Lake Superior Lakewide Management Plan (LaMP). This is a one-time appropriation and must be supplemented in the first year by the appropriation in section 2, subdivision 2.

Subd. 8. Agriculture and Natural Resource Industries

547,000

103,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

Future Resources Fund	445,000	-0-
Trust Fund	102,000	103,000
Oil Overcharge Money	90,000	-0-

(a) Evaluating Timber Harvesting and Forest Management Guidelines

\$200,000 is from the future resources fund to the University of Minnesota, in cooperation with the Minnesota forest resources council, to initiate an evaluation of the effectiveness of forest management timber harvesting guidelines for riparian areas. This is the first biennium of a five biennia project. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Agricultural Land Preservation

\$102,000 the first year and \$103,000 the second year are from the trust fund to the commissioner of agriculture in cooperation with Dakota county for educational materials, training, and workshops on agricultural land use planning tools.

(c) Environmental Practices on Dairy Farms

\$245,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Milk Producers Association to assist dairy producers in complying with environmental quality regulations.

(d) Accelerated Technology Transfer for Starch-Based Plastics

\$90,000 is from the oil overcharge money to the University of Minnesota to produce and market biodegradable, starch-based plastic.

Subd. 9. Environmental Education	1,451,000	474,000
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Summary by Fund

Future Resources Fund	975,000	-0-
Trust Fund	476,000	474,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(a) Uncommon Ground: An Educational Television Series

\$228,000 the first year and \$227,000 the second year are from the trust fund to the University of Minnesota for the second biennium of a two biennia project to complete production of a multipart televised film series of the history of Minnesota's natural landscapes.

(b) WaterScapes: Outdoor Nonpoint Source Pollution Education

\$133,000 the first year and \$132,000 the second year are from the trust fund to the Science Museum of Minnesota to create outdoor exhibits about urban and rural runoff and contamination and that demonstrate methods to improve water quality. This appropriation must be matched by at least \$265,000 of nonstate contributions, cash or in kind. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Integrated Pest Management in Schools

\$180,000 is from the future resources fund to the commissioner of agriculture to implement integrated pest management (IPM) practices in Minnesota K-12 schools.

(d) Burn, Plant, and Learn: Restoring Upland Habitats

\$115,000 the first year and \$115,000 the second year are from the trust fund to the Science Museum of Minnesota for acquisition of approximately eight acres of property adjacent to the St. Croix watershed research station and for training programs, technical assistance, and demonstrations of upland habitat restoration. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Connecting with Wildlife at the Minnesota Zoo

\$230,000 is from the future resources fund to the Minnesota Zoo to design and develop interpretive environmental educational displays for trail exhibit areas.

(f) Project Green Start: Environmental Education

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$340,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Children's Museum to construct habitat exhibits for environmental education activities.

(g) Raptor Propagation: Student Education

\$35,000 is from the future resources fund to the commissioner of natural resources for an agreement with Stillwater Area High School to build a captive breeding facility for raptors and develop associated education activities.

(h) Hennepin Parks Farm Education

\$100,000 is from the future resources fund to the commissioner of natural resources for an agreement with suburban Hennepin regional park district to develop and implement a coordinated farm education program at Gale's Woods Special Recreation Area and North Mississippi Regional Park.

(i) Residential Environmental Education for Youth

\$90,000 is from the future resources fund to the commissioner of natural resources for an agreement with Camp Courage for student scholarships and marketing for the residential environmental education program.

Subd. 10. Data Availability Requirements

(a) During the biennium ending June 30, 2003, the data collected by the projects funded under this section that have common value for natural resource planning and management must conform to information architecture as defined in guidelines and standards adopted by the office of technology. Spatial data must conform with geographic information system guidelines and standards adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. These data must be made accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

(b) To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet.

(c) As part of project expenditures, recipients of land acquisition appropriations must provide the information necessary to update public recreation information maps to the department of natural resources in the specified form.

APPROPRIATIONS
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2002 2003

Subd. 11. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P, and vegetation planted must be native to Minnesota and preferably of the local ecotype.

Subd. 12. Match Requirements

Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by December 31, 2001, are canceled, and in-kind contributions may not be counted as matching funds.

Subd. 13. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2001, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Payment must be made upon receiving documentation that project-eligible reimbursable amounts have been expended, except that reasonable amounts may be advanced to projects in order to accommodate cash-flow needs. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 14. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 to 16B.122, requiring the purchase of recycled, repairable, and durable materials, the purchase of uncoated paper stock, and the use of soy-based ink, the same as if it were a state agency.

Subd. 15. Energy Conservation

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation standards contained in law, including Minnesota Statutes, sections 216C.19 to 216C.20, and rules adopted thereunder.

APPROPRIATIONS
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Ending June 30
2002 2003

The recipient may use the energy planning and intervention and energy technologies units of the department of public service to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 16. Accessibility

New structures must be shown to meet the design standards in the Americans with Disability Act Accessibility Guidelines. Nonstructural facilities such as trails, campgrounds, picnic areas, parking, play areas, water sources, and the access routes to these features should be shown to be designed using guidelines in the Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Developed Areas.

Subd. 17. Carryforward

(a) The availability of the appropriations for the following projects is extended to June 30, 2002: Laws 1999, chapter 231, section 16, subdivision 4, paragraph (m), Como Park campus maintenance; subdivision 6, paragraph (b), identification of sediment sources in agricultural watersheds; and paragraph (c), accelerated statewide local water plan implementation; subdivision 7, paragraph (g), Minnesota river basin initiative; local leadership; paragraph (h), commercial fertilizer plant for livestock solid waste processing; and paragraph (j), wild rice management planning; subdivision 8, paragraph (b), tools and training for community-based planning; subdivision 10, paragraph (g), by-products application to agricultural, mineland, and forest soils; subdivision 11, paragraph (c), Minnesota wolf public education; subdivision 12, paragraph (d), Dakota county wetland health monitoring program, paragraph (e), predicting water and forest resources health and sustainability, and paragraph (f), potential for infant risk from nitrate contamination; and subdivision 13, paragraph (b), national prairie passage; linking isolated prairie preserves; and paragraph (g), arboretum land acquisition and wetlands restoration - continuation.

(b) The availability of the appropriations for the following projects is extended to June 30, 2004: Laws 1999, chapter 231, section 16, subdivision 4, paragraph (b), Mesabi trail land acquisition and development - continuation; and subdivision 11, paragraph (f), science outreach and integrated learning on soil.

(c) The availability of the appropriation in Laws 1999, chapter 231, section 16, subdivision 8, paragraph (a), resources for redevelopment: a community property investigation program, is extended to June 30, 2002, for additional sites.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(d) The availability of the appropriation in Laws 1999, chapter 231, section 16, subdivision 9, paragraph (c), evaluate biodiesel made from waste fats and oils, is extended to June 30, 2002, for trial in heavy-duty vehicles.

Sec. 9. TRADE AND ECONOMIC DEVELOPMENT -0- 2,927,000

Summary by Fund

General -0- 2,129,000

Environmental -0- 798,000

This appropriation is for the purposes of section 92. Twenty-four full-time equivalent positions are transferred from the office of environmental assistance to the department of trade and economic development in the second year.

Sec. 10. REVENUE -0- 14,118,000

This appropriation is for the purposes of section 92. One full-time equivalent position is transferred from the office of environmental assistance to the department of revenue in the second year.

Sec. 11. ADMINISTRATION -0- 1,184,000

Summary by Fund

General -0- 1,072,000

Environmental -0- 112,000

This appropriation is for the purposes of section 92. Eleven full-time equivalent positions are transferred from the office of environmental assistance to the department of administration in the second year.

Sec. 12. TRANSFER

The commissioner of finance shall transfer \$1,200,000 from the conservation fund in Minnesota Statutes, section 40A.151, to the environmental fund in Minnesota Statutes, section 16A.531, subdivision 1. Of this amount, \$31,000 is to be credited to the water quality fee account in the environmental fund and \$1,169,000 is to be credited to the hazardous waste fee account in the environmental fund.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

The commissioner of finance shall transfer \$654,000 from the solid waste fund to the environmental fund in Minnesota Statutes, section 16A.531, subdivision 1. This amount is to be credited to the water quality fee account in the environmental fund.

Sec. 13. Minnesota Statutes 2000, section 15.059, subdivision 5a, as amended by Laws 2001, chapter 7, section 7, is amended to read:

Subd. 5a. [LATER EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Public programs risk adjustment work group, created in section 62Q.03;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

~~Youth corps advisory committee, created in section 84.0887;~~

~~Iron range off-highway vehicle advisory committee, created in section 85.013;~~

~~Mineral coordinating committee, created in section 93.002;~~

~~Game and fish fund citizen advisory committees, created in section 97A.055;~~

Wastewater treatment technical advisory committee, created in section 115.54;

Solid waste management advisory council, created in section 115A.12;

Nuclear waste council, created in section 116C.711;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Child abuse prevention advisory council, created in section 119A.13;

Interagency coordinating council, created in section 125A.28, expires June 30, 1999;

Desegregation/integration advisory board, created in section 124D.892;

Nonpublic education council, created in section 123B.445;

Permanent school fund advisory committee, created in section 127A.30;

Indian scholarship committee, created in section 124D.84, subdivision 2;

American Indian education committees, created in section 124D.80;

Summer scholarship advisory committee, created in section 124D.95;

Multicultural education advisory committee, created in section 124D.894;

Male responsibility and fathering grants review committee, created in section 124D.33;

Library for the blind and physically handicapped advisory committee, created in section 134.31;

Higher education advisory council, created in section 136A.031;

Student advisory council, created in section 136A.031;

Cancer surveillance advisory committee, created in section 144.672;

Maternal and child health task force, created in section 145.881;

State community health advisory committee, created in section 145A.10;

Mississippi River Parkway commission, created in section 161.1419;

School bus safety advisory committee, created in section 169.435;

Advisory council on workers' compensation, created in section 175.007;

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 260.835;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

Chemical abuse and violence prevention council, created in section 299A.293;

Youth neighborhood centers advisory board, created in section 299A.295;

Advisory council on battered women and domestic abuse, created in section 611A.34.

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

Sec. 14. Minnesota Statutes 2000, section 84.025, subdivision 7, is amended to read:

Subd. 7. [CONTRACTS.] The commissioner of natural resources may contract with the federal government, local governmental units, the University of Minnesota, the Minnesota Historical Society, and other educational institutions, and private persons as may be necessary in the performance of duties. Contracts made pursuant to this section for professional services shall not be subject to the provisions of chapter 16C, as they relate to competitive bidding.

Sec. 15. Minnesota Statutes 2000, section 84.0887, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM CONTENT.] The commissioner shall operate ~~youth~~ Minnesota Conservation Corps programs which may include summer youth programs and year-round young adult programs. The commissioner shall insure that youths in all parts of the state have an equal opportunity for employment and that equal numbers of male and female youth are selected for the summer programs. Youth corps members must be 15 to 18 years old and young adult corps members must be 18 to 26 years old. Minnesota Conservation Corps members are not public employees under chapter 43A or 179A. ~~Youth~~ Minnesota Conservation Corps programs may provide services that include but are not limited to the following:

- (1) conservation, rehabilitation, and the improvement of wildlife habitat, prairie, parks, and recreational areas;
- (2) urban and rural revitalization, historical and cultural site preservation, and reforestation of both urban and rural areas;
- (3) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;

- (4) road and trail development, maintenance, and improvement;
- (5) erosion, flood, drought, and storm damage assistance and controls;
- (6) stream, lake, waterfront harbor, and port improvement;
- (7) wetlands protection and pollution control;
- (8) insect, disease, rodent, and fire prevention and control;
- (9) the improvement of abandoned railroad beds and rights-of-way;
- (10) energy conservation projects, renewable resource enhancement, and recovery of biomass;
- (11) reclamation and improvement of strip-mined land; and
- (12) forestry, nursery, and cultural operations.

Sec. 16. Minnesota Statutes 2000, section 84.0887, subdivision 2, is amended to read:

Subd. 2. ~~[ADDITIONAL SERVICES; CORPS TO CAREER COMMUNITY SERVICE.]~~ (a) In addition to services under subdivision 1, ~~youth~~ Minnesota Conservation Corps programs may coordinate with or provide services to:

- (1) making public facilities accessible to individuals with disabilities;
- (2) federal, state, local, and regional governmental agencies;
- (3) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, child and adult day care centers, programs servicing individuals with disabilities, and schools;
- (4) law enforcement agencies, and penal and probation systems;
- (5) private nonprofit organizations that primarily focus on social service such as community action agencies;
- (6) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income housing including housing occupied by older adults, activities that focus on drug and alcohol abuse education, prevention, and treatment; and
- (7) any other nonpartisan civic activities and services that the commissioner determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs, particularly needs related to poverty, or in the community where volunteer service is to be performed.

~~(b) Youth and young adults may provide full-time or part-time youth community service in a program known as "corps to career" if the individual:~~

~~(1) is an unemployed high school dropout and is a parent of a minor member of an assistance unit under the AFDC, MFIP, or MFIP-R programs under chapter 256 or under the MFIP-S program under chapter 256J, or is a person who is a member of an assistance unit under the AFDC, MFIP, or MFIP-R programs under chapter 256 or under the MFIP-S program under chapter 256J;~~

~~(2) agrees to only use the individual's postservice benefit under the federal Americorps Act to complete a customized job training program that requires 20 percent of the individual's time to be spent in the corps to career program and that is consistent with the work requirements of the employment and training services component of the MFIP-S program under chapter 256J or, if a customized job training program is unavailable, agrees to use the postservice benefit consistent with the federal education award; and~~

~~(3) during the entire time the individual completes the individual's job training program, resides within an enterprise zone as defined in section 469.303;~~

~~To be eligible under this paragraph, any individual who receives assistance under clause (1) after MFIP-S has been implemented in the individual's county of financial responsibility, and who meets the requirements in clauses (2) and (3), also must meet the requirements of the employment and training services component of the MFIP-S program under chapter 256J.~~

~~(c) The commissioner of natural resources shall ensure that the corps to career program will not decrease employment opportunities that would be available without the program; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work.~~

Sec. 17. Minnesota Statutes 2000, section 84.0887, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] The commissioner shall establish a youth Minnesota Conservation Corps advisory committee with broad state representation including youth. Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, 2004 2005.

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

Sec. 18. Minnesota Statutes 2000, section 84.0887, subdivision 5, is amended to read:

Subd. 5. [OLDER MEMBERS.] Youth Minnesota Conservation Corps programs may enroll a limited number of special corps members over age 26 so that the corps may draw on their unique knowledge, skills, or abilities to fulfill the purposes of the programs.

Sec. 19. Minnesota Statutes 2000, section 84.0887, subdivision 6, is amended to read:

Subd. 6. [EXPENDITURES FROM SPECIAL FUNDS.] An appropriation from a special revenue fund or account to the commissioner for youth Minnesota Conservation Corps programs must be spent for projects that are consistent with the purposes of the fund or account from which the appropriation was made.

Sec. 20. Minnesota Statutes 2000, section 84.0887, subdivision 9, is amended to read:

Subd. 9. [CONTRACTS; GRANTS.] The commissioner of natural resources may contract with and make grants to nonprofit agencies to assist in carrying out the purposes, plans, and programs of the ~~office of youth programs,~~ Minnesota Conservation Corps.

Sec. 21. Minnesota Statutes 2000, section 84.925, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of \$15 from each person who receives the training. ~~The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Fee proceeds shall be deposited in the all-terrain vehicle account in the natural resources fund. The fees shall be deposited in the all-terrain vehicle account and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.~~

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. By June 30, 2003, the commissioner shall incorporate a riding component in the safety education and training program.

Sec. 22. Minnesota Statutes 2000, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

- (1) make a direct crossing of a public road right-of-way;
- (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- (3) operate an all-terrain vehicle on public lands or waters.

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity unless:

(1) the person successfully completed the safety education and training program under section 84.925, subdivision 1, including a riding component;

(2) the riding component of the training was conducted using an all-terrain vehicle with over 90cc engine capacity; and

(3) the person is able to reach both the handle bars and foot pegs while sitting upright on the seat of the all-terrain vehicle.

Sec. 23. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

Subd. 22. [CENTRAL LAKES TRAIL; OTTER TAIL, GRANT, AND DOUGLAS COUNTIES.] The trail shall originate at the city of Fergus Falls and extend in a southeasterly direction through Grant and Douglas counties to the eastern boundary of Douglas county.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Sec. 24. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

Subd. 23. [MINNESOTA RIVER TRAIL; BIG STONE, SWIFT, YELLOW MEDICINE, CHIPPEWA, RENVILLE, NICOLLET, SIBLEY, AND LESUEUR COUNTIES.] The trail shall originate at the entrance to Big Stone Lake state park and extend along the Minnesota river valley to connect to the Minnesota Valley trail at the city of LeSueur.

Sec. 25. Minnesota Statutes 2000, section 85.055, subdivision 2, is amended to read:

Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees collected under this section shall be deposited in the natural resources fund in the state treasury and credited to the general fund a state parks account.

Sec. 26. Minnesota Statutes 2000, section 86A.21, is amended to read:

86A.21 [POWERS AND DUTIES OF COMMISSIONER.]

(a) The commissioner may:

(1) acquire, construct, and maintain small craft harbors, channels, and facilities for recreational watercraft in the navigable waters lying within the locations identified in Laws 1993, chapter 333, section 1;

(2) acquire by purchase, lease, gift, or condemnation the lands, rights-of-way, easements, and other interests necessary for small craft harbors, channels, mooring facilities, marinas, launching ramps, and facilities normally used to support harbors of refuge, channels, docks, and launching ramps;

(3) provide the public within the boundaries of small craft harbors, through leases of public property, with mooring facilities and marinas developed and operated by public or nonpublic entities at no cost to the state or its political subdivisions;

(4) charge fees for both seasonal and daily moorage at state-operated or state-assisted small craft harbors and mooring facilities;

(5) collect the proceeds from the sale of marine fuel at small craft harbors or mooring facilities operated by the state.

(b) Fees and proceeds collected under paragraph (a) must be credited to the water recreation account. The fees and proceeds are appropriated to the commissioner of natural resources and may be used for purposes relating to mooring facilities and small craft harbors, including:

(1) operation and maintenance;

(2) purchase of marine fuel and other petroleum supplies;

(3) replacement or expansion; or

(4) debt service on funds provided through the sale of state bonds.

(c) Fees collected at small craft harbors and boating facilities constructed or operated by local units of government with financial assistance from the state shall, after payment of the costs of operating and maintaining the facilities, be used for purposes relating to mooring facilities and small craft harbors, including:

(1) operation and maintenance;

(2) replacement or expansion; or

(3) debt service on funds provided through the sale of state bonds.

Sec. 27. Minnesota Statutes 2000, section 86B.106, is amended to read:

86B.106 [BARRING VEHICLES FROM UNSAFE ICE.]

(a) Whenever ice conditions on a body of water deteriorate to such an extent that there is substantial danger to persons using motorized vehicles, including snowmobiles and all-terrain vehicles, the sheriff of the county where the body of water is located may prohibit or restrict the use of motorized vehicles on all or a portion of the body of water. If the body of water is located in more than one county, all counties involved must coordinate any prohibitions or restrictions that are imposed. A county sheriff acting under this section shall, as soon as practicable, post all common access sites and publicize the prohibitions or restrictions. The commissioner must be notified immediately and may review and suspend any restrictions imposed. Restrictions may be lifted as soon as conditions warrant.

(b) A person may not operate a motorized vehicle in violation of a prohibition or restriction imposed under this section.

(c) This section does not apply to a person who:

(1) is a member of a sanctioned circuit watercross association and can provide proof of membership;

(2) operates a snowmobile with a silenced exhaust and is practicing for a sanctioned event; and

(3) receives written permission from a conservation officer who must set the date, time, and location of the practice.

Sec. 28. Minnesota Statutes 2000, section 88.642, is amended to read:

~~88.642 [DECORATIVE TREES; CUTTING, REMOVAL OF; TRANSPORTATION; PROHIBITIONS; EXCEPTIONS MATERIALS.]~~

Subdivision 1. [WRITTEN CONSENT.] No person shall cut, harvest, remove, ~~or transport, or possess~~ for decorative purposes or for sale ~~in natural condition and untrimmed~~, more than three decorative trees ~~as defined herein, more than 100 pounds of decorative boughs, or any other decorative materials~~ without the written consent of ~~or a bill of sale provided by~~ the owner or authorized agent of the private or public land on which the ~~same are~~ grown and whether such land be publicly or privately owned ~~decorative materials were cut or harvested~~. The written consent shall be on a form furnished ~~and or otherwise~~ approved by the ~~department~~ commissioner of natural resources; and shall contain the legal description of the land where the decorative ~~trees materials~~ were cut or ~~harvested~~, as well as the name of the legal owner; of the land or a duly the owner's authorized agent or agents, thereof. The written consent ~~or bill of sale, or a copy thereof certified as a true copy by the person to whom the consent was given or sale made, or by the county recorder of the county in which the land is situated, if recorded, shall must be carried by every person cutting, harvesting, removing, possessing, or transporting any decorative trees, untrimmed or in their natural condition materials, or in any way aiding therein, and shall be exhibited to any officer of the law, forest ranger, forest patrol officer, conservation officer, or other officer of the department of natural resources, at the officer's request at any time.~~

Subd. 2. [INSPECTION AND INVESTIGATION.] ~~Any~~ When an officer ~~shall have power to~~ has probable cause to believe that decorative materials have been cut, harvested, removed, possessed, or transported in violation of sections 88.641 to 88.648, the officer may enter and inspect any decorative trees when being transported in any a place, building, vehicle, or other means of conveyance or by common carrier, to make an investigation with reference thereto as may be necessary to determine whether or not the provisions of sections 88.641 to 88.648 have been complied with; to stop any vehicle or other means of conveyance found carrying decorative trees upon any public highways of this state, for the purpose of making an inspection and investigation; and to may seize and hold subject to the order of the court any decorative trees materials found being cut, harvested, removed, possessed, or transported in violation of any provision of sections 88.641 to 88.648. Failure to comply with the requirements of sections 88.641 to 88.648 subjects the decorative materials to seizure and confiscation as contraband in addition to other penalties provided by law.

Subd. 3. [TRANSPORTATION BY COMMON CARRIER OR AGENTS REQUIREMENTS.] No person, common carrier, bough buyer, or authorized agent thereof shall purchase or otherwise receive for shipment or transportation any decorative trees unless materials without recording the consignor, whose seller's or consignor's name and address shall be recorded, exhibits at the time of consignment and the written consent, bill of sale, or certified copy thereof herein provided for on a form furnished or otherwise approved by the commissioner of natural resources.

Subd. 4. [NO WRITTEN CONSENT.] Failure to so possess or exhibit a written consent or bill of sale shall be prima facie evidence that no consent was given or exists.

Subd. 5. [EXCEPTIONS.] (a) This section does not apply to decorative materials in the possession of or being transported by a federal, state, or local government official for a legitimate public purpose.

(b) This section does not apply to a person cutting, harvesting, possessing, or transporting decorative materials cut from the person's own property if the person produces documentation that the person owns the property where the decorative materials were cut.

Sec. 29. [88.6435] [BOUGH BUYERS.]

Subdivision 1. [PERMITS.] A person may not buy more than 100 pounds of decorative boughs in any calendar year without a bough buyer's permit issued by the commissioner of natural resources. The annual fee for a permit for a resident or nonresident to buy decorative boughs is \$25. The annual fee may be reduced if the buyer attends an approved annual workshop or other orientation session for balsam bough harvesters and buyers.

Subd. 2. [BUYING AND RECORD REQUIREMENTS.] (a) When buying or otherwise receiving decorative boughs, a person permitted under this section must record:

(1) the seller's name and address;

(2) the form of written consent; and

(3) the government permit number or legal description or property tax identification number of the land from which the boughs were obtained.

The information must be provided on a form furnished or otherwise approved by the commissioner of natural resources in consultation with the balsam bough industry groups.

(b) Boughs may not be purchased if the seller fails to exhibit the written consent required under section 88.642, subdivision 1, or if the boughs do not conform to the standards specified on the consent. Decorative boughs cut from public lands must conform to standards specified in the written consent.

(c) Records shall be maintained from July 1 until June 30 of the following calendar year and shall be open to inspection to an officer during reasonable hours.

(d) Customer name and address records created and maintained by permittees under this section are classified as private or nonpublic government data.

Subd. 3. [REVOCATION OF PERMITS.] (a) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including falsification of records required under this section or violation of any other provision of sections 88.641 to 88.648.

(b) A person convicted of two or more violations of sections 88.641 to 88.648 within three years may not obtain a bough buyer's permit for three years from the date of the last conviction.

Subd. 4. [DISPOSITION OF PERMIT FEES AND PENALTIES.] Fees for permits issued under this section and penalties resulting from citations issued by the commissioner of natural resources under section 88.6457 shall be deposited in the state treasury and credited to the special revenue fund and are annually appropriated to the commissioner of natural resources for costs associated with balsam bough educational programs for harvesters and buyers.

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

Sec. 30. Minnesota Statutes 2000, section 88.645, is amended to read:

88.645 [ENFORCEMENT.]

Subdivision 1. [SEARCH WARRANTS.] ~~Any~~ A court having authority to issue warrants in criminal cases may issue a search warrant, in the manner provided by law for issuing search warrants for stolen property, to search for and seize ~~any trees alleged upon sufficient grounds to have been~~ decorative materials affected by or involved in ~~any~~ an offense under sections 88.641 to ~~88.647~~ 88.648. The warrant may be directed to and executed by any officer authorized to make arrests and seizures by sections 88.641 to ~~88.647~~ 88.648.

Subd. 2. [COMPLAINT.] ~~Any~~ An officer having knowledge of ~~any~~ an offense under sections 88.641 to ~~88.647~~ 88.648 ~~shall forthwith~~ may issue a field citation under section 88.6457, issue a summons to appear in court, or make a complaint against the offender before a court having jurisdiction of the offense and request the court to issue a warrant of arrest in the case.

Sec. 31. [88.6457] [FIELD CITATIONS.]

Subdivision 1. [AUTHORITY TO ISSUE.] In addition to other remedies available under statutory or common law, an officer may issue a field citation to a person who cuts, harvests, removes, transports, buys, sells, or possesses decorative materials in violation of sections 88.641 to 88.648.

Subd. 2. [PENALTY AMOUNT.] The citation must impose the following penalty amounts:

(1) \$100 for the first violation;

(2) \$200 for the second violation in a two-year period; and

(3) \$500 for the third violation in a five-year period.

Subd. 3. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. For purposes of this section, "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. [PAYMENT OF PENALTY.] Penalty amounts shall be paid within 30 days of issuance of the field citation to the issuer.

Subd. 6. [ALLOCATION OF PENALTY AMOUNTS.] Penalty amounts must be forwarded to the treasury of the political subdivision that employs the officer who issued the citation or, if the officer who issued the citation is a forest officer or conservation officer, forwarded to the state treasury and credited to the special revenue fund according to section 88.6435, subdivision 4.

Sec. 32. Minnesota Statutes 2000, section 88.647, is amended to read:

88.647 [RELATION TO EXISTING LAWS.]

Sections 88.641 to ~~88.647~~ shall ~~88.648~~ do not be deemed to supersede any existing provision of law relating to any matter within the scope thereof but shall be construed as supplementary thereto.

Sec. 33. Minnesota Statutes 2000, section 88.648, is amended to read:

88.648 [~~FALSE STATEMENT~~; CRIMINAL PENALTIES; MISDEMEANOR.]

~~Any (a) A~~ person who makes ~~any a~~ false statement in any application, form, or other statement ~~for the purpose of obtaining any written consent or bill of sale~~ as described in sections 88.641 to ~~88.644~~ 88.645 is guilty of a misdemeanor.

~~(b)~~ Except as otherwise provided in this ~~subdivision~~ section, ~~any a~~ person who violates ~~any a~~ provision of sections 88.641 to ~~88.647~~; 88.648 is guilty of a misdemeanor.

Sec. 34. Minnesota Statutes 2000, section 88.75, subdivision 1, is amended to read:

Subdivision 1. [MISDEMEANOR OFFENSES; DAMAGES; INJUNCTIVE RELIEF.] Any person who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

Failure by any person to comply with any provision or requirement of sections 88.03 to 88.22 to which such person is subject shall be deemed a violation thereof.

Any person who violates any provisions of sections 88.03 to 88.22, in addition to any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation, shall also be liable in full damages to any and every person suffering loss or injury by reason of such violation, including liability to the state, and any of its political subdivisions, for all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire caused by, or resulting from, any violation of these sections. All expenses so collected by the state shall be ~~returned to, and deposited in, the original fund from which the expenses were paid and are available for expenditure for the purposes for which the funds were originally appropriated~~ deposited in the general fund. When a fire set by any person spreads to and damages or destroys property belonging to another, the setting of the fire shall be prima facie evidence of negligence in setting and allowing the same to spread.

At any time the state, or any political subdivision thereof, either of its own motion, or at the suggestion or request of the director, may bring an action in any court of competent jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22, whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any person from proceeding further in, with, or at any timber cutting or other operations without complying with the provisions of those sections, or the requirements of the director pursuant thereto; and the court may grant such relief, or any other appropriate relief, whenever it shall appear that the same may prevent loss of life or property by fire, or may otherwise aid in accomplishing the purposes of sections 88.03 to 88.22.

Sec. 35. Minnesota Statutes 2000, section 93.002, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of United Steelworkers of America, district 11, or the director's designee, the commissioner of the iron range resources and rehabilitation board, the director of the Minnesota geological survey, the dean of the University of Minnesota institute of technology, the director of the natural resources research institute, and three individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, the nonferrous

metallic minerals, and the industrial minerals industries within the state. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natural resources shall provide staff and administrative services necessary for the committee's activities. Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, 2005.

The mineral coordinating committee is encouraged to solicit and receive advice from representatives of the United States Geological Survey and the United States Environmental Protection Agency.

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

Sec. 36. Minnesota Statutes 2000, section 97A.045, subdivision 7, is amended to read:

Subd. 7. [DUTY TO ENCOURAGE STAMP DESIGN AND PURCHASES.] (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement;

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement; and

(4) turkey stamps by persons interested in wild turkey management and habitat improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp, including those stamps not required to be in possession while taking game or fish.

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

Sec. 37. Minnesota Statutes 2000, section 97A.055, subdivision 4a, is amended to read:

Subd. 4a. [CITIZEN OVERSIGHT ~~COMMITTEES~~ SUBCOMMITTEES.] (a) The commissioner shall appoint ~~committees~~ subcommittees of affected persons to review the reports prepared under subdivision 4 ~~and~~; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following ~~committees~~ subcommittees, each comprised of at least three affected persons:

(1) ~~a committee to review the annual game and fish fund report and address general game and fish fund issues;~~

~~(2) a committee to address funding issues related to fishing~~ a fisheries operations subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a wildlife operations subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

~~(3) a committee big game subcommittee to review the report on the small game license surcharge and the report required in subdivision 4, paragraph (a), clause (2); and address funding issues related to hunting;~~

(4) an ecological services operations subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and department of natural resources administration;

~~(4)~~ (6) a committee subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

~~(5)~~ (7) a committee subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

~~(6)~~ (8) a committee subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

~~(7)~~ (9) a committee subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a budgetary oversight committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The budgetary oversight committee shall develop a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the council shall submit the budget plan to the commissioner.

(e) Each subcommittee shall choose its own chair, except that the chair of the budgetary oversight committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The committees budgetary oversight committee must make recommendations to the commissioner for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the budgetary oversight committee and subcommittees do not expire until June 30, 2005.

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

Sec. 38. Minnesota Statutes 2000, section 97A.405, subdivision 2, is amended to read:

Subd. 2. [PERSONAL POSSESSION.] (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license or stamp issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license or stamp validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp. A pictorial turkey stamp or a pictorial trout and salmon stamp shall be mailed to the licensee after purchase of a license or stamp validation only if the licensee pays an additional \$2 fee.

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

Sec. 39. Minnesota Statutes 2000, section 97A.411, subdivision 2, is amended to read:

Subd. 2. [SIGNATURE ON STAMPS.] A migratory waterfowl or pheasant stamp issued under the game and fish laws must be signed by the licensee across the front of the stamp to be valid.

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

Sec. 40. Minnesota Statutes 2000, section 97A.473, subdivision 2, is amended to read:

Subd. 2. [LIFETIME ANGLING LICENSE; FEE.] (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp validation or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

- (1) age 3 and under, \$227;
- (2) age 4 to age 15, \$300;
- (3) age 16 to age 50, \$383; and
- (4) age 51 and over, \$203.

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

Sec. 41. Minnesota Statutes 2000, section 97A.473, subdivision 3, is amended to read:

Subd. 3. [LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A resident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual resident small game hunting license. The license does not include a turkey stamp validation or any of the other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

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

Sec. 42. Minnesota Statutes 2000, section 97A.473, subdivision 5, is amended to read:

Subd. 5. [LIFETIME SPORTING LICENSE; FEE.] (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt small game in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, or any ~~of the~~ other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

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

Sec. 43. Minnesota Statutes 2000, section 97A.474, subdivision 2, is amended to read:

Subd. 2. [NONRESIDENT LIFETIME ANGLING LICENSE; FEE.] (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp validation or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

- (1) age 3 and under, \$447;
- (2) age 4 to age 15, \$600;
- (3) age 16 to age 50, \$773; and
- (4) age 51 and over, \$513.

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

Sec. 44. Minnesota Statutes 2000, section 97A.474, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A nonresident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small game hunting license. The license does not include a turkey stamp validation or any ~~of the~~ other hunting stamps required by law.

(b) The fees for a nonresident lifetime small game hunting license are:

- (1) age 3 and under, \$947;
- (2) age 4 to age 15, \$1,280;
- (3) age 16 to age 50, \$1,633; and
- (4) age 51 and over, \$1,083.

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

Sec. 45. Minnesota Statutes 2000, section 97A.475, subdivision 5, is amended to read:

Subd. 5. [HUNTING STAMPS.] Fees for the following stamps and stamp validations are:

- (1) migratory waterfowl stamp, \$5;
- (2) pheasant stamp, \$5; and
- (3) turkey stamp validation, \$5.

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

Sec. 46. Minnesota Statutes 2000, section 97A.475, subdivision 6, is amended to read:

Subd. 6. [RESIDENT FISHING.] Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, ~~for persons under age 65~~, \$17;
- (2) ~~to take fish by angling, for persons age 65 and over~~, \$6.50;
- ~~(3)~~ to take fish by angling, for a combined license for a married couple, \$25;
- ~~(4)~~ (3) to take fish by spearing from a dark house, \$17; and
- ~~(5)~~ (4) to take fish by angling for a 24-hour period selected by the licensee, \$8.50.

Sec. 47. Minnesota Statutes 2000, section 97A.475, subdivision 10, is amended to read:

Subd. 10. [TROUT AND SALMON STAMP VALIDATION.] The fee for a trout and salmon stamp validation is \$8.50.

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

Sec. 48. Minnesota Statutes 2000, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
- (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and
- (5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

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

Sec. 49. Minnesota Statutes 2000, section 97B.721, is amended to read:

97B.721 [LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.]

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and:

~~(1) a turkey stamp in possession; and~~

~~(2) a turkey stamp validation on the turkey license when issued electronically.~~

(b) The requirement in paragraph (a) to ~~possess~~ have a turkey stamp ~~or a license~~ validation does not apply to persons under age 18.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

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

Sec. 50. [97C.303] [CONSERVATION ANGLING LICENSE.]

Subdivision 1. [AVAILABILITY.] The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

Subd. 2. [DAILY AND POSSESSION LIMITS.] Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary.

Subd. 3. [LICENSE FEE.] The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 51. Minnesota Statutes 2000, section 97C.305, is amended to read:

97C.305 [TROUT AND SALMON STAMP VALIDATION.]

Subdivision 1. [REQUIREMENT.] Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession and a trout stamp validation on the angling license when issued electronically to:

(1) take fish by angling in:

- (i) a stream designated by the commissioner as a trout stream;
- (ii) a lake designated by the commissioner as a trout lake; or
- (iii) Lake Superior; or

(2) possess trout or salmon taken in the state by angling.

Subd. 2. [EXCEPTION.] A trout and salmon stamp validation is not required to take fish by angling or to possess trout and salmon if:

(1) the person:

(i) possesses a license to take fish by angling for a period of 24 hours from the time of issuance under section 97A.475, subdivision 6, clause (5), or subdivision 7, clause (5), and

(ii) is taking fish by angling, or the trout or salmon were taken by the person, during the period the license is valid; or

(2) the person is taking fish, or the trout or salmon were taken by the person, as authorized under section 97C.035.

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

Sec. 52. [97C.404] [YELLOW PERCH LIMITS.]

The daily limit for yellow perch is 15. The possession limit for yellow perch is 45.

[EFFECTIVE DATE.] This section is effective December 1, 2001.

Sec. 53. Minnesota Statutes 2000, section 103B.575, is amended to read:

103B.575 [EXPANSION OF THE BOUNDARIES OF A LAKE IMPROVEMENT DISTRICT.]

The boundary of a district may be ~~enlarged~~ modified by complying with the procedures to establish a district under sections 103B.511 to 103B.541. A district whose boundary is reduced must comply with section 103B.555 on assessing the costs of current projects, service charges, special assessments, obligations, and taxes before the boundary is reduced.

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

Sec. 54. Minnesota Statutes 2000, section 103G.271, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) Except as provided in paragraph (b), the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state may not appropriate or use waters of the state without a water use permit from the commissioner.

(b) This section does not apply to use for a water supply by less than 25 persons for domestic purposes.

(c) The commissioner may issue a state general permit for ~~temporary~~ appropriation of water to a governmental subdivision or to the general public for classes of activities that have minimal impact upon waters of the state. The general permit may authorize more than one project and the appropriation or use of more than one source of water.

Water use permit processing fees and reports required under subdivision 6 and section 103G.281, subdivision 3, are required for each project or water source that is included under a general permit, except that no fee ~~or report~~ is required for uses totaling less than 15,000,000 gallons annually.

Sec. 55. Minnesota Statutes 2000, section 103G.271, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) ~~Except as provided in paragraph (c),~~ Once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010, unless the discharge is into a public water basin within a nature preserve approved by the commissioner and established prior to January 1, 2001. Existing once-through systems must not be expanded and are required to convert to water efficient alternatives within the design life of existing equipment.

(c) Paragraph (b) does not apply where groundwater appropriated for use in a once-through system is subsequently discharged into a wetland or public waters wetland owned or leased by a nonprofit corporation if:

(1) ~~the membership of the corporation includes a local government unit;~~

(2) ~~the deed or lease requires that the area containing the wetland or public waters wetland be maintained as a nature preserve;~~

(3) ~~public access is allowed consistent with the area's status as a nature preserve; and~~

(4) ~~by January 1, 2003, the permittee incurs costs of developing the nature preserve and associated facilities that, when discounted to 1992 dollars, exceed twice the projected cost, as determined by the commissioner, of the conversion required in paragraph (b), discounted to 1992 dollars.~~

~~The costs incurred under clause (4) may include preparation of plans and designs; site preparation; construction of wildlife habitat structures; planting of trees and other vegetation; installation of signs and markers; design and construction of trails, docks, and access structures; and design and construction of interpretative facilities. The permittee shall submit an estimate of the cost of the conversion required in paragraph (b) to the commissioner by January 1, 1993, and shall annually report to the commissioner on the progress of the project and the level of expenditures.~~

Sec. 56. Minnesota Statutes 2000, section 103G.271, subdivision 5a, is amended to read:

Subd. 5a. [MAINTENANCE OF SURFACE WATER LEVELS.] Except as provided in subdivision 5, paragraph ~~(c)~~ (b), the commissioner shall, by January 31, 1994, revoke all existing permits, and may not issue new permits, for the appropriation or use of groundwater in excess of 10,000,000 gallons per year for the primary purpose of maintaining or increasing surface water levels in the seven-county metropolitan area and in other areas of concern as determined by the commissioner. This subdivision does not apply until January 1, 1998, to a municipality that, by January 1, 1994, submits a plan acceptable to the commissioner for maintaining or increasing surface water levels using sources other than groundwater.

Sec. 57. Minnesota Statutes 2000, section 103G.301, subdivision 2, is amended to read:

Subd. 2. [PERMIT APPLICATION FEES.] (a) An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by a permit application fee to defray the costs of receiving, recording, and processing the application or request to amend or transfer.

(b) The fee to apply for a permit to appropriate water, a permit to construct or repair a dam that is subject to dam safety inspection, or a state general permit or to apply for the state water bank program is \$75. The application fee for a permit to work in public waters or to divert waters for mining must be at least \$75, but not more than \$500, according to a schedule of fees adopted under section 16A.1285.

Sec. 58. Minnesota Statutes 2000, section 115.03, is amended by adding a subdivision to read:

Subd. 8a. [PERMIT DURATION FOR MAJOR ABOVEGROUND STORAGE FACILITIES.] Notwithstanding any law or rule to the contrary, agency permits for major aboveground storage facilities may be issued for a term of up to ten years.

Sec. 59. Minnesota Statutes 2000, section 115.55, subdivision 3, is amended to read:

Subd. 3. [RULES.] (a) The agency shall adopt rules containing minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems. The rules must include:

- (1) how the agency will ensure compliance under subdivision 2;
- (2) how local units of government shall enforce ordinances under subdivision 2, including requirements for permits and inspection programs;
- (3) how the advisory committee will participate in review and implementation of the rules;
- (4) provisions for alternative systems;
- (5) provisions for handling and disposal of effluent;
- (6) provisions for system abandonment; and
- (7) ~~procedures for the commissioner to approve new individual sewage treatment system technologies; and~~
- ~~(8) procedures for variances, including the consideration of variances based on cost and variances that take into account proximity of a system to other systems.~~

(b) The agency shall consult with the advisory committee before adopting rules under this subdivision.

(c) Notwithstanding the repeal of the agency rule under which the commissioner has established a warrantied list of individual sewage treatment systems, the warranties for all systems so listed as of the effective date of the repeal shall continue to be valid for the remainder of the warranty period.

Sec. 60. Minnesota Statutes 2000, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less. The following projects may also receive grant assistance in the amounts specified in this paragraph:

(1) a project to improve control of or reduce air emissions at an existing resource recovery facility; and

(2) a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

(d) Notwithstanding paragraph (e), the director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within ~~12~~ 16 years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under paragraph (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The director shall adopt rules for the program by July 1, 1985.

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision.

Sec. 61. Minnesota Statutes 2000, section 115A.557, subdivision 2, is amended to read:

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] A county receiving money distributed by the director under this section may use the money only for the development and implementation of programs to:

(1) reduce the amount of solid waste generated;

- (2) recycle the maximum amount of solid waste technically feasible;
- (3) create and support markets for recycled products;
- (4) remove problem materials from the solid waste stream and develop proper disposal options for them;
- (5) inform and educate all sectors of the public about proper solid waste management procedures;
- (6) provide technical assistance to public and private entities to ensure proper solid waste management; ~~and~~
- (7) provide educational, technical, and financial assistance for litter prevention; and

(8) process mixed municipal solid waste generated in the county at a resource recovery facility located in Minnesota.

Sec. 62. Minnesota Statutes 2000, section 115A.912, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] Money appropriated to the agency for waste tire management may be spent for ~~elimination of health and safety hazards of tire dumps and collection sites, tire dump abatement, collection, management and clean up of waste tires~~; regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, public education on waste tire management, and grants and loans under section 115A.913.

Sec. 63. Minnesota Statutes 2000, section 115A.914, subdivision 2, is amended to read:

Subd. 2. [AGENCY RULES.] The agency shall adopt rules for administration of waste tire collector and processor permits, ~~waste tire nuisance abatement~~, and waste tire collection.

Sec. 64. Minnesota Statutes 2000, section 115B.49, subdivision 4a, is amended to read:

Subd. 4a. [INTERIM FEES.] For the period from July 1, ~~1999~~ 2001, to June 30, ~~2001~~ 2003, the commissioner shall, after a public hearing, but notwithstanding section 16A.1285, subdivision 4, annually adjust the fees in subdivision 4 as necessary to maintain an annual income of \$650,000. This income amount supersedes the amount described in Minnesota Statutes 1998, section 115B.49, subdivision 4, paragraph (c), clause (3), that is in effect until July 1, 2001.

Sec. 65. Minnesota Statutes 2000, section 115C.07, subdivision 3, is amended to read:

Subd. 3. [RULES.] (a) The board shall adopt rules regarding its practices and procedures, the form and procedure for applications for compensation from the fund, procedures for investigation of claims and specifying the costs that are eligible for reimbursement from the fund.

~~(b) By January 1, 1994, the board shall publish proposed rules establishing a fee schedule of costs or criteria for evaluating the reasonableness of costs submitted for reimbursement. The board shall adopt the rules by June 1, 1994.~~

~~(c)~~ The board may adopt rules requiring certification of environmental consultants.

~~(d)~~ (c) The board may adopt other rules necessary to implement this chapter.

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

Sec. 66. Minnesota Statutes 2000, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSABLE COSTS.] (a) The board shall provide reimbursement to eligible applicants for reimbursable costs.

(b) The following costs are reimbursable for purposes of this chapter:

(1) corrective action costs incurred by the applicant and documented in a form prescribed by the board, except the costs related to the physical removal of a tank; and

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury, property damage, or corrective action costs incurred by a third party caused by a release where the responsible person's liability for the costs has been established by a court order or court-approved settlement; and

~~(3) up to 180 days worth of interest costs associated with the financing of corrective action and incurred by the applicant in a written financing contract signed by the applicant and executed after May 25, 1991. Interest costs are not eligible for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the financing contract was executed; and~~

~~(4) prerule site assessment costs incurred by the applicant and eligible for reimbursement under section 115C.092.~~

(c) A cost for liability to a third party is incurred by the responsible person when an order or court-approved settlement is entered that sets forth the specific costs attributed to the liability. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

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

Sec. 67. Minnesota Statutes 2000, section 115C.09, subdivision 2a, is amended to read:

Subd. 2a. [APPLICATION FOR REIMBURSEMENT.] (a) ~~The board may consider~~ Applications for reimbursement may be submitted for consideration by the board at the following stages:

(1) ~~after the commissioner approves corrective actions related to soil excavation and treatment or after the commissioner determines that further soil excavation and treatment should not be done; costs have been incurred, and the associated tasks completed, for excavation basin soil sampling, excavation of contaminated soil, treatment of contaminated soil, or remedial investigation costs~~ tasks such as soil borings boring drilling, monitoring wells well installation, vapor risk assessment, and well searches are reimbursable at this stage, but groundwater receptor survey; corrective action costs relating to the construction and installation of a comprehensive corrective action design system are not reimbursable at this stage; and

(2) after costs have been incurred, and the associated tasks completed, for tasks related to the construction and installation of a comprehensive corrective action design system, but only if the commissioner approves has approved a comprehensive plan for corrective action that will adequately address the entire release, including groundwater contamination if necessary; ~~for corrective action costs related to the construction and installation of a comprehensive corrective action design system.~~

(b) An applicant shall not submit an application for reimbursement more frequently than four times per 12-month period unless the application is for more than \$2,000 in reimbursement.

~~(b)~~ (c) The commissioner shall review a plan, and provide an approval or disapproval to the applicant and the board, within 60 days in the case of a plan submitted under paragraph (a), clause (1), and within 120 days in the case of a plan submitted under paragraph (a), clause (2), or the commissioner shall explain to the board why additional time is necessary. The board shall consider a complete initial application within 60 days of its submission ~~of the application under paragraph (a), clause (1), and shall consider a complete supplemental application~~ within 120 days of its submission of the application under paragraph (a), clause (2), or the board shall explain for the record why additional time is necessary. ~~For purposes of the preceding sentence, board consideration of an application is timely if it occurs at the regularly scheduled meeting following the deadline.~~ Board staff may review applications submitted to the board at the same time the commissioner considers the appropriateness of the corrective action, but the board may not act on the application until after the commissioner's approval is received.

~~(c)~~ (d) A reimbursement may not be made unless the board determines that the commissioner has determined that the corrective action was appropriate in terms of protecting public health, welfare, and the environment.

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

Sec. 68. Minnesota Statutes 2000, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENTS; SUBROGATION; APPROPRIATION.] (a) The board shall reimburse from the fund 90 percent of the total reimbursable costs incurred at the site to an eligible applicant from the fund in the following amounts: However, the board may reimburse an eligible applicant from the fund for greater than 90 percent of the total reimbursable costs, if the applicant previously qualified for a higher reimbursement rate.

~~(1) 90 percent of the total reimbursable costs on the first \$250,000 and 75 percent on any remaining costs in excess of \$250,000 on a site;~~

~~(2) for corrective actions at a residential site used as a permanent residence at the time the release was discovered, 92.5 percent of the total reimbursable costs on the first \$100,000 and 100 percent of any remaining costs in excess of \$100,000; or~~

~~(3) 90 percent of the total reimbursable costs on the first \$250,000 and 100 percent of the cumulative total reimbursable costs in excess of \$250,000 at all sites in which the responsible person had interest, and for which the commissioner has not issued a closure letter as of April 3, 1996, if the responsible person dispensed less than 1,000,000 gallons of petroleum at each location in each of the last three calendar years that the responsible person dispensed petroleum at the location and:~~

~~(i) has owned no more than three locations in the state at which motor fuel was dispensed into motor vehicles and has discontinued operation of all petroleum retail operations; or~~

~~(ii) has owned no more than one location in the state at which motor fuel was dispensed into motor vehicles: Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.~~

(b) A reimbursement may not be made from the fund under this chapter until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) When an applicant has obtained responsible competitive bids or proposals according to rules promulgated under this chapter prior to June 1, 1995, the eligible costs for the tasks, procedures, services, materials, equipment, and tests of the low bid or proposal are presumed to be reasonable by the board, unless the costs of the low bid or proposal are substantially in excess of the average costs charged for similar tasks, procedures, services, materials, equipment, and tests in the same geographical area during the same time period.

(d) When an applicant has obtained a minimum of two responsible competitive bids or proposals on forms prescribed by the board and where the rules promulgated under this chapter after June 1, 1995, designate maximum costs for specific tasks, procedures, services, materials, equipment and tests, the eligible costs of the low bid or proposal are deemed reasonable if the costs are at or below the maximums set forth in the rules.

(e) Costs incurred for change orders executed as prescribed in rules promulgated under this chapter after June 1, 1995, are presumed reasonable if the costs are at or below the maximums set forth in the rules, unless the costs in the change order are above those in the original bid or proposal or are unsubstantiated and inconsistent with the process and standards required by the rules.

(f) A reimbursement may not be made from the fund in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy, except that if the board finds that the applicant has made reasonable efforts to collect from an insurer and failed, the board shall reimburse the applicant.

(g) If the board reimburses an applicant for costs for which the applicant has insurance coverage, the board is subrogated to the rights of the applicant with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may request the attorney general to bring an action in district court against the insurer to enforce the board's subrogation rights. Acceptance by an applicant of reimbursement constitutes an assignment by the applicant to the board of any rights of the applicant with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the applicant the remedies provided in that subdivision, except where the board has knowingly provided reimbursement because the applicant was denied coverage by the insurer.

(h) Money in the fund is appropriated to the board to make reimbursements under this chapter. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(i) The board may reduce the amount of reimbursement to be made under this chapter if it finds that the applicant has not complied with a provision of this chapter, a rule or order issued under this chapter, or one or more of the following requirements:

- (1) the agency was given notice of the release as required by section 115.061;
- (2) the applicant, to the extent possible, fully cooperated with the agency in responding to the release;
- (3) the state rules applicable after December 22, 1993, to operating an underground storage tank and appurtenances without leak detection;
- (4) the state rules applicable after December 22, 1998, to operating an underground storage tank and appurtenances without corrosion protection or spill and overfill protection; and
- (5) the state rule applicable after November 1, 1998, to operating an aboveground tank without a dike or other structure that would contain a spill at the aboveground tank site.

(j) The reimbursement may be reduced as much as 100 percent for failure by the applicant to comply with the requirements in paragraph (i), clauses (1) to (5). In determining the amount of the reimbursement reduction, the board shall consider:

- (1) the reasonable determination by the agency that the noncompliance poses a threat to the environment;
- (2) whether the noncompliance was negligent, knowing, or willful;
- (3) the deterrent effect of the award reduction on other tank owners and operators;

- (4) the amount of reimbursement reduction recommended by the commissioner; and
- (5) the documentation of noncompliance provided by the commissioner.

(k) An applicant may assign the right to receive reimbursement to each lender who advanced funds to pay the costs of the corrective action or to each contractor or consultant who provided corrective action services. An assignment must be made by filing with the board a document, in a form prescribed by the board, indicating the identity of the applicant, the identity of the assignee, the dollar amount of the assignment, and the location of the corrective action. An assignment signed by the applicant is valid unless terminated by filing a termination with the board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the applicant and to one or more assignees by a multiparty check. The board has no liability to an applicant for a payment under an assignment meeting the requirements of this paragraph.

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

Sec. 69. Minnesota Statutes 2000, section 115C.09, subdivision 3h, is amended to read:

Subd. 3h. [REIMBURSEMENT; ABOVEGROUND TANKS IN BULK PLANTS.] (a) As used in this subdivision, "bulk plant" means an aboveground or underground tank facility with a storage capacity of more than 1,100 gallons but less than 1,000,000 gallons that is used to dispense petroleum into cargo tanks for transportation and sale at another location.

(b) Notwithstanding any other provision in this chapter and any rules adopted pursuant to this chapter, the board shall reimburse 90 percent of an applicant's cost for bulk plant upgrades or closures completed between June 1, 1998, and November 1, 2003, to comply with Minnesota Rules, chapter 7151, provided that the board determines the costs were incurred and reasonable. The reimbursement may not exceed \$10,000 per bulk plant.

(c) For corrective action at a bulk plant located on what is or was railroad right-of-way, the board shall reimburse 90 percent of total reimbursable costs on the first \$40,000 and 100 percent of any remaining reimbursable costs when the applicant can document that one or more other bulk plants were operated on the same section of right-of-way.

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

Sec. 70. Minnesota Statutes 2000, section 115C.093, is amended to read:

115C.093 [CORRECTIVE ACTION PERFORMANCE AUDITS.]

~~(a) The board shall may contract for performance audits of corrective actions for which reimbursement is sought under section 115C.09, subdivision 3, paragraph (a), clause (3), and may contract for audits of other corrective actions.~~

~~(b) A responsible person may request a performance audit under this section. If the board denies the request, it must provide the requester with the reasons for the denial.~~

~~(c) A performance audit conducted under this section must evaluate the adequacy of the corrective actions, the validity of the corrective action costs, and whether alternative methods or technologies could have been used to carry out the corrective actions at a lower cost. The board shall report the results of audits conducted under this section to the chairs of the senate committees on environment and natural resources and commerce and consumer protection; the finance division of the senate committee on environment and natural resources, and the house of representatives committees on environment and natural resources, environment and natural resources finance, and commerce, tourism, and consumer affairs. Money in the fund is appropriated to the board for the purposes of this section.~~

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

Sec. 71. Minnesota Statutes 2000, section 115C.112, is amended to read:

115C.112 [CONSULTANT AND CONTRACTOR SANCTIONS; ACTIONS BASED ON CONDUCT OCCURRING ON AND AFTER MARCH 14, 1996.]

The commissioner of commerce may by order deny a registration, censure, suspend, or revoke a registrant and require payment of all costs of proceedings resulting in an action instituted under this section and impose a civil penalty of not more than \$10,000 if the commissioner of commerce finds: (i) that the order is in the public interest; and (ii) that the registrant or, in the case of a registrant that is not a natural person, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the registrant:

(1) has engaged in conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing engineering, hydrogeological, or other technical practices within the reasonable control of the consultant or contractor;

(2) has participated in a kickback scheme prohibited under section 115C.045;

(3) has engaged in conduct likely to deceive or defraud, or demonstrating a willful or careless disregard for public health or the environment;

(4) has committed fraud, embezzlement, theft, forgery, bribery, falsified or destroyed records, made false statements, received stolen property, made false claims, or obstructed justice;

(5) is the subject of an order revoking, suspending, restricting, limiting, or imposing other disciplinary action against the contractor's or consultant's license or certification in another state or jurisdiction;

(6) if the person is a consultant, has failed to comply with any of the ongoing obligations for registration as a consultant in section 115C.11, subdivision 1;

(7) has failed to comply with any provision or any rule or order under this chapter or chapter 45;

(8) has engaged in anticompetitive activity;

(9) has performed corrective action without having an accurate and complete registration on file with the board or has allowed another to perform corrective action when that party does not have a complete registration on file with the board;

(10) has been shown to be incompetent, untrustworthy, or financially irresponsible; ~~or~~

(11) has made or assisted another in making any material misrepresentation or omission to the board, commissioner, commissioner of commerce, or upon reasonable request has withheld or concealed information from, or refused to furnish information to, the board, commissioner, or commissioner of commerce; or

(12) has failed to reasonably supervise its employees or representatives to assure their compliance with this chapter and Minnesota Rules, chapter 2890.

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

Sec. 72. Minnesota Statutes 2000, section 115C.13, is amended to read:

115C.13 [REPEALER.]

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, ~~115C.092, 115C.093,~~ 115C.10, 115C.11, ~~and 115C.111, 115C.112,~~ 115C.12, and 115C.13, are repealed effective June 30, 2005.

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

Sec. 73. Minnesota Statutes 2000, section 116.07, subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and sewage sludge for the prevention and abatement of water, air, and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be

premised on technical knowledge, and commonly accepted practices. Notwithstanding any rule to the contrary, hazardous waste generator licenses may be issued for a term not to exceed five years. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

A person who generates less than 100 kilograms of hazardous waste per month is exempt from the following agency hazardous waste rules:

(1) rules relating to transportation, manifesting, storage, and labeling for photographic fixer and X-ray negative wastes that are hazardous solely because of silver content; and

(2) any rule requiring the generator to send to the agency or commissioner a copy of each manifest for the transportation of hazardous waste for off-site treatment, storage, or disposal.

Nothing in this paragraph exempts the generator from the agency's rules relating to on-site accumulation or outdoor storage. A political subdivision or other local unit of government may not adopt management requirements that are more restrictive than this paragraph.

Sec. 74. Minnesota Statutes 2000, section 116P.09, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE AUTHORITY.] The commission may appoint legal and other personnel and consultants necessary to carry out functions and duties of the committee and commission. Permanent employees shall be in the unclassified service. In addition, the committee and commission may request staff assistance and data from any other agency of state government as needed for the execution of ~~the their~~ responsibilities ~~of the commission and advisory committee~~ and an agency must promptly furnish it.

Sec. 75. Minnesota Statutes 2000, section 116P.09, subdivision 5, is amended to read:

Subd. 5. [ADMINISTRATIVE EXPENSE.] ~~The administrative expenses of the commission shall be paid from the various funds administered by the commission as follows:~~

(1) ~~Through June 30, 1993, the administrative expenses of the commission and the advisory committee shall be paid from the Minnesota future resources fund. After that time, the prorated expenses related to administration of the trust fund shall be paid from the earnings of the trust fund.~~

(2) ~~After June 30, 1993, The prorated expenses related to administration of the trust fund may not exceed an amount equal to four percent of the projected earnings of the trust fund for the biennium recommended expenditures.~~

Sec. 76. Minnesota Statutes 2000, section 116P.11, is amended to read:

116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the ~~commission consists of the earnings generated from the trust fund committee is as defined in the Minnesota Constitution, article XI, section 14. Earnings generated from the trust fund shall equal the amount of interest on debt securities and dividends on equity securities.~~ Gains and losses arising from the sale of securities shall be apportioned as follows:

(1) if the sale of securities results in a net gain during a fiscal year, the gain shall be apportioned in equal installments over the next ten fiscal years to offset net losses in those years. If any portion of an installment is not needed to recover subsequent losses identified in paragraph (b), it shall be added to the principal of the fund; and

(2) if the sale of securities results in a net loss during a fiscal year, the net loss shall be recovered from the gains in paragraph (a) apportioned to that fiscal year. If such gains are insufficient, any remaining net loss shall be recovered from interest and dividend income in equal installments over the following ten fiscal years.

(b) For funding projects until fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year 1993;

(3) for the 1993-1995 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1994 and 1995, to be expended only for capital investments in parks and trails; and

(4) for the 1995-1997 biennium, up to 25 percent of the revenue deposited in the fund in fiscal year 1996, to be expended only for capital investments in parks and trails.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.

Sec. 77. Minnesota Statutes 2000, section 116P.13, subdivision 3, is amended to read:

Subd. 3. [REVENUE PURPOSES.] Revenue in the Minnesota future resources fund may be spent annually for purposes of natural resources acceleration and outdoor recreation, including but not limited to the development, maintenance, and operation of the state outdoor recreation system under chapter 86A and regional recreation open space systems as defined under section 473.351, subdivision 1.

Sec. 78. [116P.14] [FEDERAL LAND AND WATER CONSERVATION FUNDS.]

Subdivision 1. [DESIGNATED AGENCY.] The department of natural resources is designated as the state agency to apply for, accept, receive, and disburse federal reimbursement funds and private funds, which are granted to the state of Minnesota from the federal Land and Water Conservation Fund Act.

Subd. 2. [LOCAL SHARE.] Fifty percent of all money made available to the state from funds granted under subdivision 1 shall be distributed for projects to be acquired, developed, and maintained by local units of government, providing that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan. All money received by the department for local units of government shall be deposited in the state treasury.

Subd. 3. [STATE LAND AND WATER CONSERVATION ACCOUNT; CREATION.] A state land and water conservation account is created in the Minnesota future resources fund. Fifty percent of the money made available to the state from funds granted under subdivision 1 shall be deposited in the state land and water conservation account.

Subd. 4. [USE OF MONEY.] Except as provided in subdivision 3, money appropriated from the state land and water conservation account shall be used for state land acquisition and development for the state outdoor recreation system under chapter 86A.

Sec. 79. [116P.15] [LAND ACQUISITION RESTRICTIONS.]

Subdivision 1. [SCOPE.] A recipient of an appropriation from the trust fund or the Minnesota future resources fund who acquires an interest in real property with the appropriation must comply with this section. For the purposes of this section, "interest in real property" includes, but is not limited to, an easement or fee title to property.

Subd. 2. [RESTRICTIONS; MODIFICATION PROCEDURE.] (a) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this section may not alter the intended use of such interest in real property or convey any interest in the real property without the prior review and approval of the commission. The commission shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest is in a reasonably equivalent location, and has a reasonably equivalent usefulness compared to the interest being replaced.

(c) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund to be held by an entity other than this state shall include the following restrictive covenant on the conveyance instrument used to acquire the real property interests:

"The above described property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The property, or any portion of the property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the legislative commission on Minnesota resources. If the holder of the property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the property shall revert to this state."

Sec. 80. Minnesota Statutes 2000, section 256J.20, subdivision 3, is amended to read:

Subd. 3. [OTHER PROPERTY LIMITATIONS.] To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to ~~(20)~~ (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a loan value of less than or equal to \$7,500. The county agency shall apply any excess loan value as if it were equity value to the asset limit described in this section. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the vehicle with the highest loan value and count only the loan value over \$7,500, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a handicapped member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

The county agency shall count the loan value of all other vehicles and apply this amount as if it were equity value to the asset limit described in this section. To establish the loan value of vehicles, a county agency must use the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. When a vehicle is not listed in the guidebook, or when the applicant or participant disputes the loan value listed in the guidebook as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the loan value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

(9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;

(10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;

(11) monthly assistance, emergency assistance, and diversionary payments for the current month's needs;

(12) the value of school loans, grants, or scholarships for the period they are intended to cover;

(13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in escrow for a period not to exceed three months to replace or repair personal or real property;

(14) income received in a budget month through the end of the payment month;

(15) savings from earned income of a minor child or a minor parent that are set aside in a separate account designated specifically for future education or employment costs;

(16) the federal earned income credit, Minnesota working family credit, state and federal income tax refunds, state homeowners and renters credits under chapter 290A, property tax rebates and other federal or state tax rebates in the month received and the following month;

(17) payments excluded under federal law as long as those payments are held in a separate account from any nonexcluded funds;

(18) ~~money received by a participant of the corps to career program under section 84.0887, subdivision 2, paragraph (b), as a postservice benefit under the federal Americorps Act;~~

~~(19)~~ the assets of children ineligible to receive MFIP benefits because foster care or adoption assistance payments are made on their behalf; and

~~(20)~~ (19) the assets of persons whose income is excluded under section 256J.21, subdivision 2, clause (43).

Sec. 81. Minnesota Statutes 2000, section 473.608, is amended by adding a subdivision to read:

Subd. 2a. [COLDWATER SPRINGS PROPERTY.] (a) The metropolitan airports commission may acquire property, consisting of approximately 27 acres in and around Coldwater Springs in Hennepin county, from the Secretary of the Interior of the United States or any other federal official or agency authorized to transfer the property. If the commission acquires the property, the commission may convey all of its interest in the property, other than the interest permitted to be retained under paragraph (b), to the commissioner of natural resources for park, green space, or similar uses.

(b) To preserve its ability to conduct current or future aviation operations at the Minneapolis-St. Paul International Airport and to protect the commission from potential liability for those aviation operations, the commission may:

(1) retain an easement permitting overflight or another similar property interest in the property; or

(2) impose restrictions on the transferred property's use that would be inconsistent with or may create conflicts with aviation operations.

[EFFECTIVE DATE.] This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective the day following its final enactment.

Sec. 82. Minnesota Statutes 2000, section 473.845, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES FROM THE FUND.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 30 years in compliance with the closure and postclosure rules of the agency; ~~or~~

(3) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit; or

(4) reasonable and necessary response costs at a mixed municipal solid waste disposal site that was permitted by the agency to dispose of ash from a publicly owned wastewater treatment facility.

Sec. 83. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12, Laws 1996, chapter 351, section 1, and Laws 1999, chapter 231, section 191, is amended to read:

Sec. 142. [EFFECTIVE DATES.]

Sections 2, 5, 7, 20, 42, 44 to 49, 56, 57, 101, 102, 117, and 141, paragraph (d), are effective the day following final enactment.

Sections 114, 115, 118, and 121 are effective January 1, 1996.

Sections 120, subdivisions 2, 3, 4, and 5, and 141, paragraph (c), are effective July 1, 1996.

Section 141, paragraph (b), is effective June 30, ~~2001~~ 2007.

Sections 58 and 66 are effective retroactively to August 1, 1991.

Section 119 is effective September 1, 1996.

Section 120, subdivision 1, is effective July 1, 1999.

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

Sec. 84. Laws 1996, chapter 407, section 32, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] (a) A local area advisory committee is established to provide direction on the establishment, planning, development, and operation of the Iron Range off-highway vehicle recreation area. Except as provided in paragraph (b), the commissioner of natural resources shall appoint the members of the advisory committee.

(b) Membership on the advisory committee shall include:

- (1) a representative of the all-terrain vehicle association of Minnesota;
- (2) a representative of the amateur riders of motorcycles association;
- (3) a representative of the Minnesota four-wheel drive association;
- (4) a representative of the St. Louis county board;
- (5) a state representative appointed by the speaker of the house of representatives;
- (6) a state senator appointed by the senate committee on committees;
- (7) a designee of the local environmental community selected by the area environmental organizations;
- (8) a designee of the local tourism community selected by the iron trail convention and visitors bureau; and
- (9) a representative of the Tower regional office of the department of natural resources.

(c) The advisory committee shall elect its own chair and meetings shall be at the call of the chair.

(d) The advisory committee members shall serve as volunteers and accept no per diem.

(e) Notwithstanding Minnesota Statutes, section 15.059, subdivision 5, or other law to the contrary, the advisory committee expires June 30, 2005.

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

Sec. 85. Laws 1999, chapter 231, section 16, subdivision 4, is amended to read:

Subd. 4. Recreation

	8,357,000	2,770,000
Summary by Fund		
Future Resources Fund	5,587,000	-0-
Trust Fund	2,770,000	2,770,000

(a) Local Initiatives Grants Program.

This appropriation is to the commissioner of natural resources to provide matching grants, as follows:

(1) \$1,953,000 is from the future resources fund to local units of government for local park and recreation areas of up to \$250,000 notwithstanding Minnesota Statutes, section 85.019. \$50,000 is to complete the Larue Pit Recreation Development. \$28,000 is to the city of Hitterdal for park construction at Lake Flora. \$460,000 is available on the day following final enactment.

(2) \$435,000 the first year and \$435,000 the second year are from the trust fund to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019.

(3) ~~\$1,484,000~~ \$1,324,000 is from the future 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. \$500,000 is for grants of up to \$50,000 per project for trail linkages between communities, trails, and parks, and \$720,000 is for grants of up to \$250,000 for locally funded trails of regional significance outside the metropolitan area. \$50,000 is to the upper Minnesota River valley regional development commission for the preliminary design and engineering of a single segment of the Minnesota River trail from Appleton to the Milan Beach on Lake Lac Qui Parle. ~~\$160,000 is to the Department of Natural Resources to resurface four miles of recreational trail from the town of Milan to Lake Lac Qui Parle in Chippewa county.~~

(4) \$305,000 the first year and \$305,000 the second year are from the trust fund for a statewide conservation partners program, to encourage private organizations and local governments to cost share improvement of fish, wildlife, and native plant habitats and research and surveys of fish and wildlife. Conservation partners grants may be up to \$20,000 each. \$10,000 is for an agreement with the Canby Sportsman's Club for shelterbelts for habitat and erosion control.

(5) \$100,000 the first year and \$100,000 the second year are from the trust fund for environmental partnerships program grants of up to \$20,000 each for environmental service projects and related education activities through public and private partnerships.

In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has approved the grants or allowed 60 days to pass. The commission shall monitor the grants for approximate balance over extended periods of time between the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purpose of this paragraph, the match must be nonstate contributions, but may be either cash or in-kind. Recipients may receive funding for more than one project in any given grant period. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. If a project financed under this program

receives a federal grant, the availability of the financing from this subdivision for that project is extended to equal the period of the federal grant.

(b) Mesabi Trail Land Acquisition and Development - Continuation

\$1,000,000 is from the future resources fund to the commissioner of natural resources for an agreement with St. Louis and Lake Counties Regional Rail Authority for the fourth biennium to develop and acquire segments of the Mesabi trail and procure design and engineering for trail heads and enhancements. This appropriation must be matched by at least \$1,000,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Kabetogama to Ash River Community Trail System

\$100,000 is from the future resources fund to the commissioner of natural resources for an agreement with Kabetogama Lake Association in cooperation with the National Park Service for trail construction linking Lake Kabetogama, Ash River, and Voyageurs National Park. This appropriation must be matched by at least \$100,000 of nonstate money.

This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Mesabi Trail Connection

\$80,000 is from the future resources fund to the commissioner of natural resources for an agreement with the East Range Joint Powers Board to develop trail connections to the Mesabi Trail with the communities of Aurora, Hoyt Lakes, and White. This appropriation must be matched by at least \$80,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Dakota County Bikeway Mapping

\$15,000 is from the future resources fund to the metropolitan council for an agreement with Dakota county to cost share the integration of digital elevation information in the Dakota county geographic information system database with trail and bikeway routes and develop maps for trail and bikeway users.

(f) Mississippi Riverfront Trail and Access

\$155,000 is from the future resources fund to the commissioner of natural resources for an agreement with the city of Hastings to acquire and restore the public access area and to complete the

connecting riverfront trail from the public access to lock and dam number two adjacent to Lake Rebecca. This appropriation must be matched by at least \$155,000 of nonstate money.

(g) Management and Restoration of Natural Plant Communities on State Trails

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources to manage and restore natural plant communities along state trails under Minnesota Statutes, section 85.015

(h) Gitchi-Gami State Trail

\$275,000 the first year and \$275,000 the second year are from the trust fund to the commissioner of natural resources for construction of the Gitchi-Gami state trail through Split Rock State Park. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota resources. All segments of the trail must become part of the state trail system. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) State Park and Recreation Area Acquisition, Development, Betterment, and Rehabilitation

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition, \$500,000; and (2) for state park and recreation area development, rehabilitation, and resource management, \$500,000, unless otherwise specified in the approved work program. The use of the Minnesota conservation corps is encouraged. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota resources. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Fort Snelling State Park; Upper Bluff Implementation - Continuation

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources to implement the utilization plan for the Upper Bluff area of Fort Snelling Park.

(k) Interpretive Boat Tours of Hill Annex Mine State Park

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources to add interpretive boat excursion tours of the mine. The project will include purchase and equipping of a craft and development of a landing area.

(l) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the metropolitan council for subgrants for acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources. The metropolitan council shall collect and digitize all local, regional, state, and federal parks and all off-road trails with connecting on-road routes for the metropolitan area and produce a printed map that is available to the public. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(m) Como Park Campus Maintenance

\$500,000 is from the future resources fund to the department of finance for a grant to the city of St. Paul for a subsidy for the maintenance and repair of live plant and animal exhibits for the zoo and the conservatory at the Como Park campus.

(n) Luce Line Trail Connection Through Wirth Park

\$300,000 the first year is from the future resources fund to the metropolitan council for an agreement with the Minneapolis Park and Recreation Board to complete the construction of a bicycle and pedestrian trail link through Wirth Park to connect the Minneapolis Regional Trail System with the Luce Line State Trail. This appropriation must be matched by at least \$300,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(o) Milan Trail Resurfacing

\$160,000 is from the future resources fund to the commissioner of natural resources to resurface four miles of recreational trail from the town of Milan to Lake Lac Qui Parle in Chippewa county.

Sec. 86. Laws 2000, chapter 473, section 21, is amended to read:

Sec. 21. [APPROPRIATIONS.]

\$200,000 is appropriated from the state forest suspense account to the commissioner of natural resources for transfer to the University of Minnesota Duluth for the purpose of funding the inventory conducted pursuant to this section and is available until expended. Because the University of Minnesota is a land grant university, and because most of the state-owned land to be inventoried is granted land, the chancellor of the University of Minnesota Duluth is requested to direct the School of Business and Economics to conduct an inventory of state-owned land located within the Boundary Waters Canoe Area for the purpose of providing the legislature and state officers with more precise information as to the nature, extent, and value of the land. The inventory must include the following: (1) a list of the tracts of state-owned land within the area, together with the available legal description by government tract, insofar as possible; (2) the number of linear feet of shoreline in each tract, together with a general description of that shoreline, whether it is rocky, sandy, or swampy, or some other descriptive system that generally describes the shoreland; (3) the acreage of each tract; (4) a general description of the surface of each tract, including topography and the predominant vegetative cover for each tract and any known unique surface features, such as areas of virgin and other old growth timber; and (5) using available real estate market value information and accepted real estate valuation techniques, assign estimates of the value for each tract, exclusive of minerals and mineral interests, using each of the real estate valuation techniques adopted for the inventory. For the purposes of this section, "state-owned land" is defined as any class of state-owned land, whether it is granted land such as school, university, swampland, or internal improvement, or whether it is tax-forfeited, acquired, or state-owned land of any other classification. At the request of the university, the commissioner of natural resources shall promptly provide the university with all published maps, whether federal, state, or county, together with a descriptive list of state-owned land in the area, using available legal descriptions, forest inventories, and other factual information, published data, and photographs that are necessary for the university's inventory. From these maps, lists, data, and other information, the university is requested to prepare a report of its inventory. The legislature requests that the University of Minnesota submit the report to the legislature by January 15, ~~2002~~ 2003.

Sec. 87. [DAM INVENTORY AND ASSESSMENT.]

The commissioner of natural resources shall cooperate with the United States Army Corps of Engineers in carrying out the inventory and assessment, and the repair of dams that are a risk to public safety, that were constructed in this state by the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps, as mandated by section 524 of Public Law Number 106-541.

Sec. 88. [STUDY; MOTOR VEHICLE USE OF STATE AND COUNTY FOREST ROADS.]

The commissioners of administration, transportation, natural resources, and revenue shall work with the affected counties to study and determine the percentage of revenue received from the unrefunded gasoline and special fuel tax that is derived from gasoline and special fuel for the operation of motor vehicles on state forest roads and county forest access roads. The study must be limited to actual use of state forest roads and county forest access roads. The commissioners shall report the results of this study by December 1, 2002.

Sec. 89. [REORGANIZATION OF WATER PROGRAMS AND FUNCTIONS.]

(a) The director of the office of strategic and long-range planning shall, according to the schedule provided in paragraph (c), develop and present to the house and senate chairs of the committees with jurisdiction over environment and natural resources policy and finance issues a plan for the reorganization of the state water programs and functions. The plan shall be designed to ensure regulatory efficiency and program effectiveness in that:

(1) all specific plans and implementation projects should be coordinated with and relate to an overall water management plan;

(2) similar programs and functions should be assigned to a single agency, when feasible; and

(3) inherent conflicts of interest should be avoided.

(b) The plan should, at a minimum, allocate the programs into the following five categories:

(1) overall water management planning;

(2) establishment of water quantity and quality standards, including biological and chemical indicators;

(3) monitoring and assessment;

(4) technical and financial assistance; education and training; and implementation; and

(5) enforcement.

The director may develop an alternative allocation of programs and functions, provided the plan meets the criteria established in paragraph (a), clauses (1) to (3).

(c) The director shall provide the proposed plan according to the following schedule:

(1) by August 15, 2001, a chart listing all of the current water programs and functions provided by state government, with (i) a brief description of the program, identifying the agency to which the program is currently assigned; (ii) the number of full-time equivalent staff assigned to the program; and (iii) a summary of outcomes expected from each program;

(2) by November 15, 2001, a preliminary plan for reorganizing the state water programs and functions, with a chart similar to that provided in clause (1), displaying the proposed reallocation of programs, functions, and full-time equivalents to the respective agencies and a summary of outcomes expected from each program; and

(3) by February 15, 2001, a final plan with associated chart, and draft legislative language to accomplish the proposed reorganization. Implementation of the proposed plan may be staged over a number of years to minimize program disruption.

Sec. 90. [MCQUADE ROAD SAFE HARBOR AND PUBLIC ACCESS ACQUISITION.]

The commissioner of natural resources shall acquire interests in land, without undue delay, under Minnesota Statutes, section 86A.21, paragraph (a), clause (2), as necessary to provide a safe harbor and public access to Lake Superior at McQuade Road.

Sec. 91. [POLLUTION CONTROL AGENCY; FINANCING RECOMMENDATIONS.]

The director of the office of strategic and long-range planning shall develop and present to the house and senate chairs of the committees with jurisdiction over environment and natural resources policy and finance issues, by November 15, 2001:

(1) a review of advantages and disadvantages of alternative financing mechanisms for funding the operations and programs of the pollution control agency that are consistent with the policy statement of Minnesota Statutes, section 116.01, and the environment priorities of the state; and

(2) recommendations for the preferred financing mechanism, or combination of mechanisms, and supporting rationale for those recommendations.

Sec. 92. [ABOLITION OF OFFICE AND TRANSFER OF DUTIES.]

Subdivision 1. [TRANSFER.] The office of environmental assistance is abolished effective July 1, 2002. All duties of the office are transferred as described in this section. Minnesota Statutes, section 15.039, except for subdivision 7, applies to the transfer. The offices of director and assistant directors of the office, and 18 other positions in the office that are made redundant and duplicative by this section, are abolished.

Subd. 2. [POLLUTION CONTROL AGENCY.] The following duties of the office of environmental assistance are transferred to the pollution control agency:

- (1) the solid waste policy report under Minnesota Statutes, section 115A.411;
- (2) technical assistance to hazardous waste generators;
- (3) solid waste management planning under Minnesota Statutes, sections 115A.42 to 115A.46;
- (4) environmental education under Minnesota Statutes, section 115A.072;
- (5) certificate of need determinations under Minnesota Statutes, section 115A.917;
- (6) metropolitan solid waste planning under Minnesota Statutes, chapter 473; and
- (7) all other duties not specified in subdivisions 3 to 5.

Subd. 3. [DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT.] The following duties of the office of environmental assistance are transferred to the department of trade and economic development:

- (1) product stewardship responsibilities;
- (2) resource conservation research;
- (3) the environmental assistance grant and loan program under Minnesota Statutes, section 115A.0716;
- (4) business pollution prevention grants;
- (5) recycling market development;
- (6) the capital assistance program under Minnesota Statutes, section 115A.58; and
- (7) local government assistance grants to communities;

Subd. 4. [DEPARTMENT OF REVENUE.] The following duties of the office of environmental assistance are transferred to the department of revenue:

- (1) county waste reduction and recycling grant distribution under Minnesota Statutes, section 115A.557; and
- (2) reporting requirements under Minnesota Statutes, chapter 297H.

Subd. 5. [DEPARTMENT OF ADMINISTRATION.] All duties of the office of environmental assistance with respect to state procurement are transferred to the department of administration.

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

Sec. 93. [IMPLEMENTATION.]

The office of the revisor of statutes, in consultation with the house research department, the office of senate counsel and research, the house fiscal analysis department, and the senate fiscal services office, shall draft legislation implementing section 92 for introduction at the 2002 session of the legislature.

Sec. 94. [CURRANT LAKE DIVERSION.]

Notwithstanding any other law to the contrary, the department of natural resources must not abandon the diversion system at Currant Lake in Murray county.

Sec. 95. [SUNKEN LOG MORATORIUM.]

The commissioner of natural resources must suspend recovery of sunken logs under Minnesota Statutes, section 103G.650. The commissioner must not issue leases to remove sunken logs or permit the removal of sunken logs from inland waters during the moratorium period. The commissioner must cancel all existing leases issued under Minnesota Statutes, section 103G.650, and refund the lease application fees. The permanent moratorium may be lifted only by an act of the legislature.

Sec. 96. [REPORT BY FINANCE COMMISSIONER.]

(a) The commissioner of finance must identify the following in the special revenue fund:

(1) accounts where there has been no activity in the past six years;

(2) accounts where there has been no expenditure for the past six years;

(3) accounts where the authorizing legislation has been repealed; and

(4) other account balances determined by the commissioner as not needed for normal operations.

(b) Account balances identified in paragraph (a) will be transferred to the general fund as of June 30, 2003.

(c) For purposes of this section, "account" means that there is or has been specified in law a revenue source and there is or has been a corresponding expenditure.

(d) The commissioner must complete the responsibilities specified in paragraph (a) as soon as possible.

(e) The commissioner must report to the chair of the ways and means committee in the house of representatives and the chair of the finance committee in the senate on the commissioner's actions under this section by January 31, 2003.

Sec. 97. [REPEALER.]

(a) Minnesota Statutes 2000, sections 86.71; 86.72; 88.641, subdivisions 4 and 5; 88.644; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2 and 3; 116.67; 116.70, subdivisions 2, 3a, and 4; 116.71; 116.72; 116.73; and 116.74; and Laws 1994, chapter 639, article 3, section 4, subdivision 2, are repealed.

(b) Minnesota Statutes 2000, sections 115C.02, subdivisions 11a and 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; and 115C.092, are repealed effective the day following final enactment.

(c) Minnesota Rules, parts 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c and 51a; 7080.0400; and 7080.0450, are repealed."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a, as amended; 84.025, subdivision 7; 84.0887, subdivisions 1, 2, 4, 5, 6, 9; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.055, subdivision 2; 86A.21; 86B.106; 88.642; 88.645; 88.647; 88.648; 88.75, subdivision 1; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 6, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 103B.575; 103G.271, subdivisions 1, 5, 5a; 103G.301, subdivision 2; 115.03, by adding a subdivision; 115.55, subdivision 3; 115A.54, subdivision 2a; 115A.557, subdivision 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115B.49, subdivision 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivision 2; 116P.09, subdivisions 1, 5; 116P.11; 116P.13, subdivision 3; 256J.20, subdivision 3; 473.608, by adding a subdivision; 473.845, subdivision 3; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 1999, chapter 231, section 16, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 88; 97C; 116P; repealing Minnesota Statutes 2000, sections 86.71; 86.72; 88.641, subdivisions 4, 5; 88.644; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; Laws 1994, chapter 639, article 3, section 4, subdivision 2; Minnesota Rules, parts 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 218 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 923, 1263, 1932, 2006, 2046, 1326 and 2351 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abrams, Lenczewski, Daggett, Kuisle, Rifenberg, Wilkin, Knoblach, Jacobson, Harder, McElroy, Paulsen, Dorman, Erhardt and Dawkins introduced:

H. F. No. 2498, A bill for an act relating to the financing and operation of government in this state; providing a sales tax rebate; providing property tax reform; making changes to income, franchise, sales and use, property, motor vehicle sales, motor vehicle registration, mortgage registry, deed, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, minerals, estate, and special taxes; changing and allowing tax credits,

subtractions, and exemptions, including an income tax subtraction for capital gains; providing a biomedical innovation initiative; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; imposing a state general tax levy on certain property; providing a property tax homestead credit; imposing general levy limits; providing for property tax levy reverse referenda; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; abolishing certain property tax levies for transit and establishing a transit fund; providing and modifying certain aids to local units of government; changing levy authority; providing for certain payments in lieu of taxes; reducing rates on lawful gambling taxes; reducing rates on solid waste management taxes; providing for state takeover of certain costs of district court administration and out-of-home placement; providing for uniform sales and use tax administration; providing for taxation and incentive payments on forest lands; providing for electronic filing and payment of taxes; changing procedures for disposition of seized contraband; abolishing certain health care provider taxes and health plan premium taxes; providing for deposit of certain tobacco settlement and cigarette tax proceeds to the health care access fund; changing tax increment financing provisions and authorizing certain grants, duration extensions, and expenditures; requiring registration of tax increment financing consultants; creating a health care access fund reserve; reducing the tax on life insurance premiums; increasing property tax refunds and changing calculation of rent constituting property taxes for purposes of property tax refunds; reducing taconite production tax and occupation tax rates; providing special authority to certain political subdivisions; authorizing special taxing districts; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; changing revenue recapture provisions; authorizing abatements and waivers of fees and certain taxes in disaster areas; changing and imposing fees; changing debt collection provisions for student loans; providing certain duties and powers to the commissioner of revenue; authorizing publication of names of certain delinquent taxpayers; authorizing border city allocations; changing provisions relating to tax-forfeited lands and providing for a tax-forfeited lands transfer; defining terms; classifying data; establishing a legislative commission; requiring studies; imposing a criminal penalty; appropriating money; amending Minnesota Statutes 2000, sections 16D.08, subdivision 2; 62J.041, subdivision 1; 62Q.095, subdivision 6; 69.021, subdivision 5; 84.922, by adding a subdivision; 88.49, subdivisions 5, 9a; 88.491, subdivision 2; 97A.065, subdivision 2; 103D.905, subdivision 3; 115B.24, subdivision 2; 123B.55; 126C.01, subdivision 3; 126C.13, subdivision 4; 126C.17, by adding a subdivision; 144.3831, subdivision 2; 168.013, subdivision 1a; 174.24, subdivision 3b; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 214.16, subdivisions 2, 3; 239.101, subdivision 3; 260.765, by adding a subdivision; 260.771, by adding a subdivision; 270.06; 270.07, subdivision 3; 270.11, by adding a subdivision; 270.12, subdivision 2; 270.271, subdivisions 1, 3; 270.60, subdivision 4, by adding a subdivision; 270.70, subdivision 13; 270.73, subdivision 1; 270.771; 270.78; 270A.03, subdivisions 5, 7; 270A.11; 270B.01, subdivision 8; 270B.02, subdivisions 2, 3; 270B.03, subdivision 6; 270B.14, subdivision 1; 271.01, subdivision 5; 271.21, subdivision 2; 272.02, subdivisions 9, 10, 22, by adding subdivisions; 273.061, subdivisions 1, 2, 8; 273.072, subdivision 1; 273.11, subdivisions 1a, 14, by adding subdivisions; 273.1104, subdivision 2; 273.111, subdivision 4; 273.121; 273.124, subdivisions 8, 13, 14; 273.13, subdivisions 22, 23, 24, 25, 31; 273.1392; 273.1393; 273.1398, subdivisions 1a, 4a, by adding subdivisions; 274.01, subdivision 1; 274.13, subdivision 1; 275.02; 275.065, subdivisions 1, 3, 5a, 6, 8, by adding a subdivision; 275.066; 275.07, subdivision 1; 275.16; 275.62, subdivision 1; 275.70, subdivision 5, by adding subdivisions; 276.04, subdivision 2; 276.11, subdivision 1; 276A.01, subdivision 3; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.04, subdivision 2; 287.035; 287.04; 287.08; 287.12; 287.13, by adding a subdivision; 287.20, subdivisions 2, 9; 287.21, subdivision 1; 287.28; 289A.02, subdivision 7, by adding a subdivision; 289A.08, subdivision 16; 289A.12, subdivision 3; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.31, subdivision 7; 289A.50, subdivisions 2, 2a; 289A.60, subdivisions 7, 21; 290.01, subdivisions 7, 19, 19b, 19c, 19d, 22, 29, 31; 290.014, subdivision 5; 290.05, subdivision 1; 290.06, subdivisions 2c, 22; 290.067, subdivisions 1, 2, 2b; 290.0671, subdivisions 1, 1a, 7; 290.0674, subdivisions 1, 2; 290.0675, subdivisions 1, 3; 290.068, subdivisions 1, 3, 4; 290.091, subdivisions 2, 3; 290.0921, subdivisions 1, 2, 3, 6; 290.0922, subdivision 2; 290.093; 290.095, subdivision 2; 290.17, subdivisions 1, 4; 290.191, subdivisions 2, 3, 5; 290.21, subdivision 4; 290.9725; 290A.03, subdivisions 6, 11, 12, 13, 15; 290A.04, subdivisions 2, 2a, 4; 290A.15; 291.005, subdivision 1; 295.55, subdivision 4; 296A.15, subdivisions 1, 7; 296A.16, subdivision 2; 296A.21, subdivisions 1, 4; 296A.24, subdivisions 1, 2; 297A.01, subdivision 3; 297A.07, subdivision 3; 297A.25, subdivisions 3, 11, 28; 297A.61, subdivisions 2, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 22, 23, by adding subdivisions; 297A.62, subdivision 3; 297A.66, subdivisions 1, 3; 297A.67, subdivisions 2, 8, 23, 24, 25, by adding subdivisions; 297A.68, subdivisions 2, 3, 5, 11, 13, 14, 18, 25, by adding subdivisions; 297A.69, subdivision 2; 297A.70, subdivisions 1, 2, 3, 4, 7, 8, 10, 13, 14; 297A.71, subdivisions 3, 6, by adding subdivisions; 297A.72, subdivision 1;

297A.75; 297A.77, subdivision 1; 297A.80; 297A.82, subdivision 3, by adding a subdivision; 297A.89, subdivision 1; 297A.90, subdivision 1; 297A.91; 297A.92, subdivision 2; 297A.94; 297A.99, subdivisions 7, 9, 11; 297B.03; 297B.09, subdivision 1; 297E.02, subdivisions 1, 4, 6; 297E.16, subdivisions 1, 2; 297F.09, subdivision 7; 297F.10, subdivision 1; 297F.16, subdivision 4; 297F.20, subdivision 3; 297F.21, subdivisions 1, 2, 3; 297G.09, subdivision 6; 297G.15, subdivision 4; 297G.16, subdivisions 5, 7; 297G.20, subdivisions 3, 4; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2, by adding a subdivision; 297H.05; 297H.13, by adding a subdivision; 297I.05, by adding a subdivision; 297I.15, by adding a subdivision; 297I.20; 297I.35, subdivision 2; 297I.40, subdivisions 1, 2, 7; 297I.85, subdivision 7; 298.01, subdivisions 3, 3a, 3b, 4, 4a, 4c; 298.225, subdivision 1; 298.24, subdivision 1; 298.27; 298.28, subdivisions 6, 9a; 298.2961, subdivision 2; 298.75, subdivisions 1, 2, by adding a subdivision; 299D.03, subdivision 5; 345.41; 345.42, by adding a subdivision; 349.19, subdivision 2a; 357.021, subdivision 1a; 461.12, by adding a subdivision; 469.040, subdivision 5; 469.169, by adding a subdivision; 469.1732, subdivision 1; 469.174, subdivisions 1, 3, 10, 10a, 12, 25; 469.175, subdivisions 1, 3, 6, 6b, by adding a subdivision; 469.176, subdivisions 1b, 1c, 1e, 3, 4, 4g, by adding a subdivision; 469.1763, subdivision 6; 469.177, subdivisions 1, 11, by adding a subdivision; 469.1771, subdivision 1; 469.178, by adding a subdivision; 469.1791, subdivisions 1, 3, 9; 469.1812, subdivision 2; 469.1813, subdivisions 4, 6; 469.202, subdivision 2; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; 473.843, subdivision 3; 473F.08, subdivision 3; 473H.10, subdivision 3; 475.58, subdivision 1; 477A.011, subdivisions 35, 36; 477A.0121, by adding a subdivision; 477A.0122, by adding a subdivision; 477A.013, subdivisions 1, 9; 477A.03, subdivision 2, by adding a subdivision; 477A.12; 477A.14; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; Laws 1986, chapter 396, section 5; Laws 1997, chapter 231, article 10, section 25; Laws 1998, chapter 389, article 16, section 35, subdivision 1; Laws 1999, chapter 216, article 7, section 46, subdivision 3; Laws 1999, chapter 243, article 4, section 19; Laws 2000, chapter 490, article 8, section 17; Laws 2000, chapter 490, article 11, section 26; proposing coding for new law in Minnesota Statutes, chapters 3; 12; 16A; 62Q; 103B; 116J; 123B; 144F; 245; 256L; 270; 272; 273; 275; 289A; 290; 290A; 295; 296A; 297A; 297H; 469; 471; 473; 477A; 480; 484; proposing coding for new law as Minnesota Statutes, chapter 290C; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 16A.76; 62T.10; 126C.13, subdivisions 1, 2, 3; 144.1484, subdivision 2; 256L.02, subdivision 3; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivision 24a; 273.1382; 273.1399; 275.08, subdivision 1e; 278.078; 289A.60, subdivision 15; 290.06, subdivisions 25, 26; 290.0673; 290.095, subdivisions 1a, 7; 290.191, subdivision 4; 290.21, subdivision 3; 290.23; 290.25; 290.31, subdivisions 2, 2a, 3, 4, 5, 19; 290.35; 290.9726, subdivision 7; 290A.04, subdivision 2j; 290A.18, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59; 296A.16, subdivision 6; 296A.24, subdivision 3; 297A.61, subdivision 16; 297A.62, subdivision 2; 297A.64; 297A.68, subdivision 21; 297A.71, subdivisions 2, 15, 16, 21; 297B.032; 297E.16, subdivision 3; 297F.21, subdivision 4; 297G.20, subdivision 5; 297I.05, subdivisions 5, 8; 297I.30, subdivision 3; 469.1732, subdivision 2; 469.1734, subdivision 4; 469.1782, subdivision 1; Laws 1988, chapter 426, section 1; Laws 1988, chapter 702, section 16; Laws 1992, chapter 511, article 2, section 52, as amended; Laws 1996, chapter 471, article 8, section 45; Laws 1999, chapter 243, article 6, section 14; Laws 1999, chapter 243, article 6, section 15; Laws 2000, chapter 490, article 6, section 17; Minnesota Rules, parts 8120.0200; 8120.0500; 8120.0700; 8120.0900; 8120.1300; 8120.1600; 8120.2000; 8120.2100; 8120.2200; 8120.2300; 8120.2500; 8120.2700; 8120.2800; 8120.3000; 8120.3200; 8120.4300; 8120.4400; 8120.4500; 8120.4600; 8120.4900; 8120.5000; 8120.5100; 8120.5300.

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

Dauids introduced:

H. F. No. 2499, A bill for an act relating to consumer protection; prohibiting unsolicited telephone sales calls to consumers at their place of business; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Larson introduced:

H. F. No. 2500, A bill for an act relating to crime prevention; requiring fingerprinting by local law enforcement agencies and transmittal to the bureau of criminal apprehension; requiring collection of known aliases and street names for transmittal to the bureau; requiring suspense file reporting; appropriating money to the supreme court for the court information system, the department of public safety for criminal justice information system improvements, the bureau of criminal apprehension for various criminal justice information purposes, and the department of corrections for various criminal justice information purposes; amending Minnesota Statutes 2000, sections 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 299C; 609.

The bill was read for the first time and referred to the Committee on Crime Prevention.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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. 865, A bill for an act relating to criminal justice; providing for community service in lieu of criminal fines in certain instances; amending Minnesota Statutes 2000, section 609.101, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Fuller moved that the House concur in the Senate amendments to H. F. No. 865 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 865, A bill for an act relating to criminal justice; providing for community service in lieu of criminal fines in certain instances; making technical corrections; amending Minnesota Statutes 2000, section 609.101, subdivisions 2, 3, 4, 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bernardy	Carlson	Davnie	Dorman	Erickson
Abrams	Biernat	Cassell	Dawkins	Dorn	Evans
Anderson, B.	Boudreau	Clark, J.	Dehler	Eastlund	Finseth
Anderson, I.	Bradley	Daggett	Dempsey	Entenza	Folliard
Bakk	Buesgens	Davids	Dibble	Erhardt	Fuller

Gerlach	Huntley	Leppik	Nornes	Seifert	Wagenius
Gleason	Jacobson	Lieder	Opatz	Sertich	Walker
Goodno	Jaros	Lindner	Osskopp	Skoe	Walz
Goodwin	Jennings	Lipman	Otremba	Skoglund	Wasiluk
Gray	Johnson, J.	Luther	Paulsen	Slawik	Wenzel
Greiling	Johnson, R.	Mahoney	Pawlenty	Smith	Westerberg
Gunther	Johnson, S.	Mares	Pelowski	Solberg	Westrom
Haas	Juhnke	Marko	Penas	Stanek	Wilkin
Hackbarth	Kelliher	McElroy	Peterson	Stang	Winter
Harder	Kielkucki	McGuire	Pugh	Swapinski	Wolf
Hausman	Knobloch	Milbert	Rhodes	Swenson	Workman
Hilstrom	Kubly	Molnau	Rifenberg	Sykora	Spk. Sviggum
Hilty	Kuisle	Mulder	Rukavina	Thompson	
Holberg	Larson	Mullery	Ruth	Tingelstad	
Holsten	Leighton	Murphy	Schumacher	Tuma	
Howes	Lenczewski	Ness	Seagren	Vandever	

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 933, A bill for an act relating to commerce; providing buyback requirements related to the sale of farm implements and outdoor power equipment; amending Minnesota Statutes 2000, sections 325E.06, subdivisions 1, 4, 5, and 6; and 325E.0681, subdivisions 3, 4, 5, 11, and 12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Gunther moved that the House concur in the Senate amendments to H. F. No. 933 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 933, A bill for an act relating to commerce; providing buyback requirements related to the sale of farm implements and outdoor power equipment; amending Minnesota Statutes 2000, sections 325E.06, subdivisions 1, 4, 5, 6; 325E.0681, subdivisions 3, 4, 5, 11, 12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Clark, J.	Dawkins	Dorman
Abrams	Bernardy	Buesgens	Daggett	Dehler	Dorn
Anderson, B.	Biernat	Carlson	Davids	Dempsey	Eastlund
Anderson, I.	Boudreau	Cassell	Davnie	Dibble	Entenza

Erhardt	Hilstrom	Kubly	Mulder	Ruth	Tuma
Erickson	Hilty	Kuisle	Mullery	Schumacher	Vandever
Evans	Holberg	Larson	Murphy	Seagren	Wagenius
Finseth	Holsten	Leighton	Ness	Seifert	Walker
Folliard	Howes	Lenczewski	Nornes	Sertich	Walz
Fuller	Huntley	Leppik	Opatz	Skoe	Wasiluk
Gerlach	Jacobson	Lieder	Osskopp	Skoglund	Wenzel
Gleason	Jaros	Lindner	Otremba	Slawik	Westerberg
Goodno	Jennings	Lipman	Paulsen	Smith	Westrom
Goodwin	Johnson, J.	Luther	Pawlenty	Solberg	Wilkin
Gray	Johnson, R.	Mahoney	Pelowski	Stanek	Winter
Greiling	Johnson, S.	Mares	Penas	Stang	Wolf
Gunther	Juhnke	Marko	Peterson	Swapinski	Workman
Haas	Kelliher	McElroy	Pugh	Swenson	Spk. Sviggum
Hackbarth	Kielkucki	McGuire	Rhodes	Sykora	
Harder	Knoblach	Milbert	Rifenberg	Thompson	
Hausman	Krinkie	Molnau	Rukavina	Tingelstad	

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 953, A bill for an act relating to child protection; adding violations from other states to the list of offenses that constitute child abuse; amending Minnesota Statutes 2000, section 260C.007, subdivision 25.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Fuller moved that the House concur in the Senate amendments to H. F. No. 953 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 953, A bill for an act relating to child protection; adding violations from other states to the list of offenses that constitute child abuse; amending Minnesota Statutes 2000, section 260C.007, subdivision 25.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Clark, J.	Dawkins	Dorman
Abrams	Bernardy	Buesgens	Daggett	Dehler	Dorn
Anderson, B.	Biernat	Carlson	Davids	Dempsey	Eastlund
Anderson, I.	Boudreau	Cassell	Davnie	Dibble	Entenza

Erhardt	Hilstrom	Kubly	Mulder	Rukavina	Tingelstad
Erickson	Hilty	Kuisle	Mullery	Ruth	Tuma
Evans	Holberg	Larson	Murphy	Schumacher	Vandever
Finseth	Holsten	Leighton	Ness	Seagren	Wagenius
Folliard	Howes	Lenczewski	Nornes	Seifert	Walker
Fuller	Huntley	Leppik	Opatz	Sertich	Walz
Gerlach	Jacobson	Lieder	Osskopp	Skoe	Wasiluk
Gleason	Jaros	Lindner	Otremba	Skoglund	Wenzel
Goodno	Jennings	Lipman	Ozment	Slawik	Westerberg
Goodwin	Johnson, J.	Luther	Paulsen	Smith	Westrom
Gray	Johnson, R.	Mahoney	Pawlenty	Solberg	Wilkin
Greiling	Johnson, S.	Mares	Pelowski	Stanek	Winter
Gunther	Juhnke	Marko	Penas	Stang	Wolf
Haas	Kelliher	McElroy	Peterson	Swapinski	Workman
Hackbarth	Kielkucki	McGuire	Pugh	Swenson	Spk. Sviggum
Harder	Knoblach	Milbert	Rhodes	Sykora	
Hausman	Krinkie	Molnau	Rifenberg	Thompson	

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 1748, A bill for an act relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by rural ambulance services; amending Minnesota Statutes 2000, section 144E.101, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Harder moved that the House concur in the Senate amendments to H. F. No. 1748 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1748, A bill for an act relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by certain ambulance services; exempting certain rural emergency medical training programs from certain requirements; amending Minnesota Statutes 2000, sections 144E.101, subdivision 6; 144E.285, subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Buesgens	Clark, J.	Davnie
Abrams	Bakk	Boudreau	Carlson	Daggett	Dawkins
Anderson, B.	Bernardy	Bradley	Cassell	Davids	Dehler

Dempsey	Gunther	Kelliher	McGuire	Rhodes	Thompson
Dibble	Haas	Kielkucki	Milbert	Rifenberg	Tingelstad
Dorman	Hackbarth	Knobloch	Molnau	Rukavina	Tuma
Dorn	Harder	Krinkie	Mulder	Ruth	Vandever
Eastlund	Hausman	Kubly	Mullery	Schumacher	Wagenius
Entenza	Hilstrom	Kuisle	Murphy	Seagren	Walker
Erhardt	Hilty	Larson	Ness	Seifert	Walz
Erickson	Holberg	Leighton	Nornes	Sertich	Wasiluk
Evans	Holsten	Lenczewski	Opatz	Skoe	Wenzel
Finseth	Howes	Leppik	Osskopp	Skoglund	Westerberg
Folliard	Huntley	Lieder	Otremba	Slawik	Westrom
Fuller	Jacobson	Lindner	Ozment	Smith	Wilkin
Gerlach	Jaros	Lipman	Paulsen	Solberg	Winter
Gleason	Jennings	Luther	Pawlenty	Stanek	Wolf
Goodno	Johnson, J.	Mahoney	Pelowski	Stang	Workman
Goodwin	Johnson, R.	Mares	Penas	Swapinski	Spk. Sviggum
Gray	Johnson, S.	Marko	Peterson	Swenson	
Greiling	Juhnke	McElroy	Pugh	Sykora	

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 873, A bill for an act relating to public lands; allowing private easements across tax-forfeited land; changing certain exchange requirements; modifying county lease terms for tax-forfeited land; authorizing a conveyance of certain Benton county land; authorizing public and private sales and conveyances of certain tax-forfeited lands in Aitkin, Cook, Hubbard, Lake, Meeker, Ramsey, St. Louis, and Washington counties; amending Minnesota Statutes 2000, section 282.04, subdivision 1, and by adding a subdivision; Laws 1998, chapter 389, article 16, section 31, subdivisions 2, as amended, and 4, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

Howes moved that the House refuse to concur in the Senate amendments to H. F. No. 873, 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 the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2340.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2340, A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying provisions relating to transportation, public safety, law enforcement, streets and highways, motor vehicles, traffic regulations, local governments, and state and regional agencies and authorities; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fees; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 13.87, by adding a subdivision; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.641, subdivision 8; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 117.51; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 161.442; 161.45, subdivision 1; 162.02, subdivision 12; 162.09, subdivision 4; 167.51, subdivision 2; 168.011, subdivision 7; 168.013, subdivision 1d; 168.09, subdivision 7; 168.12, subdivision 1; 168.1291, subdivision 1; 168.27, subdivisions 12a, 20; 168.33, subdivision 7; 168.381; 168.61, subdivision 1; 169.06, by adding a subdivision; 169.073; 169.09, subdivisions 8, 9, 10, 13; 169.14, subdivisions 4, 5a; 169.18, subdivision 1, by adding a subdivision; 169.686, subdivision 1; 169.79; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 2a; 171.07, subdivisions 1, 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.183, subdivision 1; 171.185; 171.26; 171.29, subdivision 2; 171.36; 171.39; 174.03, subdivision 7, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.35; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 297B.09, subdivision 1; 299A.01, subdivision 1b; 299A.64, subdivision 1; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 325E.11; 325E.115, subdivision 2; 326.243; 446A.085; 473.399, by adding a subdivision; 473.859, subdivision 2; 484.50; 611A.25, subdivision 3; 611A.361, subdivision 3; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168A; 169; 174; 219; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

CONSENT CALENDAR

Seifert moved that the Consent Calendar be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of S. F. No. 2343.

S. F. No. 2343 was reported to the House.

Leppik moved to amend S. F. No. 2343 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2489, the first engrossment:

"ARTICLE 1

APPROPRIATIONS

Section 1. [HIGHER EDUCATION APPROPRIATIONS.]

The sums in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or other named fund, to the agencies and for the purposes specified in this article. The listing of an amount under the figure "2002" or "2003" in this article indicates that the amount is appropriated to be available for the fiscal year ending June 30, 2002, or June 30, 2003, respectively. "The first year" is fiscal year 2002. "The second year" is fiscal year 2003. "The biennium" is fiscal years 2002 and 2003.

SUMMARY BY FUND

	2002	2003	TOTAL
General	\$1,382,809,000	\$1,450,344,000	\$2,833,153,000
Health Care Access	2,537,000	2,537,000	5,074,000

SUMMARY BY AGENCY - ALL FUNDS

	2002	2003	TOTAL
Higher Education Services Office	159,611,000	168,590,000	328,201,000
Board of Trustees of the Minnesota State Colleges and Universities	601,194,000	634,273,000	1,235,467,000
Board of Regents of the University of Minnesota	622,904,000	648,381,000	1,271,285,000
Mayo Medical Foundation	1,637,000	1,637,000	3,274,000

APPROPRIATIONS Available for the Year Ending June 30

2002	2003
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Sec. 2. HIGHER EDUCATION SERVICES OFFICE

Subdivision 1. Total Appropriation	159,611,000	168,590,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Notwithstanding Minnesota Statutes, section 136A.1211, savings in the state grant program in fiscal years 2002 and 2003 resulting from any increases in the maximum federal grant from \$3,300 up to \$3,750 must be used as provided in this section.

Subd. 2. State Grants

126,288,000	135,218,000
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If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.

The legislature intends that the higher education services office make full grant awards in each year of the biennium.

For the biennium, the private institution tuition maximum shall be \$8,764 in the first year and \$8,983 in the second year for four-year institutions and \$6,744 in the first year and \$6,913 in the second year for two-year institutions.

This appropriation contains money to set the living and miscellaneous expense allowance at \$5,405 in each year.

Notwithstanding Minnesota Statutes, section 136A.1211, savings in the state grant program in fiscal years 2002 and 2003 resulting from any increase in the maximum federal grant over \$3,750 or from any other source must be used to provide additional decreases in the family responsibility for independent students and to increase funding for child care grants under Minnesota Statutes, section 136A.125. The higher education services office may allocate savings between the two purposes.

Subd. 3. Interstate Tuition Reciprocity

5,250,000	5,250,000
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If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

The higher education services office must negotiate the reciprocity agreements for remission of nonresident tuition under Minnesota Statutes, section 136A.08. The agreements negotiated under this subdivision must reduce and minimize the obligation of the participating states to make general fund transfers for the tuition

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reciprocity program. The chancellor of the Minnesota state colleges and universities and the president of the University of Minnesota or their designees must participate in any negotiations on the tuition reciprocity agreements. The higher education services office must present the agreements negotiated under this subdivision to the higher education finance committees of the legislature for approval.

Subd. 4. State Work Study

12,444,000	12,444,000
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Subd. 5. Minitex Library Program

5,318,000	5,318,000
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Subd. 6. Learning Network of Minnesota

5,179,000	5,179,000
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Notwithstanding Minnesota Statutes, section 16B.465, regional organizations receiving grants under the learning network may consider proposals from competing providers.

Subd. 7. Income Contingent Loans (GRIP)

The higher education services office shall administer an income contingent loan repayment program to assist graduates of Minnesota schools in medicine, dentistry, pharmacy, chiropractic medicine, public health, and veterinary medicine, and Minnesota residents graduating from optometry and osteopathy programs. Applicant data collected by the higher education services office for this program may be disclosed to a consumer credit reporting agency under the same conditions as apply to the supplemental loan program under Minnesota Statutes, section 136A.162. No new applicants may be accepted after June 30, 1995.

Subd. 8. Edvest

1,520,000	1,520,000
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Subd. 9. Agency Administration

3,612,000	3,661,000
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This appropriation includes base funding to foster post-secondary attendance by providing outreach services to historically underserved groups of Minnesota elementary and secondary

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students. The office may retain the entire appropriation or contract with other agencies or nonprofit organizations for specific services in this effort. Prior to expending this appropriation, the office shall prepare a spending plan and submit it to the department of finance for review.

This appropriation includes an increase in the dues for the Midwest Higher Education Compact.

Any appropriations remaining after final benefits are paid to youthworks grantees may be used for college early intervention programs.

Subd. 10. Balances Forward

An unencumbered balance in the first year under a subdivision in this section does not cancel but is available for the second year.

Subd. 11. Transfers

The higher education services office may transfer unencumbered balances from the appropriations in this section to the state grant appropriation, the interstate tuition reciprocity appropriation, the child care appropriation, and the state work-study appropriation.

Sec. 3. BOARD OF TRUSTEES OF THE MINNESOTA
STATE COLLEGES AND UNIVERSITIES

Subdivision 1. Total Appropriation

601,194,000

634,273,000

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

The legislature intends that state appropriations be used to strengthen and support education of students. To this end, all money appropriated in this section, except that in direct support of system office activities, shall be allocated by the board directly to the colleges and universities.

The legislature further intends that colleges and universities have broad discretion in spending in order for each to meet its distinctive needs.

This appropriation includes \$4,000,000 each year for campus-based quality initiatives.

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This appropriation includes money for a grant to Minnesota state university, Mankato, for the Talented Youth Mathematics Program and to expand the program in the second year to an additional region.

Subd. 2. Estimated Expenditures and Appropriations

The legislature estimates that instructional expenditures will be \$795,413,000 in the first year and \$840,309,000 in the second year. The legislature estimates that noninstructional expenditures will be \$70,919,000 in the first year and \$74,067,000 in the second year.

Subd. 3. Allocation

For fiscal year 2002 and 2003, the board of trustees must allocate these appropriations according to this subdivision. Within the limits of the appropriation, the board must distribute to each campus for each fiscal year: (1) an amount equal to their 2001 base budget; and (2) inflation funds in the same percentage as the amount of inflation funds the system receives above the fiscal year 2001 base amount.

The board of trustees of the Minnesota state colleges and universities must ensure that any reallocation of state appropriations and expenditures implemented for fiscal years 2002 and 2003 is shared by the MnSCU central office in at least the same proportion as expenditures for the MnSCU central office are to total expenditures.

In each year of the biennium, the board of trustees must increase the percentage of the total general fund expenditures for direct instruction and academic support, as reported in the federal Integrated Post Secondary Education Data System. By February 15 of each year, the board must report to the higher education finance committees of the legislature on the percentage of total general fund expenditures for each institution and for the system spent on direct instruction and on academic support during the previous fiscal year.

During the biennium, neither the board nor campuses shall plan or develop doctoral level programs or degrees until after they have received the recommendation of the house and senate committees on education, finance, and ways and means.

During the biennium, technical and consolidated colleges shall make use of instructional advisory committees consisting of employers, students, and instructors. The instructional advisory

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committee shall be consulted when a technical program is proposed to be created, modified, or eliminated. If a decision is made to eliminate a program, a college shall adequately notify students and make plans to assist students affected by the closure.

The board may waive tuition for eligible Southwest Asia veterans, as provided in Minnesota Statutes, section 136F.28.

Subd. 4. Base Appropriations

For fiscal year 2003, there is a one-time reduction of \$13,500,000 in the base appropriation for the Minnesota state colleges and universities.

Subd. 5. Reserves

The Minnesota state colleges and universities must not maintain a central reserve in excess of \$5,000,000 on an annual basis. The board must distribute, in fiscal year 2002, any amount in the central reserve that exceeds the annual limit at the close of fiscal year 2001. Excess reserves must be distributed to the campuses as part of a leveraged equipment purchase program. State funds expended to purchase equipment under this program must be matched dollar for dollar with nonstate funds.

By December 1, 2002, the board of trustees must adopt policies to clarify the purposes of the central reserve and under what general conditions it will be used.

Subd. 6. Central Office Services

The board of trustees of the Minnesota state colleges and universities, in cooperation with the council of presidents, must develop a plan to increase autonomy for campuses and accountability at the system level. The plan must include the provision of central office services in ways that better reflect campus needs. The plan must consider the following:

- (1) core central office services funded through a nominal fee paid by all campuses;
- (2) an option for campuses to contract for services from the central office;
- (3) the streamlined delivery of services to eliminate duplication at the campus and central office;
- (4) the impact of alternative service delivery methods on various types of campuses; and

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(5) making central office services more market-sensitive.

The board must present a plan to restructure central office services to the chairs of the higher education finance committees of the legislature by February 15, 2002.

Subd. 7. Riverland Community College; Austin.

The board, for Riverland community college, may enter into a lease agreement, for a term not to exceed 30 years, with the city of Austin for up to five acres of land on the Austin campus for construction of a joint-use recreational facility by the city. Siting and design of the facility must be consistent with the college's master plan and Minnesota state college and universities building standards. Riverland community college may negotiate for use of the facility for college purposes. Land leased by the board for this purpose must revert to the state if it is no longer used to provide a facility for the benefit of the college and its students.

Subd. 8. Administrative Offices

Offices for campus administrators should be located on a college campus if office space is available. The board of trustees may waive the requirements of this subdivision if the chancellor provides justification that improves access by the student body for granting an exception.

Sec. 4. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Subdivision 1. Total Appropriation	622,904,000	648,381,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Estimated Expenditures and Appropriations

The legislature estimates that instructional expenditures will be \$479,373,000 in the first year and \$505,710,000 in the second year. The legislature estimates that noninstructional expenditures will be \$227,381,000 in the first year and \$235,180,000 in the second year.

Subd. 3. Operations and Maintenance	546,973,000	572,320,000
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(a) Reallocation

The board of regents of the University of Minnesota is requested to ensure that any reallocation of state appropriations and expenditures implemented for fiscal years 2002 and 2003 is shared by university administration in at least the proportion as expenditures for administration are to total expenditures.

Subd. 4. Medical Education Endowment Appropriation

The amounts of the medical education endowment fund under Minnesota Statutes, section 62J.694, are appropriated according to section 62J.694, subdivision 2.

Subd. 5. Health Care Access Fund	2,537,000	2,537,000
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\$2,537,000 each year is appropriated from the health care access fund for primary care education initiatives.

Subd. 6. Special Appropriation	73,394,000	73,524,000
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The amounts expended for each program in the four categories of special appropriations shall be separately identified in the 2003 biennial budget document.

(a) Agriculture and Extension Service

58,338,000		58,338,000
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This appropriation is for the Agricultural Experiment Station, Minnesota Extension Service.

Any salary increases granted by the University to personnel paid from the Minnesota Extension appropriation must not result in a reduction of the county responsibility for the salary payments.

During the biennium, the University shall maintain an advisory council system for each experiment station. The advisory councils must be broadly representative of the range of size and income distribution of farms and agribusinesses and must not disproportionately represent those from the upper half of the size and income distributions.

The university must continue to provide support for sustainable and organic agriculture initiatives including, but not limited to, the alternative swine systems program.

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The board of regents of the University of Minnesota is requested to review and analyze the programmatic mission, scope, and cost-effectiveness of the Minnesota Extension Service with the goal of assuring that the Minnesota Extension Service offers programs and services effectively and efficiently and within the scope of its current defined mission. The board is requested to report to the governor and the chairs of the higher education finance committees of the legislature with recommendations for priorities in the extension service.

(b) Health Sciences

5,881,000	5,911,000
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This appropriation is for the rural physicians associates program, the Veterinary Diagnostic Laboratory, health sciences research, dental care, and the Biomedical Engineering Center.

(c) Institute of Technology

1,655,000	1,665,000
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This appropriation is for the Geological Survey and the Talented Youth Mathematics Program.

(d) System Specials

7,520,000	7,610,000
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This appropriation is for general research, student loans matching money, industrial relations education, Natural Resources Research Institute, Center for Urban and Regional Affairs, Bell Museum of Natural History, and the Humphrey exhibit.

Sec. 5. MAYO MEDICAL FOUNDATION

Subdivision 1. Total Appropriation	1,637,000	1,637,000
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Medical School

605,000	605,000
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The state of Minnesota must pay a capitation of \$14,405 each year for each student who is a resident of Minnesota. The appropriation may be transferred between years of the biennium to accommodate enrollment fluctuations.

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The legislature intends that during the biennium the Mayo foundation use the capitation money to increase the number of doctors practicing in rural areas in need of doctors.

Subd. 3. Family Practice and Graduate Residency Program

625,000	625,000
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The state of Minnesota must pay a capitation of \$22,313 for 26 residents each year and \$44,627 for one resident each year.

Subd. 4. St. Cloud Hospital-Mayo Family Practice Residency Program

407,000	407,000
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This appropriation is to the Mayo foundation to support 12 resident physicians in the first year and 12 resident physicians in the second year in the St. Cloud Hospital-Mayo Family Practice Residency Program. The program shall prepare doctors to practice primary care medicine in the rural areas of the state. It is intended that this program will improve health care in rural communities, provide affordable access to appropriate medical care, and manage the treatment of patients in a more cost-effective manner.

Sec. 6. POST-SECONDARY SYSTEMS

Subdivision 1. Post-Secondary Planning Report

By February 15 of each year the board of trustees of the Minnesota state colleges and universities must and the board of regents of the University of Minnesota is requested to report to the legislature on progress under the master academic plan for the metropolitan area. The report must include a discussion of coordination and duplication of program offerings, developmental and remedial education, credit transfers within and between the post-secondary systems, and planning and delivery of coordinated programs. In order to better achieve the goal of a more integrated, effective, and seamless post-secondary education system in Minnesota, the report must also identify statewide efforts at integration and cooperation between the post-secondary systems.

Subd. 2. Accountability

The board of trustees of the Minnesota state colleges and universities must and the board of regents of the University of Minnesota is requested to report to the chairs of the higher

(e) For fiscal year 2003, and each year thereafter, appropriations in paragraph (a) are distributed as follows:

(1) 51 percent is for transfer to the board of regents of the University of Minnesota for the instructional costs of health professional programs at the academic health center and affiliated teaching institutions;

(2) 14 percent is for transfer to the board of regents of the University of Minnesota for interdisciplinary initiatives within the academic health center and health professional education; and

(3) 35 percent is for transfer to the commissioner of health to be distributed for medical education under section 62J.692.

(f) A maximum of \$150,000 of each annual appropriation to the commissioner of health in paragraph (d) may be used by the commissioner for administrative expenses associated with implementing section 62J.692.

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

Sec. 3. Minnesota Statutes 2000, section 62J.694, is amended by adding a subdivision to read:

Subd. 2a. [OUTCOMES.] (a) The academic health center of the University of Minnesota must work in partnership with the commissioner of health and other stakeholders to:

(1) develop a plan to meet Minnesota's evolving health workforce needs through the redesign of training processes; and

(2) establish outcomes, annual benchmarks, and reporting requirements to implement the plan.

(b) The plan under paragraph (a) must:

(1) recognize the need for significant changes to meet future health care needs in addition to increasing the capacity to train health professionals;

(2) include recruitment strategies for all schools to increase enrollment among racial and ethnic minority populations to increase the diversity of the state's health professional workforce;

(3) address improvements in academic and clinical programming to improve the instruction of students in health fields in the skills necessary to care for and to promote the health of individuals from diverse ethnic, cultural, and racial backgrounds;

(4) include an increase in the number of community health training and practice sites; and

(5) provide for the joint establishment, by the academic health center and the commissioner, of an integrated health status database and a health occupations database to guide future policy development and resource allocations.

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

Sec. 4. Minnesota Statutes 2000, section 135A.031, subdivision 2, is amended to read:

Subd. 2. [APPROPRIATIONS FOR CERTAIN ENROLLMENTS.] The state share of the estimated expenditures for instruction shall vary for some categories of students, as designated in this subdivision.

(a) The state must provide at least 67 percent of the estimated expenditures for:

(1) students who resided in the state for at least one calendar year prior to applying for admission or dependent students whose parent or legal guardian resides in Minnesota at the time the student applies;

(2) Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere;

(3) residents of other states or provinces who are attending a Minnesota institution under a tuition reciprocity agreement; and

(4) students who have been in Minnesota as migrant farmworkers, as defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at least two years immediately before admission or readmission to a Minnesota public post-secondary institution, or students who are dependents of such migrant farmworkers.

(b) The definition of full year equivalent for purposes of the formula calculations in this chapter is twice the normal value for the following enrollments:

(1) students who are concurrently enrolled in a public secondary school and for whom the institution is receiving any compensation under the Post-Secondary Enrollment Options Act; and

(2) students enrolled under the student exchange program of the Midwest Compact.

~~(c) The state may not provide any of the estimated expenditures for undergraduate students (1) who do not meet the residency criteria under paragraph (a), or (2) who have completed, without receiving a baccalaureate degree, 48 or more quarter credits or the equivalent, applicable toward the degree, beyond the number required for a baccalaureate in their major. Credits for courses in which a student received a grade of "F" or "W" shall be counted toward this maximum, as if the credits had been earned.~~

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

Sec. 5. Minnesota Statutes 2000, section 136A.08, subdivision 2, is amended to read:

Subd. 2. [AUTHORIZATION.] The higher education services office, in consultation with the commissioner of finance and with the participation of each affected public post-secondary board, may enter into agreements, on subjects that include remission of nonresident tuition for designated categories of students at public post-secondary institutions, with appropriate state or provincial agencies and public post-secondary institutions in other states or provinces. The agreements ~~shall~~ must be for the ~~purpose of~~ purposes of (1) supporting the state's role in developing a strong, productive, and educated workforce, and (2) the mutual improvement of educational advantages for residents of this state and other states or provinces with whom agreements are made.

Sec. 6. Minnesota Statutes 2000, section 136A.101, subdivision 5a, is amended to read:

Subd. 5a. [ASSIGNED FAMILY RESPONSIBILITY.] "Assigned family responsibility" means the amount of a family contribution to a student's cost of attendance, as determined by a federal need analysis, except that, beginning for the 1998-1999 academic year, up to \$25,000 in savings and other assets shall be subtracted from the federal calculation of net worth before determining the contribution. For dependent students, the assigned family responsibility is the parental contribution. For independent students with dependents other than a spouse, the assigned family responsibility is the student contribution. For independent students without dependents other than a spouse, the assigned family responsibility is 80 percent of the student contribution. Beginning in fiscal year 2002, the assigned family responsibility for all independent students is reduced an additional 20 percent.

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

Sec. 7. Minnesota Statutes 2000, section 136A.101, subdivision 8, is amended to read:

Subd. 8. [RESIDENT STUDENT.] "Resident student" means a student who meets one of the following conditions:

(1) ~~an independent~~ a student who has resided in Minnesota for purposes other than post-secondary education for at least 12 months without being enrolled at a post-secondary educational institution for more than five credits in any term;

(2) a dependent student whose parent or legal guardian resides in Minnesota at the time the student applies;

(3) a student who graduated from a Minnesota high school, if the student was a resident of Minnesota during the student's period of attendance at the Minnesota high school; or

(4) a student who, after residing in the state for a minimum of one year, earned a high school equivalency certificate in Minnesota.

Sec. 8. Minnesota Statutes 2000, section 136A.121, subdivision 6, is amended to read:

Subd. 6. [COST OF ATTENDANCE.] (a) The recognized cost of attendance consists of allowances specified in law for ~~room and board~~ living and miscellaneous expenses, and

(1) for public institutions, the actual tuition and fees charged by the institution; or

(2) for private institutions, an allowance for tuition and fees equal to the lesser of the actual tuition and fees charged by the institution, or the private institution tuition and fee maximums established in law.

(b) For the purpose of paragraph (a), clause (2), the private institution tuition and fee maximum for two- and four-year, private, residential, liberal arts, degree-granting colleges and universities must be the same.

(c) For a student ~~attending~~ registering for less than full time, the office shall prorate the ~~recognized cost of attendance~~ living and miscellaneous expense allowance to the actual number of credits for which the student is enrolled.

The recognized cost of attendance for a student who is confined to a Minnesota correctional institution shall consist of the tuition and fee component in paragraph (a), clause (1) or (2), with no allowance for living and miscellaneous expenses.

Sec. 9. Minnesota Statutes 2000, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [AWARDS.] An undergraduate student who meets the office's requirements is eligible to apply for and receive a grant in any year of undergraduate study unless the student has obtained a baccalaureate degree or previously has been enrolled full time or the equivalent for ~~eight ten~~ eight semesters or ~~12 quarters~~ the equivalent, excluding courses taken from a Minnesota school or post-secondary institution which is not participating in the state grant program and from which a student transferred no credit.

Sec. 10. [136A.124] [ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE GRANT.]

Subdivision 1. [ESTABLISHMENT.] Appropriations for this section must be used by the office for grants to encourage Minnesota students participating in advanced placement and international baccalaureate programs to attend a college or university in Minnesota. For enrollment beginning in the fall of 2002, the grants must be awarded to students who apply for the grant, are eligible under subdivision 2, and who enroll in an eligible institution as defined in subdivision 2 during the year following high school graduation. An institution, on behalf of the

student, must request payment of the grant from the higher education services office. The grant may be used only for the costs of the actual tuition, required fees, and books in nonsectarian courses or programs. A grant under this section may be made for a maximum of two years.

Subd. 2. [ELIGIBILITY.] A grant must be awarded to a student scoring an average of three or higher on five or more advanced placement examinations on full-year courses or an average of four or higher on five or more international baccalaureate examinations on full-year courses. The annual amount of each grant must be based on the student's scores on the examinations and the funds available under this section.

A grant under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

Subd. 3. [ALLOCATION OF FUNDS.] The office, in consultation with representatives of the advanced placement and international baccalaureate programs selected by the advanced placement advisory council, IBMN, and the department of children, families, and learning must allocate the available funds fairly between the advanced placement and international baccalaureate programs.

Subd. 4. [ELIGIBLE INSTITUTION.] An "eligible institution" under this section is a public or private four-year degree-granting college or university or a two-year public college in Minnesota that has a credit and placement policy for either advanced placement or international baccalaureate scholarship recipients, or both. Each eligible institution must annually certify its policies to the office. The office must provide each Minnesota secondary school with a copy of the post-secondary advanced placement and international baccalaureate policies of eligible institutions.

Sec. 11. Minnesota Statutes 2000, section 136A.125, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE STUDENTS.] An applicant is eligible for a child care grant if the applicant:

- (1) is a resident of the state of Minnesota;
- (2) has a child 12 years of age or younger, or 14 years of age or younger who is handicapped as defined in section 125A.02, and who is receiving or will receive care on a regular basis from a licensed or legal, nonlicensed caregiver;
- (3) is income eligible as determined by the office's policies and rules, but is not a recipient of assistance from the Minnesota family investment program;
- (4) has not earned a baccalaureate degree and has been enrolled full time less than ~~eight~~ ten semesters, ~~12 quarters~~; or the equivalent;
- (5) is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;
- (6) is enrolled at least half time in an eligible institution; and
- (7) is in good academic standing and making satisfactory academic progress.

Sec. 12. Minnesota Statutes 2000, section 136A.125, subdivision 4, is amended to read:

Subd. 4. [AMOUNT AND LENGTH OF GRANTS.] The amount of a child care grant must be based on:

- (1) the income of the applicant and the applicant's spouse, if any;
- (2) the number in the applicant's family, as defined by the office; and
- (3) the number of eligible children in the applicant's family.

The maximum award to the applicant shall be ~~\$2,000~~ \$2,300 for each eligible child per academic year, except that the campus financial aid officer may apply to the office for approval to increase grants by up to ten percent to compensate for higher market charges for infant care in a community. The office shall develop policies to determine community market costs and review institutional requests for compensatory grant increases to ensure need and equal treatment. The office shall prepare a chart to show the amount of a grant that will be awarded per child based on the factors in this subdivision. The chart shall include a range of income and family size.

Sec. 13. Minnesota Statutes 2000, section 136F.13, subdivision 1, is amended to read:

Subdivision 1. [OPERATION.] The ~~state university~~ board shall operate an educational program for a state university center as organized in the seven county metropolitan area. The center may operate in facilities acquired through the commissioner of administration by gift or lease. The faculty and staff of the ~~state university system~~ shall provide assistance in developing curricular and educational programs for the university.

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

Sec. 14. Minnesota Statutes 2000, section 136F.60, subdivision 2, is amended to read:

Subd. 2. [METHODS OF ACQUISITION AND REAL PROPERTY TRANSACTIONS.] (a) If money has been appropriated to the board to acquire lands or sites for public buildings or real estate, the acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings must be under chapter 117.

(b) The board may accept gifts to improve or acquire facilities as provided in this paragraph:

(1) for remodeling existing facilities if the remodeling does not materially increase the square footage of the facility;

(2) for the acquisition, construction, or remodeling costs of facilities for which state capital appropriations have been made and whose use will not be substantially changed; or

(3) for capital projects not authorized by the legislature if the board first certifies that project revenues, other gifts or grants, or other sources of capital funds are available for project costs and that no tuition revenues or state or federal appropriations are used for the capital or operating costs, including all program costs, salaries, and benefits, of the facility.

(c) The board may convey or lease real property under the board's control, with or without monetary consideration, to provide a facility for the primary benefit of a state college or university or its students if the board certifies that project revenues, other gifts or grants, or other sources of funds are available for project costs and that no tuition revenues or state or federal appropriations are used for the capital or operating costs, including all program costs, salaries, and benefits, of the facility. Agreements under this paragraph to convey, or to lease for a term not to exceed 30 years, subject to section 16A.695, may be made following requests for proposal or by direct negotiation. Conveyances by the board under this paragraph must be by quitclaim deed in a form approved by the attorney general. Land conveyed by the board must revert to the state if it is no longer used for the primary benefit of a state college or university or its students.

(d) For the purposes of this subdivision, "facility" includes, but is not limited to, student unions, recreational centers, and other facilities for student housing, athletics, parking, academic instruction, and administration.

(e) The board must report in a timely manner to the chairs of the house and senate committees with jurisdiction over higher education finance, capital investment, and ways and means any capital project under paragraphs (b) or (c) with a cost of \$3,000,000 or more.

Sec. 15. [136F.701] [REFUND OF TUITION.]

(a) Any student who is a resident of the state, has enrolled in the state colleges and universities and paid tuition for the course, and who, prior to the termination of the school year for which the tuition was paid, enlisted or has been inducted into the military service of the United States, either voluntarily or pursuant to the present selective service law, is entitled to the refund of all tuition paid for which credit cannot properly be given.

(b) The administrative officers of the state colleges and universities shall refund to the students any tuition so paid. Any student making application for refund of any paid tuition shall furnish to the administrative officers of the state colleges and universities a certificate from the proper officers reciting the fact of the enlistment or the induction of the student into the military service of the United States.

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

Sec. 16. Minnesota Statutes 2000, section 137.10, is amended to read:

137.10 [REFUND OF TUITION TO STUDENTS IN CERTAIN CASES.]

Any student who, being a resident of the state, has enrolled to pursue any course in the University of Minnesota ~~or any state university~~ and paid tuition for the course, and who, prior to the termination of the school year for which the tuition was paid, enlisted or has been inducted into the military services of the United States, either voluntarily or pursuant to the present selective service law, is entitled to the refund of all tuition paid for which credit cannot properly be given.

The administrative officers of the University of Minnesota ~~and of the universities or institutions~~ shall refund to the students any tuition so paid. Any student making application for refund of any paid tuition shall furnish to the administrative officers of the University of Minnesota ~~or of the universities~~ a certificate from the proper officers reciting the fact of the enlistment or the induction of the student into the military service of the United States.

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

Sec. 17. Minnesota Statutes 2000, section 144.395, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The tobacco use prevention and local public health endowment fund is created in the state treasury. The state board of investment shall invest the fund under section 11A.24. All earnings of the fund must be credited to the fund. The principal of the fund must be maintained inviolate, except for transfers in law and that the principal may be used to make expenditures from the fund for the purposes specified in this section when the market value of the fund falls below 105 percent of the cumulative total of the tobacco settlement payments received by the state and credited to the tobacco settlement fund under section 16A.87, subdivision 2. For purposes of this section, "principal" means an amount equal to the cumulative total of the tobacco settlement payments received by the state and credited to the tobacco settlement fund under section 16A.87, subdivision 2.

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

Sec. 18. Minnesota Statutes 2000, section 144.395, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] (a) Up to five percent of the fair market value of the fund on the preceding July 1, must be spent to reduce the human and economic consequences of tobacco use among the youth of this state through state and local tobacco prevention measures and efforts, and for other public health initiatives.

(b) Notwithstanding paragraph (a), on January 1, 2000, up to five percent of the fair market value of the fund is appropriated to the commissioner of health to distribute as grants under section 144.396, subdivisions 5 and 6, in accordance with allocations in paragraph (c), clauses (1) and (2). Up to \$200,000 of this appropriation is available to the commissioner to conduct the statewide assessments described in section 144.396, subdivision 3.

(c) ~~Beginning On July 1, 2000, and on July 1 of each year thereafter,~~ the money in paragraph (a) is appropriated as follows, except as provided in paragraphs (d) and (e):

(1) 67 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 5, to fund statewide tobacco use prevention initiatives aimed at youth;

(2) 16.5 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 6, to fund local public health initiatives aimed at tobacco use prevention in coordination with other local health-related efforts to achieve measurable improvements in health among youth; and

(3) 16.5 percent to the commissioner of health to distribute in accordance with section 144.396, subdivision 7.

(d) A maximum of \$150,000 of each annual appropriation to the commissioner of health in paragraphs (b), ~~and (c), (f), (g), and (h)~~ may be used by the commissioner for administrative expenses associated with implementing this section.

(e) Beginning July 1, 2001, \$1,100,000 of each annual appropriation to the commissioner under ~~paragraph clause (1) of paragraphs (c), clause (1) (f), (g), and (h),~~ may be used to provide base level funding for the commissioner's tobacco prevention and control programs and activities. This appropriation must occur before any other appropriation under this subdivision.

(f) Notwithstanding paragraph (a), on July 1, 2001, \$10,461,000 of the fund in subdivision 1 is appropriated as follows, except as provided in paragraphs (d) and (e):

(1) 34 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 5, to fund statewide tobacco use prevention initiatives aimed at youth;

(2) 33 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 6, to fund local public health initiatives aimed at tobacco use prevention in coordination with other local health-related efforts to achieve measurable improvements in health among youth; and

(3) 33 percent to the commissioner of health to distribute in accordance with section 144.396, subdivision 7.

(g) Notwithstanding paragraph (a), on July 1, 2002, \$15,561,000 is appropriated as follows, except as provided in paragraphs (d) and (e):

(1) 40 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 5, to fund statewide tobacco use prevention initiatives aimed at youth;

(2) 30 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 6, to fund local public health initiatives aimed at tobacco use prevention in coordination with other local health-related efforts to achieve measurable improvements in health among youth; and

(3) 30 percent to the commissioner of health to distribute in accordance with section 144.396, subdivision 7.

(h) On July 1, 2003, and each year thereafter, following the transfer of any money under subdivision 1, the money in paragraph (a) is appropriated as follows, except as provided in paragraphs (d) and (e):

(1) 40 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 5, to fund statewide tobacco use prevention initiatives aimed at youth;

(2) 30 percent to the commissioner of health to distribute as grants under section 144.396, subdivision 6, to fund local public health initiatives aimed at tobacco use prevention in coordination with other local health-related efforts to achieve measurable improvements in health among youth; and

(3) 30 percent to the commissioner of health to distribute in accordance with section 144.396, subdivision 7.

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

Sec. 19. Minnesota Statutes 2000, section 169.966, is amended to read:

169.966 [STATE UNIVERSITY BOARD TO REGULATE TRAFFIC.]

Subdivision 1. [AUTHORITY.] The ~~state university~~ board of trustees of the Minnesota state colleges and universities may from time to time make, adopt, and enforce such rules or ordinances not inconsistent with this chapter, as it may find expedient or necessary relating to the regulation of traffic and parking upon parking facilities and private roads and roadways situated on property owned, leased, occupied or operated by state universities.

Subd. 1a. [PARKING FACILITIES.] The ~~state university~~ board of trustees may establish rents, charges or fees for the use of parking facilities owned, leased, occupied, or operated by the ~~state university~~ board. The money collected by the board as rents, charges or fees in accordance with this subdivision shall be deposited in the university activity fund and is annually appropriated to the ~~state university~~ board of trustees for state university purposes and to maintain and operate parking lots and parking facilities.

Subd. 2. [PETTY MISDEMEANOR.] Any person violating such rule or ordinance shall be guilty of a petty misdemeanor and subject to the provisions of sections 169.891 and 169.90, subdivision 1.

Subd. 3. [PROSECUTION.] The prosecution may be before a district court having jurisdiction over the place where the violation occurs.

Subd. 4. [ENFORCEMENT.] Every sheriff, constable, police officer, or other peace officer shall see that all rules and ordinances are obeyed and shall arrest and prosecute offenders.

Subd. 5. [ENFORCEMENT POWERS.] The ~~state university~~ board of trustees may appoint and employ, and fix the compensation to be paid out of funds which may be available for such purposes, persons who shall have and may exercise on property owned, leased, or occupied by the state universities the same powers of arrest for violation of rules or ordinances adopted by the board as possessed by a sheriff, constable, police officer, or peace officer.

Subd. 6. [JUDICIAL NOTICE.] All persons shall take notice of such rules and ordinances without pleading and proof of the same.

Subd. 7. [NOTICE, HEARING, FILING, AND EFFECT.] (a) The ~~state university~~ board of trustees shall fix a date for a public hearing on the adoption of any such proposed rule or ordinance. Notice of such hearing shall be published in a legal newspaper in the county in which the property affected by the rule or ordinance is located. The publication shall be at least 15 days and not more than 45 days before the date of the hearing.

(b) If, after the public hearing, the proposed rule or ordinance shall be adopted by a majority of the members of the board, the same shall be considered to have been enacted by the board. A copy of the same shall be signed by the president and filed with the county recorder of each county where the rule or ordinance shall be in effect, together with proof of publication. Upon such filing, the rule or ordinance, as the case may be, shall thenceforth be in full force and effect.

Subd. 8. [DELEGATION.] The ~~state university~~ board of trustees may delegate its responsibilities under this section to a state university president. Actions of the president shall be presumed to be those of the board. The university president shall file with the board ~~president~~ the results of any public hearings and the subsequent adoption of any proposed rule or ordinance enacted pursuant thereto.

Sec. 20. Minnesota Statutes 2000, section 299A.45, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] Following certification under section 299A.44 and compliance with this section and rules of the commissioner of public safety and the higher education services office, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of ~~eight ten~~ semesters or ~~12 quarters~~ the equivalent, whichever occurs first, are no longer eligible.

Sec. 21. Minnesota Statutes 2000, section 299A.45, subdivision 4, is amended to read:

Subd. 4. [RENEWAL.] Each award must be given for one academic year and is renewable for a maximum of ~~six eight~~ semesters or ~~nine quarters or their~~ the equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

Sec. 22. Minnesota Statutes 2000, section 354.094, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP; RETENTION.] Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave whose employee and employer contributions are paid into the fund pursuant to subdivision 1 shall retain membership in the association for as long as the contributions are paid, under the same terms and conditions as if the member had continued to teach in the district, ~~the community college system~~, or the Minnesota state university colleges and universities system.

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

Sec. 23. Minnesota Statutes 2000, section 354.69, is amended to read:

354.69 [INFORMATION SUPPLIED BY DISTRICT.]

Each school district covered by the provisions of this chapter and the ~~community college~~ Minnesota state colleges and state university systems ~~universities system~~ shall furnish to the teachers retirement association all information and reports deemed necessary by the executive director to administer the provisions of section 354.66.

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

Sec. 24. Minnesota Statutes 2000, section 356.24, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION; EXCEPTIONS.] It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

- (1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;
- (2) to a plan that provides solely for group health, hospital, disability, or death benefits;
- (3) to the individual retirement account plan established by chapter 354B;
- (4) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;
- (5) for employees other than personnel employed by the ~~state university board or the community college board and covered by the~~ board of trustees of the Minnesota state colleges and universities and covered under the higher education supplemental retirement plan under chapter 354C, if provided for in a personnel policy of the public

employer or in the collective bargaining agreement between the public employer and the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee;

(i) to the state of Minnesota deferred compensation plan under section 352.96; or

(ii) in payment of the applicable portion of the contribution made to any investment eligible under section 403(b) of the Internal Revenue Code, if the employing unit has complied with any applicable pension plan provisions of the Internal Revenue Code with respect to the tax-sheltered annuity program during the preceding calendar year; or

(6) for personnel employed by the ~~state university board or the community college~~ board of trustees of the Minnesota state colleges and universities and not covered by clause (5), to the supplemental retirement plan under chapter 354C, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,700 a year for each employee.

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

Sec. 25. [LAWRENCE HALL REMODELING.]

The board of trustees of Minnesota state colleges and universities may use funds from nonstate sources to remodel the top floor of Lawrence Hall for student housing.

Sec. 26. [COMMISSION ON UNIVERSITY OF MINNESOTA EXCELLENCE.]

Subdivision 1. [ESTABLISHMENT.] The commission on University of Minnesota excellence is established to:

(1) review the university's current nationally ranked areas of excellence;

(2) review major investment efforts in interdisciplinary initiatives identified by the university in 1998, including digital technology, design, new media, molecular and cellular biology, medical science, and agriculture;

(3) evaluate and make recommendations on how the university can develop additional centers of excellence that will achieve a national ranking in the top ten within the next ten years and identify centers of excellence which are best positioned and have the best potential to achieve this goal;

(4) examine the university's mission, scope, and financing of programs and propose possible ways in which the university can refocus or refine its mission and offerings; and

(5) examine the regent selection process and make recommendations on how the selection process can be improved.

Subd. 2. [MEMBERSHIP; STAFF.] (a) The commission on University of Minnesota excellence consists of 15 members. Five members must be appointed by the governor. Five members must be appointed by the speaker of the house of representatives. No more than two members of the house of representatives may be appointed with one of the members designated to serve as a cochair of the commission. Five members must be appointed by the subcommittee on committees of the senate committee on rules and administration. No more than two senators may be appointed with one senator designated to serve as a cochair of the commission. Members appointed to the commission must be selected for their expertise in complex organizational structure and should include leaders of business, industry, or post-secondary institutions, except that no members of the current board of regents of the University of Minnesota may be appointed to the commission. The president of the University of Minnesota or the president's designee is an ex officio, nonvoting member of the commission.

(b) Members of the commission serve without compensation or expenses under Minnesota Statutes, section 15.0575, subdivision 3.

(c) The board of regents of the University of Minnesota is requested to make University of Minnesota staff available to the commission. The legislature must provide additional staff support for the commission.

Subd. 3. [CENTERS OF EXCELLENCE.] The commission must, at a minimum, identify five additional centers of excellence at the University of Minnesota in which to focus resources and policy initiatives. The goal for these centers is to have them develop national stature and achieve a national ranking in the top ten within ten years. The additional centers of excellence must be chosen from a group of potential centers of excellence that includes the programs and departments in which the university is currently considered a national or regional leader and from existing or potential interdisciplinary initiatives at the university.

Subd. 4. [REPORT.] The commission must report to the legislature by January 15, 2002, on recommendations for changes in the regent selection process. The commission must report to the legislature by July 1, 2002, on areas of excellence, mission, and focus of the University of Minnesota. In preparing its report on areas of excellence, the task force is encouraged to consider operation and capital financing needs, Minnesota economic needs, federal research priorities, and opportunities for private financial support.

Subd. 5. [EXPIRATION.] The commission on University of Minnesota excellence expires on December 31, 2002.

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

Sec. 27. [TRANSFER.]

\$212,000,000 is transferred on July 1, 2001, and \$38,000,000 is transferred on July 1, 2002, from the tobacco use prevention and local public health endowment fund under Minnesota Statutes, section 144.395 to the medical education endowment fund under Minnesota Statutes, section 62J.694.

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

Sec. 28. [REPEALER.]

(a) Minnesota Statutes 2000, sections 16A.87; 135A.06, subdivision 1; and 136F.13, subdivision 2, are repealed.

(b) Laws 1986, chapter 398, article 1, section 18; and Laws 1994, chapter 643, section 66, are repealed."

Delete the title and insert:

"A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; establishing an account in the state enterprise fund; authorizing expenditures from the medical education endowment fund; modifying appropriations for certain enrollments; adjusting assigned family responsibility; modifying grant provisions; establishing a grant program for certain students; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; authorizing transfers from the tobacco use prevention and local public health endowment fund; deleting obsolete references; making various clarifying and technical changes; establishing a commission on University of Minnesota excellence; amending Minnesota Statutes 2000, sections 62J.694, subdivision 2, by adding a subdivision; 135A.031, subdivision 2; 136A.08, subdivision 2; 136A.101, subdivisions 5a, 8; 136A.121, subdivisions 6, 9; 136A.125, subdivisions 2, 4; 136F.13, subdivision 1; 136F.60, subdivision 2; 137.10; 144.395, subdivisions 1, 2; 169.966; 299A.45, subdivisions 1, 4; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 136A; 136F; repealing Minnesota Statutes 2000, sections 16A.87; 135A.06, subdivision 1; 136F.13, subdivision 2; Laws 1986, chapter 398, article 1, section 18; Laws 1994, chapter 643, section 66."

The motion prevailed and the amendment was adopted.

The Speaker called Dehler to the Chair.

Leppik and Mares moved to amend S. F. No. 2343, as amended, as follows:

Page 5, delete lines 31 to 33

Page 5, delete lines 50 to 58

Page 6, delete lines 1 to 4 and insert:

"Subd. 3. Campus Allocation

For fiscal years 2002 and 2003, the board of trustees must allocate appropriations as provided in this subdivision. The board must, within the limits of appropriations under this section, distribute to each campus:

- (1) an amount equal to their 2001 base adjusted for enrollment;
- (2) an amount for inflation from the funds designated for inflation so that each institution's adjusted base under clause (1) is increased by the same inflation percentage; and
- (3) all unallocated funding to institutions according to the allocation framework, including at least \$12,000,000 in the first year.

It is the intent of the legislature that the board, within the limits of appropriations, will implement the allocation framework beginning in fiscal year 2004."

A roll call was requested and properly seconded.

The question was taken on the Leppik and Mares amendment and the roll was called. There were 79 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilstrom	Lipman	Penas	Tuma
Abrams	Eastlund	Holberg	Luther	Peterson	Vandever
Anderson, B.	Entenza	Holsten	Mares	Rhodes	Walz
Bishop	Erhardt	Howes	McElroy	Rifenberg	Wenzel
Boudreau	Erickson	Jacobson	Molnau	Rukavina	Westerberg
Bradley	Finseth	Jaros	Mulder	Ruth	Westrom
Buesgens	Fuller	Johnson, J.	Ness	Seagren	Wilkin
Carlson	Gerlach	Kielkucki	Nornes	Seifert	Wolf
Cassell	Gleason	Knoblach	Osskopp	Smith	Spk. Sviggum
Daggett	Goodno	Krinkie	Otremba	Stanek	
Davids	Gunter	Kubly	Ozment	Stang	
Dawkins	Haas	Kuisle	Paulsen	Swenson	
Dempsey	Hackbarth	Leppik	Pawlenty	Sykora	
Dibble	Harder	Lindner	Pelowski	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Folliard	Johnson, S.	Mariani	Pugh	Wagenius
Bakk	Goodwin	Juhnke	Marko	Schumacher	Walker
Bernardy	Gray	Kalis	McGuire	Sertich	Wasiluk
Biernat	Greiling	Kelliher	Milbert	Skoe	Winter
Clark, J.	Hausman	Larson	Mullery	Skoglund	Workman
Davnie	Hilty	Leighton	Murphy	Slawik	
Dehler	Huntley	Lenczewski	Olson	Solberg	
Dorn	Jennings	Lieder	Opatz	Swapinski	
Evans	Johnson, R.	Mahoney	Paymar	Thompson	

The motion prevailed and the amendment was adopted.

Eastlund, Erickson and Leppik moved to amend S. F. No. 2343, as amended, as follows:

Page 32, after line 20, insert:

"ARTICLE 3

MINNESOTA EDVEST

Section 1. Minnesota Statutes 2000, section 136A.241, is amended to read:

136A.241 [MINNESOTA EDVEST PROGRAM ESTABLISHED.]

~~At~~ A college savings program known as Minnesota Edvest savings program is established. In establishing this program, the legislature seeks to encourage individuals to save for post-secondary education by:

- (1) providing a qualified state tuition program under federal tax law;
- (2) providing matching grants for contributions to the program by low- and middle-income families; and
- (3) by encouraging individuals, foundations, and businesses to provide additional grants to participating students.

Sec. 2. Minnesota Statutes 2000, section 136A.242, is amended to read:

136A.242 [DEFINITIONS.]

Subdivision 1. [GENERAL.] For purposes of sections 136A.241 to ~~136A.245~~ 136A.246, the following terms have the meanings given.

Subd. 1a. [ACCOUNT.] "Account" means the formal record of transactions relating to a Minnesota college savings program beneficiary.

Subd. 1b. [ACCOUNT OWNER.] "Account owner" means a person who enters into a participation agreement and is entitled to select or change the beneficiary of an account or to receive distributions from the account for other than qualified higher education expenses.

Subd. 2. [ADJUSTED GROSS INCOME.] "Adjusted gross income" means adjusted gross income as defined in section 62 of the Internal Revenue Code.

Subd. 3. [BENEFICIARY.] "Beneficiary" means the designated beneficiary for the account, as defined in section 529(e)(1) of the Internal Revenue Code.

Subd. 4. [BOARD.] "Board" means the state board of investment.

Subd. 4a. [CONTINGENT ACCOUNT OWNER.] "Contingent account owner" means the person designated as the account owner, either in the participation agreement or pursuant to a separate Minnesota college savings program form, in the event of the death of the account owner.

Subd. 4b. [CONTRIBUTION.] "Contribution" means a payment directly allocated to an account for the benefit of a beneficiary. In the case of a rollover distribution, only the portion of the rollover amount that constitutes investment in the account is treated as a contribution to the account.

Subd. 5. [DIRECTOR.] "Director" means the director of the higher education services office.

Subd. 5a. [DISTRIBUTION.] "Distribution" means a disbursement from an account to the account owner, the beneficiary, or the beneficiary's estate. Distribution does not include a change of beneficiary to a member of the family of the prior beneficiary or a rollover distribution.

Subd. 5b. [DORMANT ACCOUNT.] "Dormant account" means an account that has not received contributions for at least three consecutive years and the account statements mailed to the account owner have been returned as undeliverable.

Subd. 5c. [EARNINGS.] "Earnings" means the total account balance minus the investment in the account as of a particular date.

Subd. 5d. [ELIGIBLE EDUCATIONAL INSTITUTION.] "Eligible educational institution" means an institution as defined in section 529(e)(5) of the Internal Revenue Code.

Subd. 5e. [INACTIVE ACCOUNT.] "Inactive account" means an account with a matching grant in which the beneficiary:

(1) is not the account owner, the beneficiary turns 28 years of age, and the beneficiary has not informed the program administrator that the beneficiary is enrolled in an eligible educational institution;

(2) is the account owner, the beneficiary was over the age of 18 when the account was opened, and the beneficiary has not informed the program administrator that the beneficiary is enrolled in an eligible educational institution within ten years of the date of opening the account; or

(3) is the account owner, the beneficiary was a minor when the account was opened, the account becomes inactive when the beneficiary turns 28, and the beneficiary has not informed the program administrator that the beneficiary is enrolled in an eligible educational institution.

Subd. 6. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the state board of investment.

Subd. 7. [INTERNAL REVENUE CODE.] "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

Subd. 7a. [INVESTMENT IN THE ACCOUNT.] "Investment in the account" means the sum of all contributions made to an account by a particular date minus the aggregate amount of contributions included in distributions or rollover distributions, if any, made from the account as of the date.

Subd. 7b. [MATCHING GRANT ACCOUNT.] "Matching grant account" means an account owned by Minnesota that contains matching grants and earnings.

Subd. 7c. [MEMBER OF THE FAMILY.] "Member of the family" means an individual who is related to the beneficiary as defined in section 529(e)(2) of the Internal Revenue Code.

Subd. 8. [OFFICE.] "Office" means the higher education services office.

Subd. 8a. [PARTICIPATION AGREEMENT.] "Participation agreement" means an agreement to participate in the Minnesota college savings program between an account owner and the state of Minnesota, through its agencies, the office, and the board.

Subd. 8b. [PERSON.] "Person" means a natural person, a public or private entity, however organized, or a unit of state or local government.

Subd. 9. [PROGRAM.] "Program" or "Edvest" refers to the program established under sections 136A.241 to ~~136A.245~~ 136A.246.

Subd. 10. [PROGRAM ADMINISTRATOR.] "Program administrator" means the person selected by the office and the board to administer the daily operations of the Minnesota college savings program and to provide marketing, recordkeeping, investment management, and other services for the program.

Subd. 11. [QUALIFIED DISTRIBUTION.] "Qualified distribution" means a distribution made from an account for qualified higher education expenses of the beneficiary.

Subd. 12. [QUALIFIED HIGHER EDUCATION EXPENSES.] "Qualified higher education expenses" means an expense as defined in section 529(e)(3) of the Internal Revenue Code.

Subd. 13. [ROLLOVER DISTRIBUTION.] "Rollover distribution" means a transfer of funds made:

(1) from one account to another account within 60 days of a distribution;

(2) from another qualified state tuition program to an account within 60 days of the distribution; or

(3) to another qualified state tuition program from an account within 60 days of a distribution.

In each case, the transfer of funds must be made for the benefit of a new beneficiary who is a member of the family of the prior beneficiary.

Subd. 14. [SCHOLARSHIP.] "Scholarship" means a scholarship, allowance, or payment as defined in section 529(b)(3)(C) of the Internal Revenue Code.

Sec. 3. Minnesota Statutes 2000, section 136A.243, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] (a) The director shall establish the rules, terms, and conditions for the program, subject to the requirements of sections 136A.241 to ~~136A.245~~ 136A.246.

(b) The director shall prescribe the application forms, procedures, and other requirements that apply to the program.

Sec. 4. Minnesota Statutes 2000, section 136A.243, subdivision 2, is amended to read:

Subd. 2. [ACCOUNTS-TYPE PROGRAM.] The office must establish the program and the program must be operated as an accounts-type program that permits individuals to save for qualified higher education costs incurred at any institution, regardless of whether it is private or public or whether it is located within or outside of this state. ~~A separate account must be maintained for each beneficiary for whom contributions are made.~~

Sec. 5. Minnesota Statutes 2000, section 136A.243, subdivision 3, is amended to read:

Subd. 3. [CONSULTATION WITH STATE BOARD OF INVESTMENT.] In designing and establishing the program's requirements and in negotiating or entering contracts with third parties under subdivision 8, the director shall consult with the executive director. The director and the executive director shall establish an annual fee, equal to a percentage of the average daily net assets of the program, to be imposed on participants to recover the costs of administration, recordkeeping, and investment management as provided in subdivision 9 and section 136A.244, subdivision 4.

Sec. 6. Minnesota Statutes 2000, section 136A.243, subdivision 4, is amended to read:

Subd. 4. [PROGRAM TO COMPLY WITH FEDERAL LAW.] The director shall take steps to ensure that the program meets the requirements for a qualified state tuition program under section ~~529~~ 529(b)(1) of the Internal Revenue Code. The director may request a private letter ruling or rulings from the Internal Revenue Service or take any other steps to ensure that the program qualifies under section 529 of the Internal Revenue Code or other relevant provisions of federal law.

Sec. 7. Minnesota Statutes 2000, section 136A.243, subdivision 9, is amended to read:

Subd. 9. [AUTHORITY TO IMPOSE FEES.] The office may impose annual fees, as provided in subdivision 3, on participants in the program to recover the costs of administration. The office must use its best efforts to keep these fees as low as possible, consistent with efficient administration, so that the returns on savings invested in the program will be as high as possible.

Sec. 8. Minnesota Statutes 2000, section 136A.244, subdivision 1, is amended to read:

Subdivision 1. [STATE BOARD TO INVEST.] The state board of investment shall invest the money deposited in accounts in the program. Persons making contributions to an account do not direct the investment of contributions to the program.

Sec. 9. Minnesota Statutes 2000, section 136A.244, subdivision 4, is amended to read:

Subd. 4. [FEES.] The board may impose annual fees, as provided in section 136A.243, subdivision 3, on participants in the program to recover the cost of investment management and related tasks for the program. The board must use its best efforts to keep these fees as low as possible, consistent with high quality investment management, so that the returns on savings invested in the program will be as high as possible.

Sec. 10. [136A.2441] [EDVEST ACCOUNTS; GENERALLY.]

Subdivision 1. [CONTRIBUTIONS TO AN ACCOUNT.] A person may make contributions to an account on behalf of a beneficiary. Contributions to an account made by persons other than the account owner become the property of the account owner. A person does not acquire an interest in an account by making contributions to an account. Contributions to an account must be in cash.

Subd. 2. [AUTHORITY OF ACCOUNT OWNER.] An account owner is the only person entitled to:

(1) select or change a beneficiary or a contingent account owner; or

(2) request distributions or rollover distributions from an account.

Subd. 3. [SECURITY FOR LOANS.] An interest in an account or matching grant account must not be used as security for a loan.

Subd. 4. [SEPARATE ACCOUNTING.] The program must provide a separate account for each beneficiary for whom contributions are made. Each account must have a single account owner and a single beneficiary. An account owner must not open more than one account for the same beneficiary, but several account owners may open accounts for the same beneficiary.

Subd. 5. [NAMING OF BENEFICIARY.] The account owner must designate the beneficiary of an account when the account is established, except for accounts established under section 529(e)(1)(C) of the Internal Revenue Code, which do not require a designated beneficiary until a distribution is made.

Subd. 6. [CHANGE OF BENEFICIARY.] An account owner may change the beneficiary of an account to a member of the family of the current beneficiary, at any time without penalty, if the change will not cause the contributions held for the new beneficiary to exceed the maximum contribution limit as provided in subdivision 8. A change of beneficiary other than as permitted in this subdivision is treated as a nonqualified distribution under section 136A.246, subdivision 3.

Subd. 7. [CHANGE OF ACCOUNT OWNERSHIP.] An account owner may transfer ownership of an account to another person eligible to be an account owner. All transfers of ownership are final.

Subd. 8. [MAXIMUM CONTRIBUTION LIMIT.] (a) The total net contributions in all accounts held for the same beneficiary, including matching grant accounts, must not be greater than the amount necessary to pay qualified higher education expenses for four years at the highest priced eligible educational institution in Minnesota. For purposes of this section, "net contributions" means the total contributions to all accounts for the beneficiary less the sum of the contribution portion of:

(1) distributions, other than qualified distributions or distributions resulting from the death or disability of, or scholarship to, a beneficiary; and

(2) rollover distributions.

(b) The program administrator, in consultation with the office and the board, shall project qualified higher education expenses and will reject additional contributions to an account when the account reaches the maximum contribution limit. If necessary, the office shall adjust the maximum contribution limit on January 1 of each year. The maximum contribution limit must not exceed the maximum amount permitted to qualify as a qualified state tuition program.

(c) If contributions to all accounts held for the same beneficiary within a particular calendar year reach the maximum contribution limit prior to the end of the particular calendar year, the beneficiary may still receive any applicable matching grant for that particular calendar year.

Subd. 9. [EXCESS CONTRIBUTIONS AND BALANCES.] Contributions for a beneficiary must be rejected, or if accepted in error, returned to the account owner with earnings, less applicable penalties, if the amount of the contributions in the account together with the contributions in other accounts for the benefit of the same beneficiary would cause the net contributions held for the beneficiary to exceed the maximum contribution limit established by the office and board. Payment of excess balances to the account owner is a nonqualified distribution under section 136A.246.

Subd. 10. [DORMANT ACCOUNTS.] (a) The program administrator shall attempt to locate the account owner or the beneficiary, or both, to determine the disposition of a dormant account. A fee of five percent of the total account balance of the dormant account, not to exceed \$100, plus allowable costs, may be charged for this service. Costs will not exceed \$100 or five percent of the total account balance in the dormant account, whichever is less.

(b) If the account owner, or the account owner's legal heirs, are not found after three attempts by the program administrator, the remaining funds in the dormant account must be turned over to the office. Such funds shall be treated as unclaimed property for purposes of sections 345.31 to 345.60, and the office shall turn all remaining dormant account funds over to the commissioner of commerce. If the dormant account has a matching grant account, all amounts in the beneficiary's matching grant account, if any, must be returned to the office.

Subd. 11. [EFFECT OF PROGRAM CHANGES ON PARTICIPATION AGREEMENT.] Amendments to sections 136A.241 to 136A.246, automatically amend the participation agreement. Any amendments to the operating procedures and policies of the program shall amend the participation agreement 30 days after adoption by the office or the board.

Subd. 12. [SPECIAL ACCOUNT TO HOLD PLAN ASSETS.] All assets of the program, including contributions to accounts and matching grant accounts and earnings, will be held in a special account in the state treasury to be known as the Minnesota college savings program account. Program assets shall not be commingled with the general fund or any other special funds or accounts of the state. Program assets are not subject to appropriation. Payments from the Minnesota college savings program account shall be made under sections 136A.241 to 136A.246.

Sec. 11. Minnesota Statutes 2000, section 136A.245, subdivision 2, is amended to read:

Subd. 2. [FAMILY INCOME.] (a) For purposes of this section, "family income" means:

(1) if the beneficiary is under age 25, the combined adjusted gross income of the beneficiary's parents as reported on the federal tax return or returns for the most recently available tax year. If the beneficiary's parents are divorced, the income of the parent claiming the beneficiary as a dependent on the federal individual income tax return and the income of that parent's spouse, if any, shall be used to determine family income; or

(2) if the beneficiary is age 25 or older, the combined adjusted gross income of the beneficiary and spouse, if any.

(b) For a parent or legal guardian of beneficiaries under age 25 and for beneficiaries age 25 or older who resided in Minnesota and filed a federal individual income tax return two years prior to the year in which the matching grant is awarded, the matching grant shall be based on family income from Internal Revenue Service tax data on file with the Minnesota department of revenue.

(c) Parents or legal guardians of beneficiaries under age 25 and beneficiaries age 25 or older who did not reside in Minnesota two years prior to the year in which the matching grant is awarded must provide a signed copy of their federal individual income tax return to the office, regardless of who the account owner is, in order to be considered for a matching grant.

Sec. 12. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 2a. [RESIDENCY REQUIREMENT.] (a) If the beneficiary is under age 25, the beneficiary's parents or legal guardians must be Minnesota residents to qualify for a matching grant. If the beneficiary is age 25 or older, the beneficiary must be a Minnesota resident to qualify for a matching grant.

(b) To meet the residency requirements, the parent or legal guardian of beneficiaries under age 25 must have filed a Minnesota individual income tax return as a Minnesota resident, claiming the beneficiary as a dependent, two years prior to the year in which the matching grant is awarded. For beneficiaries age 25 or older, the beneficiary, and a spouse, if any, must have filed a Minnesota individual income tax return as a Minnesota resident two years prior to the year in which the matching grant is awarded.

(c) A parent of beneficiaries under age 25 and beneficiaries age 25 or older who did not reside in Minnesota two years prior to the year in which the matching grant is awarded must establish Minnesota residency through the issuance of a Minnesota driver's license or identification card.

Sec. 13. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 2b. [AGE DETERMINATION OF BENEFICIARY.] In determining the age of the beneficiary for purposes of a matching grant, the program administrator shall use the age of the beneficiary on December 31 of the year in which the request for a matching grant is made.

Sec. 14. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 7. [ANNUAL APPLICATION.] An account owner must submit an application form for a matching grant on an annual basis. The application must be received by December 31 of the year preceding the awarding of the matching grant. For example, for a matching grant to be awarded by March 1, 2001, the application must be received by December 31, 2000.

Sec. 15. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 8. [SINGLE BENEFICIARIES WITH MULTIPLE ACCOUNTS.] (a) A matching grant will first be computed on an account owned by a parent or legal guardian of the beneficiary, or an account owner who is also the beneficiary. If there are multiple accounts for a single beneficiary, any matching grant, up to the annual maximum, will be proportionately awarded to the beneficiary named in accounts owned by the parents or guardians.

(b) If the account owned by a parent or a guardian or an account owner who is also the beneficiary, do not qualify for the maximum annual matching grant, the remaining matching grant eligibility will be proportionately distributed to the beneficiary named in an account owned by someone other than the parent or guardian.

(c) If the account for a beneficiary is not owned by a parent or a legal guardian, or an account owner who is also the beneficiary, then the matching grant will be proportionately distributed to the beneficiary in an account owned by others.

Sec. 16. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 9. [OWNERSHIP OF MATCHING GRANT FUNDS.] The office retains ownership of all matching grants and earnings on matching grants until a qualified distribution is made to a beneficiary.

Sec. 17. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 10. [INACTIVE ACCOUNTS.] (a) The program administrator will attempt to locate the account owner or the beneficiary of an inactive account to determine the disposition of the account. No fee will be charged for this service. The matching grants and matching grant earnings in the account must be returned to the office, unless the account owner applies for a deferment or the beneficiary begins attending school within one year of the date of notification.

(b) The account owner can apply to the program administrator for a deferment of inactive account time limits. Upon application, the program administrator shall grant a one-time deferment of two years. In addition, the program administrator shall grant a deferment for the beneficiary's initial enlistment for active duty in the armed forces of the United States, or for the period of active military duty required as part of the beneficiary's obligation as a member in a reserve military unit of the armed forces of the United States.

Sec. 18. Minnesota Statutes 2000, section 136A.245, is amended by adding a subdivision to read:

Subd. 11. [FORFEITURE OF MATCHING GRANTS.] (a) Matching grants must be forfeited if:

(1) the account owner transfers the total account balance of an account to another account or to another qualified state tuition program;

- (2) the beneficiary receives a full tuition scholarship or admission to a United States service academy;
- (3) the beneficiary dies or becomes disabled;
- (4) the account owner changes the beneficiary of the account; or
- (5) the account owner closes the account with a nonqualified withdrawal.
- (b) Matching grants must be proportionally forfeited if:
 - (1) the account owner transfers a portion of an account to another account or to another qualified state tuition program;
 - (2) the beneficiary receives a scholarship covering a portion of qualified higher education expenses; or
 - (3) the account owner makes a partial nonqualified withdrawal.
- (c) If the account owner makes a misrepresentation in a participation agreement or an application for a matching grant that results in a matching grant, the matching grant associated with the misrepresentation shall be forfeited. The office and the board must instruct the program administrator as to the amount to be forfeited from the matching grant account. The office and the board must withdraw the matching grant or the proportion of the matching grant that is related to the misrepresentation.

Sec. 19. [136A.246] [ACCOUNT DISTRIBUTIONS.]

Subdivision 1. [QUALIFIED DISTRIBUTION METHODS.] (a) After the beneficiary submits a receipt showing that payment for qualified higher education expenses has been made, qualified distributions may be made:

- (1) directly to participating eligible educational institutions on behalf of the beneficiary; or
- (2) in the form of a check payable to both the beneficiary and the eligible educational institution.
- (b) When administratively feasible, distributions may be made when the beneficiary certifies prior to the distribution that the distribution will be expended for qualified higher education expenses a reasonable time after the distribution. The program administrator may retain a penalty on the earnings portion of the distribution until payment of qualified higher education expenses are substantiated. A payment receipt showing payment for qualified higher education expenses must be submitted to the program administrator within 30 days of distribution.
- (c) Qualified distributions will be withdrawn proportionally from contributions and earnings as provided in section 529 of the Internal Revenue Code.

Subd. 2. [MATCHING GRANT ACCOUNTS.] (a) Qualified distributions are based on the total account balances in an account owner's account and matching grant account, if any, on the date of distribution. Qualified distributions shall be withdrawn proportionally from each account based on the relative total account balance of each account to the total account balance for both accounts. Amounts for matching grants and matching grant earnings must only be distributed for qualified higher education expenses.

Subd. 3. [NONQUALIFIED DISTRIBUTION.] (a) "Nonqualified distribution" means a distribution made from an account other than:

- (1) a distribution for the qualified higher education expenses of a beneficiary; or
- (2) a distribution on account of the death or disability of, or scholarship to, a beneficiary.

(b) An account owner may request a nonqualified distribution from an account at any time. Nonqualified distributions are based on the total account balances in an account owner's account and shall be withdrawn proportionally from contributions and earnings as provided in section 529 of the Internal Revenue Code. The earnings portion of a nonqualified distribution is subject to a ten percent penalty. For purposes of this subdivision, "earnings portion" means the ratio of the earnings in the account to the total account balance, immediately prior to the distribution, multiplied by the distribution. The penalty must be withheld from the total amount of any distribution.

Subd. 4. [NONQUALIFIED DISTRIBUTIONS FROM MATCHING GRANT ACCOUNTS.] If an account owner requests a nonqualified distribution from an account that has a matching grant account, the total account balance of the matching grant account, if any, must be reduced as follows:

(1) the nonqualified distribution shall be withdrawn from the account and will be subject to a penalty as provided in subdivision 3; and

(2) the account owner must forfeit matching grant amounts in the same proportion as the nonqualified distribution is to the total account balance of the account.

Subd. 5. [DISTRIBUTIONS DUE TO DEATH OR DISABILITY OF, OR SCHOLARSHIP TO, A BENEFICIARY.] An account owner may request a distribution due to the death or disability of, or scholarship to, a beneficiary from an account by submitting a completed request to the program. Prior to distribution, the account owner shall certify the reason for the distribution and provide written confirmation from a third party that the beneficiary has died, become disabled, or received a scholarship for attendance at an eligible educational institution. The program must not consider a request to make a distribution until a third-party written confirmation is received by the program. For purposes of this subdivision, third-party written confirmation shall consist of the following:

(1) for death of the beneficiary, a certified copy of the beneficiary's death certificate;

(2) for disability of the beneficiary, a certification by a physician who is a doctor of medicine or osteopathy stating that the doctor is legally authorized to practice in a state of the United States and that the beneficiary is unable to attend any eligible educational institution because of an injury or illness that is expected to continue indefinitely or result in death. Certification must be on a form approved by the program; or

(3) for a scholarship award to the beneficiary, a letter from the grantor of the scholarship or from the eligible educational institution receiving or administering the scholarship, that identifies the beneficiary by name and social security number or taxpayer identification number as the recipient of the scholarship and states the amount of the scholarship, the period of time or number of credits or units to which it applies, the date of the scholarship, and, if applicable, the eligible educational institution to which the scholarship is to be applied.

Sec. 20. [REVISOR'S INSTRUCTION.]

(a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the section listed in column B.

Column A

Column B

136A.241

136G.01

136A.242

136G.03

136A.243

136G.05

136A.244

136G.07

136A.2441

136G.09

136A.245

136G.11

136A.246

136G.13

(b) The revisor of statutes shall correct cross-references in Minnesota Statutes that are recodified by this act, and, if Minnesota Statutes, sections 136A.241 to 136A.246, are further amended in the 2001 legislative session, shall codify the amendments in a manner consistent with this act."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Carlson moved to amend S. F. No. 2343, as amended, as follows:

Page 2, line 32, delete "159,611,000" and insert "158,091,000"

Page 2, after line 35, insert:

"\$2,000,000 of the unencumbered balances in the state grant program under Minnesota Statutes, section 136A.121 at the end of fiscal year 2001, does not cancel but is transferred to the board of trustees of the Minnesota state colleges and universities and the board of regents of the University of Minnesota. \$1,000,000 must be transferred to each board to distribute to campuses for one-time library or equipment purchases in fiscal year 2001."

Page 4, line 29, delete "1,520,000" for the first year

Page 4, after line 29, insert:

"Notwithstanding Minnesota Statutes, section 136A.245, the first matching grants under the Edvest savings program do not begin until March 1, 2003."

Page 5, line 14, delete "601,194,000" and insert "601,954,000"

Page 5, after line 39, insert:

"Of this appropriation, at least \$760,000 in the first year must be distributed to campuses for one-time library and equipment purchases."

Page 8, line 17, delete "622,904,000" and insert "623,664,000"

Page 8, line 32, delete "546,973,000" and insert "547,733,000"

Page 8, after line 43, insert:

"(b) Library and Equipment Purchases.

Of this appropriation, at least \$760,000 in the first year must be distributed to campuses for one-time library and equipment purchases."

Adjust the totals accordingly

A roll call was requested and properly seconded.

Leppik moved to amend the Carlson amendment to S. F. No. 2343, as amended, as follows:

Page 1, delete lines 3 and 4

Page 1, delete lines 19 to 33

Page 2, delete lines 1 to 8

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Workman
Clark, J.	Goodno	Krinkie	Osskopp	Stang	Spk. Sviggum
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Evans	Jaros	Lenczewski	Opatz	Skoglund
Bakk	Folliard	Jennings	Lieder	Otremba	Slawik
Bernardy	Gleason	Johnson, R.	Luther	Paymar	Solberg
Biernat	Goodwin	Johnson, S.	Mahoney	Pelowski	Swapinski
Carlson	Gray	Juhnke	Mariani	Peterson	Thompson
Davnie	Greiling	Kalis	Marko	Pugh	Wagenius
Dawkins	Hausman	Kelliher	McGuire	Rukavina	Walker
Dibble	Hilstrom	Kubly	Milbert	Schumacher	Wasiluk
Dorn	Hilty	Larson	Mullery	Sertich	Wenzel
Entenza	Huntley	Leighton	Murphy	Skoe	Winter

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

The question recurred on the Carlson amendment, as amended, and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Bradley	Cassell	Davids
Abrams	Bakk	Bishop	Buesgens	Clark, J.	Davnie
Anderson, B.	Bernardy	Boudreau	Carlson	Daggett	Dawkins

Dehler	Gunther	Kelliher	Milbert	Rhodes	Tuma
Dempsey	Haas	Kielkucki	Molnau	Rifenberg	Vandever
Dibble	Hackbarth	Knoblach	Mulder	Rukavina	Wagenius
Dorman	Harder	Krinkie	Mullery	Ruth	Walker
Dorn	Hausman	Kubly	Murphy	Schumacher	Walz
Eastlund	Hilstrom	Kuisle	Ness	Seifert	Wasiluk
Entenza	Hilty	Larson	Nornes	Sertich	Wenzel
Erhardt	Holberg	Lenczewski	Olson	Skoe	Westerberg
Erickson	Holsten	Leppik	Opatz	Skoglund	Westrom
Evans	Howes	Lieder	Osskopp	Slawik	Wilkin
Finseth	Huntley	Lindner	Otremba	Smith	Winter
Folliard	Jacobson	Lipman	Ozment	Solberg	Wolf
Fuller	Jaros	Luther	Paulsen	Stanek	Workman
Gerlach	Jennings	Mahoney	Pawlenty	Stang	Spk. Sviggum
Gleason	Johnson, J.	Mares	Paymar	Swapinski	
Goodno	Johnson, R.	Mariani	Pelowski	Swenson	
Goodwin	Johnson, S.	Marko	Penas	Sykora	
Gray	Juhnke	McElroy	Peterson	Thompson	
Greiling	Kalis	McGuire	Pugh	Tingelstad	

The motion prevailed and the amendment, as amended, was adopted.

Luther moved to amend S. F. No. 2343, as amended, as follows:

Page 5, line 14, delete "601,194,000" and insert "601,241,000" and delete "634,273,000" and insert "634,320,000"

Page 5, after line 39, insert:

"This appropriation includes money for a grant to the North Hennepin College to supplement funds provided for the expansion of its nursing program."

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Luther amendment and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Evans	Jaros	Lieder	Paymar	Thompson
Anderson, I.	Folliard	Jennings	Luther	Pelowski	Wagenius
Bakk	Gleason	Johnson, R.	Mahoney	Peterson	Walker
Bernardy	Goodwin	Johnson, S.	Mariani	Pugh	Wasiluk
Biernat	Gray	Juhnke	Marko	Rukavina	Wenzel
Carlson	Greiling	Kalis	McGuire	Schumacher	Westerberg
Davnie	Haas	Kelliher	Milbert	Skoe	Winter
Dawkins	Hausman	Kubly	Mullery	Skoglund	
Dibble	Hilstrom	Larson	Murphy	Slawik	
Dorn	Hilty	Leighton	Opatz	Solberg	
Entenza	Huntley	Lenczewski	Otremba	Swapinski	

Those who voted in the negative were:

Abrams	Dempsey	Harder	Lindner	Paulsen	Swenson
Anderson, B.	Dorman	Holberg	Lipman	Pawlenty	Sykora
Bishop	Eastlund	Holsten	Mares	Penas	Tingelstad
Boudreau	Erhardt	Howes	McElroy	Rhodes	Tuma
Bradley	Erickson	Jacobson	Molnau	Rifenberg	Vandever
Buesgens	Finseth	Johnson, J.	Mulder	Ruth	Walz
Cassell	Fuller	Kielkucki	Ness	Seagren	Westrom
Clark, J.	Gerlach	Knobloch	Nornes	Seifert	Wilkin
Daggett	Goodno	Krinkie	Olson	Smith	Wolf
Davids	Gunther	Kuisle	Osskopp	Stanek	Workman
Dehler	Hackbarth	Leppik	Ozment	Stang	Spk. Sviggum

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

Pelowski moved to amend S. F. No. 2343, as amended, as follows:

Page 6, line 61, delete "\$5,000,000" and insert "\$1,000,000"

Page 7, line 4, after the period, insert:

"At least \$4,000,000 of excess reserves must be distributed to campuses."

Page 7, line 4, after "reserves" insert "over \$4,000,000"

Page 7, after line 16, insert:

"During fiscal years 2002 and 2003, at least \$2,650,000 must be reallocated from central office expenditures to the campuses."

A roll call was requested and properly seconded.

The question was taken on the Pelowski amendment and the roll was called. There were 119 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Erickson	Haas	Johnson, S.	Lieder
Abrams	Davids	Evans	Hackbarth	Juhnke	Lindner
Anderson, I.	Davnie	Finseth	Harder	Kalis	Luther
Bakk	Dawkins	Folliard	Hausman	Kelliher	Mahoney
Bernardy	Dehler	Fuller	Hilstrom	Kielkucki	Mares
Biernat	Dempsey	Gerlach	Hilty	Knobloch	Mariani
Bishop	Dibble	Gleason	Holsten	Krinkie	Marko
Boudreau	Dorman	Goodno	Howes	Kubly	McElroy
Bradley	Dorn	Goodwin	Jacobson	Kuisle	McGuire
Carlson	Eastlund	Gray	Jaros	Larson	Milbert
Cassell	Entenza	Greiling	Johnson, J.	Leighton	Molnau
Clark, J.	Erhardt	Gunther	Johnson, R.	Lenczewski	Mulder

Mullery	Ozment	Rifenberg	Skoglund	Thompson	Westerberg
Murphy	Pawlenty	Rukavina	Slawik	Tingelstad	Westrom
Ness	Paymar	Ruth	Smith	Vandever	Wilkin
Nornes	Pelowski	Schumacher	Solberg	Wagenius	Winter
Olson	Penas	Seagren	Stanek	Walker	Wolf
Opatz	Peterson	Seifert	Stang	Walz	Workman
Osskopp	Pugh	Sertich	Swenson	Wasiluk	Spk. Sviggum
Otremba	Rhodes	Skoe	Sykora	Wenzel	

Those who voted in the negative were:

Anderson, B.	Holberg	Lipman	Tuma
Buesgens	Leppik	Paulsen	

The motion prevailed and the amendment was adopted.

Kelliher moved to amend S. F. No. 2343, as amended, as follows:

Page 11, after line 50, insert:

"Subd. 3. Accountability Report

By August 1 of each year the chairs of the Higher Education Finance Committees shall report to the appropriate stakeholders on behalf of the legislature on the progress being made to improve the access to and delivery of post-secondary education and to prepare the state's workforce. The report must include, but not be limited to, the performance of the legislature in the following areas:

(1) the level of general fund appropriations broken down by the Minnesota State Colleges and Universities, the University of Minnesota and the Higher Education Services Office;

(2) higher education funding in relation to per capita income and changes in the share of personal income over the past five years;

(3) higher education funding as a percent of the total state budget and changes in the share of the state budget over the past five years;

(4) efforts to address critical workforce shortages and economic contributions;

(5) progress made in meeting statutory funding requirements contained in Minnesota Statutes, section 135A.01;

(6) a plan to eliminate the deferred maintenance backlogs at Minnesota public colleges and universities and progress towards implementing the plan;

(7) demonstrated efforts by the legislature to assist Minnesota's higher education system to achieve national stature in the top ten in at least five additional programs within ten years; and

(8) the effect of higher education appropriations on access, quality and affordability of post-secondary education.

The chancellor of the Minnesota State Colleges and Universities is directed and the president of the University of Minnesota is requested to provide information to the legislature by July 1 of each year including tuition increases and programming changes as a result of legislative appropriations. This information must be included in the legislative report and must be provided at the campus level.

The legislative report under this subdivision must be given to the governing boards of each agency funded in the higher education finance bill, the recognized student and faculty organizations of each system, the Minnesota Private College Council, the Minnesota Association of Private Proprietary Schools, the Minnesota Chamber of Commerce and the Minnesota Business Partnership, and must be posted on the legislative website for access to the public. The reports must be kept on file at the Minnesota Legislative Reference Library."

A roll call was requested and properly seconded.

The question was taken on the Kelliher amendment and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Lenczewski	Opatz	Skoglund
Bakk	Folliard	Jennings	Lieder	Otremba	Slawik
Bernardy	Gleason	Johnson, R.	Luther	Paymar	Solberg
Biernat	Goodwin	Johnson, S.	Mahoney	Pelowski	Swapinski
Carlson	Gray	Juhnke	Mariani	Peterson	Thompson
Davnie	Greiling	Kalis	Marko	Pugh	Wagenius
Dawkins	Hausman	Kelliher	McGuire	Rukavina	Walker
Dibble	Hilstrom	Kubly	Milbert	Schumacher	Wasiluk
Dorn	Hilty	Larson	Mullery	Sertich	Wenzel
Entenza	Huntley	Leighton	Murphy	Skoe	Winter

Those who voted in the negative were:

Abeler	Clark, J.	Erickson	Harder	Krinkie	Mulder
Abrams	Daggett	Finseth	Holberg	Kuisle	Ness
Anderson, B.	Davids	Fuller	Holsten	Leppik	Nornes
Bishop	Dehler	Gerlach	Howes	Lindner	Olson
Boudreau	Dempsey	Goodno	Jacobson	Lipman	Osskopp
Bradley	Dorman	Gunther	Johnson, J.	Mares	Ozment
Buesgens	Eastlund	Haas	Kielkucki	McElroy	Paulsen
Cassell	Erhardt	Hackbarth	Knoblach	Molnau	Pawlenty

Penas	Seagren	Stang	Tuma	Westrom	Spk. Sviggum
Rhodes	Seifert	Swenson	Vandever	Wilkin	
Rifenberg	Smith	Sykora	Walz	Wolf	
Ruth	Stanek	Tingelstad	Westerberg	Workman	

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

Opatz moved to amend S. F. No. 2343, as amended, as follows:

Page 3, line 47, after "program" insert:

"and ensure that the agreements provide that students from other states attending Minnesota institutions pay tuition that is at least equal to the tuition paid by Minnesota students attending the same institution."

A roll call was requested and properly seconded.

The question was taken on the Opatz amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Lenczewski	Olson	Skoglund
Bakk	Folliard	Jennings	Lieder	Opatz	Slawik
Bernardy	Gleason	Johnson, R.	Luther	Otremba	Solberg
Biernat	Goodwin	Johnson, S.	Mahoney	Paymar	Thompson
Carlson	Gray	Juhnke	Mariani	Pelowski	Wagenius
Davnie	Greiling	Kalis	Marko	Pugh	Walker
Dawkins	Hausman	Kelliher	McGuire	Rukavina	Wasiluk
Dibble	Hilstrom	Kubly	Milbert	Schumacher	Winter
Dorn	Hilty	Larson	Mullery	Sertich	
Entenza	Huntley	Leighton	Murphy	Skoe	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Peterson	Tingelstad
Abrams	Dorman	Holberg	Mares	Rhodes	Tuma
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Vandever
Bishop	Erhardt	Howes	Molnau	Ruth	Walz
Boudreau	Erickson	Jacobson	Mulder	Seagren	Wenzel
Bradley	Finseth	Johnson, J.	Ness	Seifert	Westerberg
Buesgens	Fuller	Kielkucki	Nornes	Smith	Westrom
Cassell	Gerlach	Knoblach	Osskopp	Stanek	Wilkin
Clark, J.	Goodno	Krinkie	Ozment	Stang	Wolf
Daggett	Gunther	Kuisle	Paulsen	Swapinski	Workman
Davids	Haas	Leppik	Pawlenty	Swenson	Spk. Sviggum
Dehler	Hackbarth	Lindner	Penas	Sykora	

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

S. F. No. 2343, as amended, was read for the third time.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Workman was excused between the hours of 1:30 p.m. and 2:15 p.m.

S. F. No. 2343, A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting obsolete references; making various technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, the Speaker excused Mariani from voting on final passage of S. F. No. 2343, as amended.

There were 68 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Osskopp	Stang	
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Evans	Jaros	Lenczewski	Osthoff	Skoglund
Bakk	Folliard	Jennings	Lieder	Otremba	Slawik
Bernardy	Gleason	Johnson, R.	Luther	Paymar	Solberg
Biernat	Goodwin	Johnson, S.	Mahoney	Pelowski	Swapinski
Carlson	Gray	Juhnke	Marko	Peterson	Thompson
Davnie	Greiling	Kalis	McGuire	Pugh	Wagenius
Dawkins	Hausman	Kelliher	Milbert	Rukavina	Walker
Dibble	Hilstrom	Kubly	Mullery	Schumacher	Wasiluk
Dorn	Hilty	Larson	Murphy	Sertich	Wenzel
Entenza	Huntley	Leighton	Opatz	Skoe	Winter

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 351.

H. F. No. 351 was reported to the House.

The Speaker called Boudreau to the Chair.

Bishop moved to amend H. F. No. 351, the third engrossment, as follows:

Page 9, line 44, delete "107,603,000" and insert "110,103,000" and delete "114,803,000" and insert "112,303,000"

Page 9, line 51, delete "\$5,000,000" and insert "\$7,500,000"

Page 9, line 52, delete "\$10,000,000" and insert "\$7,500,000"

Page 11, line 23, after "is" insert "a one-time appropriation"

Page 12, line 7, after "is" insert "a one-time appropriation"

Page 281, line 2, delete "This act is" and insert "Articles 12 to 14 are"

The motion prevailed and the amendment was adopted.

Tuma moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 8, line 14, delete "values-based" and insert "faith-based"

The motion prevailed and the amendment was adopted.

Osskopp moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 55, after line 6, insert:

"Sec. 3. Minnesota Statutes 2000, section 290.35, subdivision 2, is amended to read:

Subd. 2. [APPORTIONMENT OF TAXABLE NET INCOME.] The commissioner shall compute therefrom the taxable net income of such companies by assigning to this state that proportion thereof which the gross premiums collected by them during the taxable year from old and new business within this state bears to the total gross premiums collected by them during that year from their entire old and new business, including reinsurance premiums; provided, the commissioner shall add to the taxable net income so apportioned to this state the amount of any taxes on premiums paid by the company by virtue of any law of this state (other than the surcharge on premiums imposed by section 2971.10 ~~and the surcharge imposed by section 168A.40, subdivision 3~~) which shall have been deducted from gross income by the company in arriving at its total net income.

(a) For purposes of determining the Minnesota apportionment percentage, premiums from reinsurance contracts in connection with property in or liability arising out of activity in, or in connection with the lives or health of Minnesota residents shall be assigned to Minnesota and premiums from reinsurance contracts in connection with property in or liability arising out of activity in, or in connection with the lives or health of non-Minnesota residents shall be assigned outside of Minnesota. Reinsurance premiums are presumed to be received for a Minnesota risk and are assigned to Minnesota, if:

(1) the reinsurance contract is assumed for a company domiciled in Minnesota; and

(2) the taxpayer, upon request of the commissioner, fails to provide reliable records indicating the reinsured contract covered non-Minnesota risks.

For purposes of this paragraph, "Minnesota risk" means coverage in connection with property in or liability arising out of activity in Minnesota, or in connection with the lives or health of Minnesota residents.

(b) The apportionment method prescribed by paragraph (a) shall be presumed to fairly and correctly determine the taxpayer's taxable net income. If the method prescribed in paragraph (a) does not fairly reflect all or any part of taxable net income, the taxpayer may petition for or the commissioner may require the determination of taxable net income by use of another method if that method fairly reflects taxable net income. A petition within the meaning of this section must be filed by the taxpayer on such form as the commissioner shall require."

Page 67, after line 9, insert:

"Sec. 14. [THEFT PREVENTION PROGRAM FUNDS.]

The commissioner of public safety must expend the balance of the funds in the automobile theft prevention account, under Minnesota Statutes, section 168A.40, subdivision 4, for the purposes collected."

Page 67, line 11, after "1" insert "and 2 and sections 4" and after the period, insert "Section 3 is effective January 1, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Osskopp amendment and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Howes	Mulder	Seagren	Walz
Abrams	Dempsey	Jacobson	Nornes	Seifert	Wenzel
Anderson, B.	Eastlund	Jaros	Olson	Sertich	Westerberg
Anderson, I.	Erickson	Johnson, J.	Osskopp	Skoe	Westrom
Bakk	Finseth	Kielkucki	Otremba	Smith	Wilkin
Boudreau	Gerlach	Krinkie	Paulsen	Solberg	Wolf
Bradley	Goodno	Kuisle	Pawlenty	Stang	Spk. Sviggum
Buesgens	Hackbarth	Lindner	Penas	Swapinski	
Cassell	Harder	Lipman	Rifenberg	Sykora	
Clark, J.	Holberg	Marko	Rukavina	Tingelstad	
Daggett	Holsten	Molnau	Ruth	Vandevveer	

Those who voted in the negative were:

Bernardy	Erhardt	Hilty	Lenczewski	Ness	Stanek
Biernat	Evans	Huntley	Leppik	Opatz	Swenson
Bishop	Folliard	Jennings	Lieder	Osthoff	Thompson
Carlson	Fuller	Johnson, R.	Luther	Ozment	Tuma
Clark, K.	Gleason	Johnson, S.	Mahoney	Paymar	Wagenius
Davnie	Goodwin	Juhnke	Mares	Pelowski	Wasiluk
Dawkins	Gray	Kalis	Mariani	Peterson	Winter
Dehler	Greiling	Kelliher	McElroy	Pugh	Workman
Dibble	Gunther	Knoblach	McGuire	Rhodes	
Dorman	Haas	Kubly	Milbert	Schumacher	
Dorn	Hausman	Larson	Mullery	Skoglund	
Entenza	Hilstrom	Leighton	Murphy	Slawik	

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

Speaker pro tempore Boudreau called Abrams to the Chair.

Rukavina moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Pages 116 to 118, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 93 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Boudreau	Carlson	Daggett	Dibble
Anderson, B.	Bernardy	Bradley	Cassell	Davids	Dorman
Anderson, I.	Bishop	Buesgens	Clark, K.	Dempsey	

Eastlund	Holberg	Kuisle	Osthoff	Seifert	Walz
Erickson	Holsten	Leighton	Otremba	Sertich	Wasiluk
Finseth	Howes	Lieder	Ozment	Skoe	Wenzel
Fuller	Huntley	Lindner	Paulsen	Slawik	Westerberg
Gerlach	Jacobson	Luther	Pelowski	Smith	Westrom
Gleason	Jaros	Mariani	Penas	Solberg	Wilkin
Goodwin	Jennings	McElroy	Peterson	Stang	Winter
Gray	Johnson, J.	Milbert	Pugh	Swapinski	Wolf
Gunther	Johnson, R.	Mulder	Rifenberg	Swenson	Workman
Haas	Juhnke	Ness	Rukavina	Sykora	Spk. Sviggum
Hackbarth	Kielkucki	Olson	Ruth	Thompson	
Harder	Krinkie	Opatz	Schumacher	Tingelstad	
Hausman	Kubly	Osskopp	Seagren	Walker	

Those who voted in the negative were:

Abrams	Erhardt	Johnson, S.	Leppik	Molnau	Rhodes
Biernat	Evans	Kalis	Lipman	Mullery	Skoglund
Clark, J.	Folliard	Kelliher	Mahoney	Murphy	Stanek
Davnie	Goodno	Knoblach	Mares	Nornes	Tuma
Dehler	Greiling	Larson	Marko	Pawlenty	Vandever
Entenza	Hilstrom	Lenczewski	McGuire	Paymar	Wagenius

The motion prevailed and the amendment was adopted.

Skoglund moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 43, after line 7, insert:

"Sec. 8. Minnesota Statutes 2000, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] (a) Except as otherwise provided in section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the sentencing guidelines."

Page 49, line 22, delete "14" and insert "15"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Tuma raised a point of order pursuant to rule 3.21 that the Skoglund amendment was not in order. Speaker pro tempore Abrams ruled the point of order not well taken and the Skoglund amendment in order.

The question recurred on the Skoglund amendment and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

Dawkins, Pawlenty and Seifert moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 43, after line 7, insert:

"Sec. 8. [347.56] [DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.]

Notwithstanding sections 347.51 to 347.55, a dog that inflicted substantial bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

The definitions in section 347.50, and the exemptions under section 347.51, subdivision 5, apply to this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Solberg moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 17, line 57, delete "crime victims services"

Page 17, line 58, delete "center" and insert "department of public safety"

A roll call was requested and properly seconded.

The question was taken on the Solberg amendment and the roll was called. There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Jaros	Lieder	Osthoff	Slawik
Bakk	Evans	Jennings	Luther	Otremba	Solberg
Bernardy	Folliard	Johnson, R.	Mahoney	Paymar	Swapinski
Biernat	Gleason	Johnson, S.	Mariani	Pelowski	Thompson
Carlson	Goodwin	Juhnke	Marko	Peterson	Wagenius
Clark, K.	Gray	Kalis	McGuire	Pugh	Walker
Davnie	Greiling	Kelliher	Milbert	Rukavina	Wasiluk
Dawkins	Hausman	Kubly	Mullery	Schumacher	Wenzel
Dempsey	Hilstrom	Larson	Murphy	Sertich	Westerberg
Dibble	Hilty	Leighton	Olson	Skoe	Winter
Dorn	Huntley	Lenczewski	Opatz	Skoglund	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Leppik	Paulsen	Swenson
Abrams	Dorman	Harder	Lindner	Pawlenty	Sykora
Anderson, B.	Eastlund	Holberg	Lipman	Penas	Tingelstad
Bishop	Erhardt	Holsten	Mares	Rhodes	Tuma
Boudreau	Erickson	Howes	McElroy	Rifenberg	Vandever
Bradley	Finseth	Jacobson	Molnau	Ruth	Walz
Buesgens	Fuller	Johnson, J.	Mulder	Seagren	Westrom
Cassell	Gerlach	Kielkucki	Ness	Seifert	Wilkin
Clark, J.	Goodno	Knoblach	Nornes	Smith	Wolf
Daggett	Gunther	Krinkie	Osskopp	Stanek	Workman
Davids	Haas	Kuisle	Ozment	Stang	Spk. Sviggum

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

The Speaker resumed the Chair.

Boudreau moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 188, after line 10, insert:

"Section 1. Minnesota Statutes 2000, section 171.186, is amended by adding a subdivision to read:

Subd. 4. [LIMITED LICENSE.] Notwithstanding subdivision 3, the commissioner must issue a limited license to a person whose license has been suspended under this section upon receipt of a court order or notice from a public authority responsible for child support enforcement pursuant to section 517C.75 that states that: (1) the driver is in arrears in court-ordered child support payments in an amount equal to three to six times the obligor's total monthly

payment, and is not in compliance with a written payment agreement; and (2) the obligor's employment, attendance at employment-related education or training, or compliance with court-ordered parenting time depends upon the use of a driver's license.

Sec. 2. Minnesota Statutes 2000, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] (a) In any case where a person's license has been suspended under section 171.18 or 171.173, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(b) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(c) For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

(d) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(e) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(f) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(g) The commissioner must issue a limited license to a driver when ordered by a court or directed by a public authority responsible for child support enforcement pursuant to section 517C.75."

Page 265, after line 8, insert:

"Subd. 2. [FACTORS WARRANTING ISSUANCE OF A LIMITED LICENSE.] An obligor may be issued a limited license if:

(1) the obligor has child support arrears amounting to three to six times the obligor's total monthly support obligation and the obligor is not in compliance with a payment agreement; and

(2) the obligor's employment, attendance at employment-related education or training, or compliance with court-ordered parenting time depends upon the use of a driver's license."

Page 265, line 9, delete "Subd. 2" and insert "Subd. 3"

Page 265, line 12, before the period, insert "or may order the commissioner of public safety to issue a limited license to the obligor if the court finds that the factors in subdivision 2 exist"

Page 265, line 31, delete "Subd. 3" and insert "Subd. 4"

Page 265, line 35, before the period, insert "or may direct the commissioner of public safety to issue a limited license to the obligor if the public authority determines that the factors in subdivision 2 exist"

Page 266, line 15, delete "Subd. 4" and insert "Subd. 5"

Page 266, line 28, delete "Subd. 5" and insert "Subd. 6"

Page 266, line 35, delete "Subd. 6" and insert "Subd. 7"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Entenza raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Boudreau amendment was not in order. The Speaker ruled the point of order not well taken and the Boudreau amendment in order.

The question recurred on the Boudreau amendment and the roll was called. There were 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hackbarth	Knoblauch	McGuire	Peterson
Abrams	Dibble	Harder	Krinkie	Milbert	Pugh
Anderson, B.	Dorman	Hausman	Kubly	Molnau	Rhodes
Anderson, I.	Dorn	Hilstrom	Kuisle	Mulder	Rifenberg
Bakk	Eastlund	Hilty	Larson	Mullery	Rukavina
Bernardy	Erhardt	Holberg	Leighton	Murphy	Ruth
Bishop	Erickson	Holsten	Lenczewski	Ness	Schumacher
Boudreau	Evans	Howes	Leppik	Nornes	Seagren
Bradley	Finseth	Huntley	Lieder	Olson	Seifert
Buesgens	Folliard	Jacobson	Lindner	Opatz	Sertich
Carlson	Fuller	Jennings	Lipman	Osskopp	Slawik
Cassell	Gerlach	Johnson, J.	Luther	Otremba	Smith
Clark, J.	Gleason	Johnson, R.	Mahoney	Ozment	Solberg
Daggett	Goodno	Juhnke	Mares	Paulsen	Stanek
Davids	Gray	Kalis	Mariani	Pawlenty	Stang
Dawkins	Gunther	Kelliher	Marko	Pelowski	Swapinski
Dehler	Haas	Kielkucki	McElroy	Penas	Swenson

(b) [CHILD ABUSE REPORT RECORDS.] Data contained in child abuse report records are classified under section 626.556.

(c) [INTERSTATE DATA EXCHANGE.] Disclosure of child abuse reports to agencies of another state is classified under section 626.556, subdivision 10g.

(d) [RELEASE TO FAMILY COURT SERVICES.] Release of child abuse data to a court services agency is authorized under section 626.556, subdivision 10h.

(e) [RELEASE OF DATA TO MANDATED REPORTERS.] Release of child abuse data to mandated reporters who have an ongoing responsibility for the health, education, or welfare of a child affected by the data is authorized under section 626.556, subdivision 10j.

(f) [RELEASE OF CHILD ABUSE INVESTIGATIVE RECORDS TO OTHER COUNTIES.] Release of child abuse investigative records to local welfare agencies is authorized under section 626.556, subdivision 10k.

(g) [CLASSIFYING AND SHARING RECORDS AND REPORTS OF CHILD ABUSE.] The classification of child abuse data and the sharing of records and reports of child abuse by and between local welfare agencies and law enforcement agencies are governed under section 626.556, subdivision 11.

(h) [DISCLOSURE OF INFORMATION NOT REQUIRED IN CERTAIN CASES.] Disclosure of certain data obtained from interviewing a minor is governed by section 626.556, subdivision 11a.

(i) [DATA RECEIVED FROM LAW ENFORCEMENT.] Classifying child abuse data received by certain agencies from law enforcement agencies is governed under section 626.556, subdivision 11b.

(j) [DISCLOSURE IN CHILD FATALITY CASES.] Disclosure of information relating to a child fatality is governed under section 626.556, subdivision 11d.

(k) [REPORTS OF ALCOHOL ABUSE.] Data on persons making reports under section 626.5563 are classified under section 626.5563, subdivision 5.

(l) [VULNERABLE ADULT REPORT RECORDS.] Data contained in vulnerable adult report records are classified under section 626.557, subdivision 12b.

(m) [ADULT PROTECTION TEAM INFORMATION SHARING.] Sharing of local welfare agency vulnerable adult data with a protection team is governed by section 626.5571, subdivision 3.

(n) [CHILD PROTECTION TEAM.] Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626.558, subdivision 3.

(o) [CHILD MALTREATMENT REPORTS PEER REVIEW PANEL.] Sharing data of cases reviewed by the panel is governed under section 626.5593, subdivision 2.

(p) [PEACE OFFICER DISCIPLINE PROCEDURES.] Access by an officer under investigation to the investigating agency's investigative report on the officer is governed by section 626.89, subdivision 6.

(q) [TRAFFIC STOP DATA.] Traffic stop data collected for purposes of the racial profiling study are classified under section 626.951, subdivision 7."

Page 59, line 10, after the period insert "Except for funds appropriated by the legislature for other purposes,"

Pages 63 to 66, delete section 11, and insert:

"Sec. 12. [626.95] [DEFINITIONS.]

As used in sections 626.951 to 626.953, the following terms have the meanings given:

(a) "Board" means the board of peace officer standards and training.

(b) "Law enforcement agency" has the meaning given in section 626.84.

(c) "Law enforcement officer" includes all licensed peace officers of a law enforcement agency.

(d) "Racial profiling" includes any law enforcement officer-initiated action that relies on the race, ethnicity, or national origin of an individual, rather than on the behavior of that individual or on information that leads the officer to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

(e) "Traffic stop" means any time a law enforcement officer:

(1) causes the operator of a motor vehicle being operated on any street or highway in the state to stop the motor vehicle; or

(2) detains an occupied motor vehicle that is already stopped in any public or private place.

Traffic stop does not include a checkpoint or roadblock stop, or a stop of multiple vehicles due to a traffic accident or emergency situation.

Sec. 13. [626.951] [TRAFFIC STOP DATA.]

Subdivision 1. [DUTY TO COLLECT TRAFFIC STOP DATA.] Beginning on September 1, 2001, and continuing through August 31, 2003, the chief law enforcement officer of each law enforcement agency shall ensure that the following data is collected for each traffic stop conducted by a law enforcement officer in the agency:

(1) the location of the stop;

(2) the date and time of the stop;

(3) the age, race/ethnicity, and gender of the driver;

(4) the traffic violation or reason that led to the stop;

(5) the disposition of the stop, arrest, citation, warning, or no action;

(6) whether a search was conducted of the driver, passengers, or vehicle;

(7) if a search was conducted, the authority for the search;

(8) whether the officer knew the race/ethnicity of the driver before the stop; and

(9) the law enforcement agency's code.

Subd. 2. [SUBMISSION OF DATA TO COMMISSIONER.] By the 15th of each month, each chief law enforcement officer shall submit to the commissioner of public safety, the data described in subdivision 1 for each traffic stop conducted by the agency's law enforcement officers in the preceding month.

Subd. 3. [METHOD OF DATA COLLECTION.] A chief law enforcement officer may collect and submit the data described in this section electronically if the method of doing so is compatible with the department of public safety's computer system or on paper forms supplied by the commissioner of public safety.

Subd. 4. [OUTSIDE EXPERT.] The commissioner of public safety shall retain a sufficiently experienced and independent organization or individual to:

(1) design and oversee the data collection process required in this section;

(2) develop baseline measures to analyze the data collected;

(3) develop and implement a data compliance auditing process that ensures the accuracy of data collected through, among other things, periodic spot checks; and

(4) analyze the data collected.

Subd. 5. [OTHER DUTIES OF COMMISSIONER.] The commissioner of public safety shall:

(1) ensure that data forwarded to the commissioner under this section is entered into a central database in a timely manner;

(2) cooperate with the outside expert to facilitate the ability of the expert to fulfill its duties under this section, including allowing the expert sufficient access to the compiled data;

(3) develop and distribute to law enforcement agencies a paper form to collect the data; and

(4) reimburse local law enforcement agencies for the costs they incur in complying with this section.

Subd. 6. [REPORT REQUIRED.] The outside expert shall analyze the data collected to determine the degree to which, if at all, racial profiling occurs in traffic stops within the state. By February 1, 2004, the expert shall report the results of the analysis to the chairs of the senate and house committees having jurisdiction over criminal justice policy.

Subd. 7. [DATA.] Traffic stop data collected for purposes of this section are private data on individuals or nonpublic data as defined in section 13.02, provided that data not on individuals become public when the report required under subdivision 6 is submitted to the legislature. This subdivision does not affect the classification of the same data collected for other law enforcement purposes.

Subd. 8. [EXPIRATION.] This section expires on February 1, 2004.

Sec. 14. [626.952] [POLICIES REQUIRED ON ELIMINATING RACIAL PROFILING.]

Subdivision 1. [MODEL POLICY REQUIRED.] By September 15, 2001, the board shall develop and distribute to all chief law enforcement officers a model policy on eliminating traffic stops involving racial profiling.

Subd. 2. [LOCAL POLICIES REQUIRED.] By November 1, 2001, all chief law enforcement officers shall establish and implement a written policy that is identical or substantially similar to the model policy described in subdivision 1.

Subd. 3. [REVIEW.] The board shall periodically evaluate law enforcement agencies to determine whether the agency is complying with subdivision 2. In addition, upon receiving a complaint, the board shall determine whether an agency is failing to comply with subdivision 2.

Sec. 15. [626.953] [LAW ENFORCEMENT TRAINING ON ELIMINATING RACIAL PROFILING.]

Subdivision 1. [PRESERVICE TRAINING REQUIRED.] By July 1, 2001, the board shall prepare learning objectives for instructing peace officers in eliminating racial profiling in traffic stops. The objectives must be included in the curriculum of the professional peace officer education programs.

Subd. 2. [IN-SERVICE TRAINING REQUIRED.] By July 1, 2001, the board shall prepare learning objectives to eliminate racial profiling in traffic stops. The objectives must be included in continuing education courses approved for peace officer continuing education credit. The board shall monitor and evaluate continuing education courses to ensure that they meet the requirements of the learning objectives.

Sec. 16. [ELIMINATION OF RACIAL PROFILING CONFERENCES.]

The peace officer standards and training board shall conduct conferences for peace officers designed to raise the awareness level of officers relating to traffic stops involving racial profiling. At least one conference must be statewide in scope attempting to attract officers from across the state and addressing racial profiling from a statewide perspective. Other conferences must be regional in scope and specifically address localized issues involving racial profiling, including potential community oriented responses."

Page 66, delete section 13

Page 67, line 11, delete "Sections 1 to 12 are" and insert "This article is"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Ness was excused between the hours of 6:15 p.m. and 7:10 p.m.

CALL OF THE HOUSE

On the motion of Gray and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Speaker called Pawlenty to the Chair.

The question recurred on the Gray et al amendment and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Leighton	Osskopp	Skoglund
Bakk	Evans	Jaros	Lenczewski	Osthoff	Solberg
Bernardy	Folliard	Jennings	Lieder	Otremba	Swapinski
Biernat	Gleason	Johnson, R.	Mahoney	Paymar	Wagenius
Clark, K.	Goodwin	Johnson, S.	Mariani	Pugh	Walker
Davnie	Gray	Kalis	McGuire	Rukavina	Wenzel
Dawkins	Greiling	Kelliher	Milbert	Schumacher	Winter
Dibble	Hausman	Krinkie	Mullery	Sertich	
Dorn	Hilty	Kubly	Opatz	Skoe	

Those who voted in the negative were:

Abeler	Dempsey	Hilstrom	Lipman	Pelowski	Sykora
Abrams	Dorman	Holberg	Luther	Penas	Thompson
Anderson, B.	Eastlund	Holsten	Mares	Peterson	Tingelstad
Bishop	Erhardt	Howes	Marko	Rhodes	Tuma
Boudreau	Erickson	Jacobson	McElroy	Rifenberg	Vandever
Bradley	Finseth	Johnson, J.	Molnau	Ruth	Walz
Buesgens	Fuller	Juhnke	Mulder	Seagren	Wasiluk
Carlson	Gerlach	Kielkucki	Murphy	Seifert	Westerberg
Cassell	Goodno	Knoblach	Nornes	Slawik	Westrom
Clark, J.	Gunther	Kuisle	Olson	Smith	Wilkin
Daggett	Haas	Larson	Ozment	Stanek	Wolf
Davids	Hackbarth	Leppik	Paulsen	Stang	Workman
Dehler	Harder	Lindner	Pawlenty	Swenson	Spk. Sviggum

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

Mariani, Skoglund and Gray moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 18, line 35, delete "\$7,762,000" and insert "\$7,662,000"

Page 18, delete lines 36 to 42

Page 21, line 18, delete "\$400,000" and insert "\$500,000"

Page 21, after line 31, insert:

"\$100,000 the first year is a one-time appropriation to the POST Board to develop and implement a procedure for receiving, processing, and disposing of racial profiling complaints. As part

of the complaint disposition procedure, the POST Board must provide recommendations to the relevant law enforcement agency relative to the allegations of specific complaints."

A roll call was requested and properly seconded.

The question was taken on the Mariani et al amendment and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hilty	Kubly	Osthoff	Skoglund
Bakk	Entenza	Huntley	Leighton	Otremba	Slawik
Bernardy	Evans	Jaros	Lieder	Paymar	Solberg
Biernat	Folliard	Jennings	Mahoney	Peterson	Swapinski
Clark, K.	Gleason	Johnson, R.	Mariani	Pugh	Vandever
Davnie	Goodwin	Johnson, S.	Marko	Rukavina	Wagenius
Dawkins	Gray	Juhnke	McGuire	Schumacher	Walker
Dehler	Greiling	Kalis	Milbert	Sertich	Wasiluk
Dibble	Hausman	Kelliher	Mullery	Skoe	Wenzel

Those who voted in the negative were:

Abeler	Dorman	Holberg	Lipman	Pawlenty	Thompson
Abrams	Eastlund	Holsten	Luther	Pelowski	Tingelstad
Anderson, B.	Erhardt	Howes	Mares	Penas	Tuma
Bishop	Erickson	Jacobson	McElroy	Rhodes	Walz
Boudreau	Finseth	Johnson, J.	Molnau	Rifenberg	Westerberg
Bradley	Fuller	Kielkucki	Mulder	Ruth	Westrom
Buesgens	Gerlach	Knoblach	Murphy	Seagren	Wilkin
Carlson	Goodno	Krinkie	Nornes	Seifert	Winter
Cassell	Gunther	Kuisle	Olson	Smith	Wolf
Clark, J.	Haas	Larson	Opatz	Stanek	Workman
Daggett	Hackbarth	Lenczewski	Osskopp	Stang	Spk. Sviggum
Davids	Harder	Leppik	Ozment	Swenson	
Dempsey	Hilstrom	Lindner	Paulsen	Sykora	

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

Jennings moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 7, after line 43, insert:

"The commissioner of corrections must maintain correctional officers at a minimum established complement of the January 1, 2000, correctional officers posts for the fiscal years 2002 to 2003, unless the population of that facility is reduced."

A roll call was requested and properly seconded.

The question was taken on the Jennings amendment and the roll was called. There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Lenczewski	Osthoff	Slawik
Bakk	Evans	Jaros	Lieder	Otremba	Smith
Bernardy	Folliard	Jennings	Luther	Paymar	Solberg
Biernat	Gleason	Johnson, R.	Mahoney	Pelowski	Swapinski
Carlson	Goodwin	Johnson, S.	Mariani	Peterson	Thompson
Clark, K.	Gray	Juhnke	Marko	Pugh	Wagenius
Davnie	Greiling	Kalis	McGuire	Rukavina	Walker
Dawkins	Hausman	Kelliher	Milbert	Schumacher	Wasiluk
Dibble	Hilstrom	Kubly	Mullery	Sertich	Wenzel
Dorn	Hilty	Larson	Murphy	Skoe	Winter
Eastlund	Howes	Leighton	Opatz	Skoglund	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Lindner	Paulsen	Sykora
Abrams	Dempsey	Harder	Lipman	Pawlenty	Tingelstad
Anderson, B.	Dorman	Holberg	Mares	Penas	Tuma
Bishop	Erhardt	Holsten	McElroy	Rhodes	Vandever
Boudreau	Erickson	Jacobson	Molnau	Rifenberg	Walz
Bradley	Finseth	Johnson, J.	Mulder	Ruth	Westerberg
Buesgens	Fuller	Kielkucki	Ness	Seagren	Westrom
Cassell	Gerlach	Knobloch	Nornes	Seifert	Wilkin
Clark, J.	Goodno	Krinkie	Olson	Stanek	Wolf
Daggett	Gunther	Kuisle	Osskopp	Stang	Workman
Davids	Haas	Leppik	Ozment	Swenson	Spk. Sviggum

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

Mullery, Skoglund, Entenza and Hilstrom offered an amendment to H. F. No. 351, the third engrossment, as amended.

POINT OF ORDER

Tuma raised a point of order pursuant to rule 3.21 that the Mullery et al amendment was not in order. Speaker pro tempore Pawlenty ruled the point of order well taken and the Mullery et al amendment out of order.

CALL OF THE HOUSE LIFTED

Lenczewski moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Mullery, Winter and Skoglund offered an amendment to H. F. No. 351, the third engrossment, as amended.

POINT OF ORDER

Tuma raised a point of order pursuant to rule 3.21 that the Mullery et al amendment was not in order. Speaker pro tempore Pawlenty ruled the point of order well taken and the Mullery et al amendment out of order.

The Speaker resumed the Chair.

Clark, K., was excused for the remainder of today's session.

Skoglund offered an amendment to H. F. No. 351, the third engrossment, as amended.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Skoglund amendment was not in order. The Speaker ruled the point of order well taken and the Skoglund amendment out of order.

Mullery, Skoglund and Hilstrom moved to amend H. F. No. 351, the third engrossment, as amended, as follows:

Page 101, after line 36, insert:

"Subd. 8. [PROTECTION OF PUBLIC SAFETY.] In any case where section 629.72 or 629.715 applies if a judge determines that pretrial release shall be granted, the judge shall set bail and impose any conditions of release that will protect the safety of the victim and the public and reasonably assure reappearances at subsequent proceedings. The court may also set bail without any other conditions in an amount that will protect the safety of the victim and the public."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 351, A bill for an act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public defense, human rights, corrections, public safety, crime victims, and related purposes; establishing and expanding grant programs, task forces, and pilot projects; requiring reports and studies; transferring, modifying, and expanding responsibility for various governmental responsibilities; providing procedures and policies for integrated criminal justice information systems; adopting various provisions relating to corrections; imposing, clarifying, and expanding certain criminal and civil provisions and penalties; regulating dangerous dogs; providing for protection of public safety in bail determinations; making certain changes related to sex offenders and sex offender registration; providing for state funding of certain programs and personnel; abolishing the office of the ombudsman for corrections; eliminating the Camp Ripley weekend camp program; increasing certain fees and modifying the allocation of certain fees; establishing a theft prevention advisory board; establishing a felony-level penalty for driving while impaired; modifying certain policies and procedures relating to domestic violence; making technical changes to the driving while impaired laws; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; clarifying certain medical support bonus incentive provisions; making style and form changes; amending Minnesota Statutes 2000, sections 2.724, subdivision 3; 8.16, subdivision 1; 13.87, by adding a subdivision; 15A.083, subdivision 4; 169A.03, subdivision 12, by adding subdivisions; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275, subdivisions 3, 5; 169A.277, subdivision 2; 169A.28, subdivision 2; 169A.283, subdivision 1; 169A.37, subdivision 1; 169A.40, subdivision 3; 169A.41, subdivision 2; 169A.51, subdivision 7; 169A.54, subdivision 6; 169A.60, subdivisions 1, 13, 14; 169A.63, subdivision 1; 171.09; 171.186, by adding a subdivision; 171.29, subdivision 2; 171.30, subdivision 1; 241.272, subdivision 6; 242.192; 243.166, subdivisions 1, 3, 4a, 6; 243.167, subdivision 1; 243.51, subdivisions 1, 3; 256.9791; 299A.75, subdivision 1, by adding subdivisions; 299C.10, subdivision 1;

299C.11; 299C.147, subdivision 2; 299C.65, subdivisions 1, 2; 299F.058, subdivision 2; 343.20, by adding subdivisions; 343.21, subdivisions 9, 10; 518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.158, subdivisions 2, 4; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.1705, subdivision 6; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, 7, 8; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.24; 518.25; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.552; 518.58; 518.581; 518.582; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2; 518.641; 518.642; 518.646; 518.65; 518B.01, subdivisions 2, 3, 6, 14; 609.02, by adding a subdivision; 609.035, subdivision 2; 609.117; 609.224, subdivisions 2, 4; 609.2242, subdivisions 2, 4; 609.343, subdivision 2; 609.487, subdivision 4; 609.495, subdivisions 1, 3; 609.521; 609.748, subdivisions 6, 8; 609.749, subdivisions 4, 5; 611.23; 611.272; 611A.201, subdivision 2; 611A.32, by adding a subdivision; 611A.74, subdivisions 1, 1a; 617.247, subdivisions 3, 4; 626.55, subdivision 1; 629.471, subdivision 2; 629.72; Laws 1996, chapter 408, article 2, section 16; proposing coding for new law in Minnesota Statutes, chapters 8; 169A; 299A; 299C; 347; 518; 518B; 609; 626; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2000, sections 169A.275, subdivision 4; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 243.166, subdivision 10; 518.111; 518.17; 518.171; 518.185; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.551; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.64, subdivisions 4, 4a, 5; 518.66; 609.2244, subdivision 4; 626.55, subdivision 2.

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.

Pursuant to rule 2.05, the Speaker excused Pawlenty from voting on final passage of H. F. No. 351, as amended.

There were 107 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hilstrom	Lieder	Paulsen	Swenson
Abrams	Eastlund	Hilty	Lindner	Paymar	Sykora
Anderson, B.	Entenza	Holberg	Lipman	Pelowski	Thompson
Bernardy	Erhardt	Holsten	Luther	Penas	Tingelstad
Bishop	Erickson	Howes	Mahoney	Peterson	Tuma
Boudreau	Evans	Jacobson	Mares	Rhodes	Vandever
Bradley	Finseth	Johnson, J.	Marko	Rifenberg	Wagenius
Buesgens	Folliard	Johnson, R.	McElroy	Ruth	Walz
Carlson	Fuller	Johnson, S.	McGuire	Schumacher	Wasiluk
Cassell	Gerlach	Juhnke	Molnau	Seagren	Wenzel
Clark, J.	Gleason	Kalis	Mulder	Seifert	Westerberg
Daggett	Goodno	Kielkucki	Murphy	Skoe	Westrom
Davids	Goodwin	Knoblach	Ness	Skoglund	Wilkin
Davnie	Greiling	Kubly	Nornes	Slawik	Winter
Dawkins	Gunther	Kuisle	Olson	Smith	Wolf
Dehler	Haas	Larson	Opatz	Stanek	Workman
Dempsey	Hackbarth	Lenczewski	Osthoff	Stang	Spk. Sviggum
Dorman	Harder	Leppik	Ozment	Swapinski	

Those who voted in the negative were:

Anderson, I.	Gray	Jennings	Mariani	Pugh	Walker
Bakk	Hausman	Kelliher	Millert	Rukavina	
Biernat	Huntley	Krinkie	Mullery	Sertich	
Dibble	Jaros	Leighton	Otremba	Solberg	

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

CALENDAR FOR THE DAY

Seifert moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Molnau moved that the name of Ruth be added as an author on H. F. No. 204. The motion prevailed.

Holberg moved that her name be stricken as an author on H. F. No. 2193. The motion prevailed.

Jacobson moved that S. F. No. 560 be recalled from the Committee on Health and Human Services Policy and together with H. F. No. 1081, now on the General Register, be referred to the Chief Clerk for comparison. 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. 873:

Howes, Swenson and Bakk.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2107:

Johnson, J.; Penas and Thompson.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Bishop announced his intention to place S. F. No. 2351 on the Fiscal Calendar for Tuesday, May 1, 2001.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, May 1, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Tuesday, May 1, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives