

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2006

EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 5, 2006

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

Prayer was offered by the Reverend Dean Nadasdy, Senior Pastor, Woodbury Lutheran Church, Woodbury, 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	Dempsey	Haws	Krinkie	Nornes	Sieben
Anderson, B.	Dill	Heidgerken	Lanning	Otremba	Simon
Anderson, I.	Dittrich	Hilstrom	Latz	Ozment	Simpson
Atkins	Dorman	Hilty	Lenczewski	Paymar	Slawik
Beard	Dorn	Hoppe	Lesch	Pelowski	Smith
Bernardy	Eastlund	Hornstein	Liebling	Penas	Soderstrom
Blaine	Eken	Hortman	Lieder	Peppin	Solberg
Bradley	Ellison	Hosch	Lillie	Peterson, A.	Sykora
Brod	Emmer	Howes	Loeffler	Peterson, N.	Thao
Buesgens	Erhardt	Huntley	Magnus	Peterson, S.	Thissen
Carlson	Erickson	Jaros	Mahoney	Poppe	Tingelstad
Charron	Finstad	Johnson, J.	Mariani	Powell	Urdahl
Clark	Fritz	Johnson, R.	Marquart	Rukavina	Vandever
Cornish	Garofalo	Johnson, S.	McNamara	Ruth	Wagenius
Cox	Gazelka	Juhnke	Meslow	Ruud	Walker
Cybart	Greiling	Kahn	Moe	Sailer	Wardlow
Davids	Gunther	Kelliher	Mullery	Samuelson	Welti
Davnie	Hackbarth	Klinzing	Murphy	Scalze	Westerberg
Dean	Hamilton	Knoblach	Nelson, M.	Seifert	Westrom
DeLaForest	Hansen	Koenen	Nelson, P.	Sertich	Wilkin
Demmer	Hausman	Kohls	Newman	Severson	Spk. Sviggum

A quorum was present.

Abrams, Entenza, Goodwin, Holberg, Larson, Olson, Paulsen and Zellers were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peppin 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 STANDING COMMITTEES

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

H. F. No. 263, A bill for an act relating to a University of Minnesota football stadium; providing a process for state support of a football stadium at the University of Minnesota; transferring land in Dakota County from the University to the state of Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, line 24, delete "recreational and" and insert "recreation uses including those named in Minnesota Statutes 2004, section 86A.03, subdivision 3,"

Page 3, after line 2, insert:

"Sec. 4. **PUBLIC USE OF STADIUM.**

The Board of Regents is requested, in furtherance of its outreach mission and subject to its policies regarding the use of University facilities, to provide ample opportunities for use of the stadium for events sponsored by public bodies including public schools."

Page 3, line 12, after the period, insert "The appropriation of up to \$9,400,000 per year may be made for no more than 25 years."

Page 3, line 14, after "service" insert "each series of"

Page 4, line 12, delete "state of" and after the second "Minnesota" insert "Department of Natural Resources"

Page 4, line 13, after "claim" insert "deed, without warranties,"

Page 4, line 16, delete "and" and insert ". Such conveyance shall also be subject"

Page 4, line 22, after the period, insert "The state shall make no claim or demand or institute any suit or proceeding against the University with respect to environmental contamination of pollution on the University land resulting from hazardous substances, pollutants, or contaminants that were discharged, disposed of, or deposited, or that otherwise came to be located on the University land prior to the time the University took title thereto. The University shall promptly endeavor to resolve its claims against the federal government with respect to environmental contamination that occurred prior to the time the University took title to the university land."

Page 4, after line 34, insert:

"Sec. 8. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall codify sections 1 to 6 in chapter 137 in the next edition of Minnesota Statutes."

Page 5, line 2, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "state of Minnesota" and insert "Department of Natural Resources"

With the recommendation that when so amended the bill pass.

MINORITY REPORT

April 5, 2006

I, the undersigned, being a minority of the Committee on Ways and Means, recommend that H. F. No. 263 do pass with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[116J.886] PURPOSE.**

Sections 1 to 5 provide a framework for a biomedical science research funding program for the purposes of which are to further the investment in biomedical sciences research facilities in the state which will benefit the state's economy, advance the biomedical technology industry, benefit human health, and facilitate research collaboration between the University of Minnesota and other private and public institutions in the state.

Sec. 2. **[116J.887] DEFINITIONS.**

Subdivision 1. **Definitions.** Notwithstanding section 116J.03, for the purposes of sections 116J.886 to 116J.8892, the terms in this section have the meanings given them.

Subd. 2. **Authority.** "Authority" means the Minnesota Biomedical Sciences Research Facilities Authority.

Subd. 3. **Biomedical research science facility.** "Biomedical research science facility" means a facility located in the state to be used as research facilities and laboratories for biomedical science and biomedical technology.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of finance.

Subd. 5. **Costs.** "Costs" of a project means the sum of all obligations paid, or to be paid, or incurred which are reasonably required for the design, construction, and completion of the project, including, but not limited to:

(1) site acquisition;

(2) soil and environmental testing, surveys, estimates, plans and specifications, supervision of construction, and other engineering and architectural services;

(3) payment under construction contracts and for payment and performance bonds; and

(4) purchase and installation of furniture, fixtures, and equipment.

Subd. 6. **Program.** "Program" means the program authorized by section 5.

Subd. 7. **Project.** "Project" means the acquisition, construction, improvement, expansion, repair, or rehabilitation of all or any part of any structure, facility, infrastructure, or equipment necessary for a biomedical research science facility.

Sec. 3. **[116J.888] MINNESOTA BIOMEDICAL SCIENCES RESEARCH AUTHORITY.**

Subdivision 1. **Membership.** The Minnesota Biomedical Sciences Research Facilities Authority consists of the commissioner of employment and economic development, one current and one former member of the senate appointed by the majority leader of the senate, one current and one former member of the senate appointed by the minority leader of the senate, one current and one former member of the house of representatives appointed by the speaker of the house of representatives, one current and one former member of the house of representatives appointed by the minority leader of the house of representatives, and four members appointed by the governor who are not members of the senate or house of representatives or officers or employees of any agency in the executive branch. The current legislative members serve at the pleasure of the appointing authority and are nonvoting members. The members of the authority, other than the commissioner of employment and economic development, shall be appointed for staggered terms of four years. The initial members of the authority appointed by the governor shall be appointed for a term of one, two, three, and four years, respectively, as specified by the governor. Members of the authority are public officials for purposes of chapter 10A.

Subd. 2. **Authority actions.** A majority of the authority, excluding vacancies, constitutes a quorum to conduct its business, to exercise its powers, and for all other purposes.

Subd. 3. **Meeting by telephone or other means.** (a) If compliance with Minnesota Statutes, section 13D.02, is impractical, the authority may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the authority participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the authority can hear clearly all discussion and testimony and all votes of members of the authority and, if needed, receive those services required by Minnesota Statutes, sections 15.44 and 15.441;

(3) at least one member of the authority is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the authority participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the authority, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The authority may require the person making such a connection to pay for documented marginal costs that the authority incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the authority shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by Minnesota Statutes, section 13D.04.

Subd. 4. **Administrative services.** The commissioner shall provide administrative services to the authority and establish an annual budget for the authority.

Subd. 5. **Executive director.** The commissioner may employ, with the concurrence of the authority, an executive director. The director shall perform duties that the authority may require in carrying out its responsibilities.

Subd. 6. **Personal liability.** Members and officers of the authority are not liable personally for any debt or obligation of the authority.

Subd. 7. **In general.** The authority has all the powers necessary and convenient to carry out its duties under this chapter.

Sec. 4. **[116J.889] POWERS; DUTIES.**

Subdivision 1. **Bylaws; rules.** The authority shall adopt bylaws for its organization and internal management. The commissioner may adopt rules governing the authority's operations, properties, and facilities.

Subd. 2. **Power to sue; enter contracts.** The authority may sue and be sued. The authority may make and enter into contracts, leases, and agreements necessary to perform its duties and exercise its powers.

Subd. 3. **Gifts; grants.** The authority may apply for, accept, and disburse gifts, grants, loans, or other property from the United States, the state, private sources, or any other source for any of its purposes. Money received by the authority under this subdivision must be deposited in the biomedical sciences research facilities program fund established in section 5.

Subd. 4. **Contract for services.** The authority may retain or contract for the services of accountants, financial advisors, and other consultants or agents needed to perform its duties and exercise its powers.

Subd. 5. **Report.** The authority must report to the legislature by July 1 of each odd-numbered year on implementation of projects since the last report and on plans for the upcoming year.

Sec. 5. **[116J.889] BIOMEDICAL SCIENCE RESEARCH FACILITIES FUNDING PROGRAM.**

Subdivision 1. **Program established.** The authority will establish a biomedical science research facilities funding program to provide grants to the Board of Regents of the University of Minnesota for the costs of projects approved under subdivision 4.

Subd. 2. **Establishment of program fund.** The biomedical science research facilities program fund is established as a special and dedicated fund to be held and invested separately from all other funds of the state. State funds shall only be used for the purposes of the biomedical science research facilities program fund and any other money from any source which may be credited to the biomedical science research facilities program fund pursuant to law or pursuant to the terms of any grants, contributions, or contracts are appropriated and shall remain available for the purposes of the biomedical science research facilities program fund until those purposes have been fully accomplished. The biomedical science research facilities program fund may be used only for making grants for projects pursuant to the program.

Subd. 3. **Grant applications.** Applications for grants for a project are to be made by the Board of Regents of the University of Minnesota to the authority. To be eligible for a grant under the program a project must meet the following criteria:

(1) the University of Minnesota, either acting on its own or in collaboration with another private or public institution, must pay ten percent of the costs of the project and the University of Minnesota must be responsible for the ongoing facilities maintenance and operations of the biomedical science research facility resulting from the project;

(2) if the application is for a project in which the University of Minnesota proposes to work in collaboration with another private or public institution, such other institution must be one that generates at least \$75,000,000 annually in competitive federal funding from the National Institute of Health, National Science Foundation, or similar agency;

(3) the biomedical science research facility resulting from the project will be owned by the Board of Regents of the University of Minnesota; and

(4) at a minimum the application must include the following information:

(i) a resolution of the governing body that the required match is available and committed;

(ii) a detailed estimate, along with necessary supporting evidence, of the total cost of the project;

(iii) an assessment of the potential to attract new public and private research grant awards resulting from the project;

(iv) a detailed facility operating financial analysis projecting the annual expected revenues and costs associated with the project;

(v) a timeline indicating the major milestones of the project and their anticipated completion dates; and

(vi) an assessment of the likelihood of public benefits from the project including benefitting public health and enhancement of employment opportunities within the state, stimulation of economic growth, and the potential for advancing the development of commercially successful and affordable products, processes, or services.

The factors listed are not in priority order and the authority may weigh each factor, depending upon the facts and circumstances, as the authority considers appropriate.

Subd. 4. **Grant approvals.** The authority shall determine for each project for which an application is submitted whether it appears in the authority's judgment to conform to the purposes and policies stated in section 1 and meets the criteria stated in subdivision 3. Upon determination by the authority that a project conforms to the purposes and policies stated in section 1 and meets the criteria stated in subdivision 3, it may approve a grant under the program for the project in an amount equal to 90 percent of the costs of the project.

Subd. 5. **Disbursements.** Disbursement of grants approved by the authority under the program must be made for eligible project costs as incurred according to the project grant agreement and applicable state laws governing the payment.

Subd. 6. **Appropriation.** \$7,400,000 is annually appropriated from the general fund to the biomedical sciences research facilities program fund for the purposes of this section. This subdivision expires July 1, 2031."

Delete the title and insert:

"A bill for an act relating to economic development; establishing the Minnesota Biomedical Sciences Research Facilities Authority and the biomedical sciences research project funding program; providing for the University of Minnesota to apply for facility program funds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J."

Signed:

PHILIP KRINKIE

Krinkie moved that the Minority Report on H. F. No. 263 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Ozment moved that the Minority Report on H. F. No. 263 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Ozment motion and the roll was called. There were 94 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hamilton	Lillie	Penas	Simpson
Anderson, I.	Dempsey	Heidgerken	Loeffler	Peterson, A.	Slawik
Atkins	Dill	Hilstrom	Magnus	Peterson, N.	Smith
Beard	Dittrich	Hoppe	Mahoney	Peterson, S.	Soderstrom
Bernardy	Dorman	Hornstein	Mariani	Poppe	Solberg
Blaine	Dorn	Hortman	Marquart	Powell	Sykora
Bradley	Eastlund	Howes	McNamara	Rukavina	Thissen
Brod	Eken	Huntley	Meslow	Ruth	Tingelstad
Carlson	Ellison	Johnson, J.	Moe	Ruud	Urdahl
Charron	Erhardt	Johnson, R.	Murphy	Sailer	Wagenius
Clark	Finstad	Kelliher	Nelson, M.	Samuelson	Wardlow
Cox	Fritz	Kohls	Nelson, P.	Scalze	Westerberg
Cybart	Garofalo	Lanning	Newman	Seifert	Westrom
Davids	Gazelka	Latz	Nornes	Sertich	Spk. Sviggum
Davnie	Gunther	Lesch	Ozment	Sieben	
DeLaForest	Hackbarth	Lieder	Pelowski	Simon	

Those who voted in the negative were:

Anderson, B.	Dean	Greiling	Haws	Jaros	Kahn
Buesgens	Emmer	Hansen	Hilty	Johnson, S.	Klinzing
Cornish	Erickson	Hausman	Hosch	Juhnke	Knoblach

Koenen	Liebling	Paymar	Thao	Welti
Krinkie	Mullery	Peppin	Vandever	Wilkin
Lenczewski	Otremba	Severson	Walker	

The motion prevailed and the Minority Report on H. F. No. 263 was laid on the table.

The question recurred on the adoption of the Majority Report from the Committee on Ways and Means relating to H. F. No. 263. The Majority Report on H. F. No. 263 was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 923, A bill for an act relating to transportation; modifying provisions relating to property transactions of Department of Transportation; making clarifying changes; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 117.036; 161.44, by adding a subdivision; 161.442; 515B.1-107; 515B.3-102.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 117.036, is amended to read:

117.036 APPRAISAL AND NEGOTIATION REQUIREMENTS APPLICABLE TO ACQUISITION OF PROPERTY FOR TRANSPORTATION PURPOSES.

Subdivision 1. **Application.** This section applies to the acquisition of property for public highways, streets, roads, alleys, airports, mass transit facilities, or for other transportation facilities or purposes.

Subd. 2. **Appraisal.** (a) ~~Before commencing an eminent domain proceeding under this chapter acquiring an interest in real property,~~ the acquiring authority must obtain at least one appraisal for the property proposed to be acquired. In making the appraisal, the appraiser must confer with one or more of the fee owners or contract purchasers of the property, if reasonably possible. Notwithstanding section 13.44 or any other law to the contrary, the acquiring authority must provide the fee owner or contract purchaser with a copy of the appraisal at least 20 days before presenting a petition under section 117.055, the acquiring authority must provide the owner with a copy of the appraisal and inform the owner of the owner's fee owner or contract purchaser of the right to obtain an appraisal under this section. Upon request, the acquiring authority must make available to the fee owner or contract purchaser all appraisals of the property.

(b) The fee owner or contract purchaser may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The fee owner or contract purchaser is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to a maximum of \$1,500 ~~within 30 days after the~~ for an appraisal of residential, agricultural, or open land and up to a maximum of \$5,000 for an appraisal of commercial or industrial land if the fee owner or contract purchaser:

(1) submits to the acquiring authority a copy of the appraisal and the information necessary for reimbursement, provided that the owner does so;

(2) requests reimbursement within 60 90 days after the owner receives receiving the appraisal from the authority under paragraph (a)- and at least 30 days before a condemnation commissioners' hearing; and

(3) ensures that the appraisal is conducted in accordance with the Uniform Standards of Professional Appraisal Practice. The acquiring authority must pay the reimbursement to the fee owner or contract purchaser within 30 days after receiving a copy of the appraisal and the reimbursement information. Upon agreement between the acquiring authority and either the fee owner or contract purchaser, the acquiring authority may pay the reimbursement directly to the appraiser.

Subd. 3. **Negotiation.** In addition to the appraisal requirements under subdivision 2, before commencing an eminent domain proceeding, the acquiring authority must make a good faith attempt to negotiate personally with the fee owner or contract purchaser of the property in order to acquire the property by direct purchase instead of the use of eminent domain proceedings. In making this negotiation, the acquiring authority must consider the appraisals in its possession, including any appraisal obtained and furnished by the fee owner or contract purchaser if available, and other information that may be relevant to a determination of damages under this chapter.

Subd. 4. **Condemnation commissioners' hearing.** (a) Notwithstanding section 13.44, an owner's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the owner's appraiser testify, unless a copy of the owner's appraiser's written report is provided to the acquiring authority at least five days before the hearing.

(b) Notwithstanding section 13.44, the acquiring authority's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the acquiring authority's appraiser testify, unless a copy of the acquiring authority's appraiser's written report is provided to the owner or contract purchaser at least five days before the hearing.

Sec. 2. Minnesota Statutes 2004, section 161.44, is amended by adding a subdivision to read:

Subd. 9a. **Appropriation.** (a) Proceeds from the sale or lease of real estate and buildings under this section and sections 161.23 and 161.41 must be paid into the trunk highway fund and are appropriated to the commissioner to pay:

(1) for the actual cost of selling or leasing the real estate or buildings;

(2) the fees required to be paid under this section and section 161.23; and

(3) for the actual cost of construction, reconstruction, or improvement of trunk highways, including:

(i) consultant usage to support these activities;

(ii) payments to landowners for lands acquired for highway rights-of-way;

(iii) payments to lessees;

(iv) interest subsidies; and

(v) relocation expenses.

(b) Proceeds are available until expended.

Sec. 3. Minnesota Statutes 2004, 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, with the consent of the owner, or for good cause and with the consent of the court, 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.

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

Delete the title and insert:

"A bill for an act relating to transportation; modifying provisions relating to property transactions of Department of Transportation; making clarifying changes; amending Minnesota Statutes 2004, sections 117.036; 161.44, by adding a subdivision; 161.442."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 934, A bill for an act relating to gambling; appropriating money for compulsive gambling prevention and education.

Reported the same back with the following amendments:

Page 1, line 6, delete the first "\$150,000" and insert "\$25,000"

Page 1, line 8, delete "Northstar"

Page 1, line 9, delete "Problem Gambling Alliance, located in Arlington, Minnesota" and insert "Minnesota Affiliate of the National Council on Problem Gambling"

Page 1, line 10, delete "Northstar Problem Gambling Alliance" and insert "Minnesota Affiliate of the National Council on Problem Gambling"

Page 1, line 15, delete "each year of the biennium" and insert "fiscal year 2007"

Page 1, after line 20, insert:

"Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment."

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.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1106, A bill for an act relating to civil actions; limiting liability for certain conduct of persons released from confinement; proposing coding for new law in Minnesota Statutes, chapter 147.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[147.231] RELEASED PERSONS; PRESCRIPTIONS.**

(a) Subject to paragraph (b), a physician, physician assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing is not civilly liable for conduct of a former prisoner or civilly committed person that is related to the use or nonuse of medicines prescribed by the physician, physician assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing before the prisoner's or committed person's release. This limitation on liability applies during the period from release from confinement until the former prisoner or committed person is scheduled to receive new medicines pursuant to a new prescription written after the release.

(b) In order for paragraph (a) to apply, the person must have made the prescription in good faith, within the scope of lawful practice, and with reasonable care.

Sec. 2. Minnesota Statutes 2004, section 604A.31, is amended by adding a subdivision to read:

Subd. 2a. **Prescriptions for released persons.** A physician, physician assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing who prescribes drugs for a prisoner or committed person is immune from liability for conduct of that person related to the use or nonuse of medicine as provided in section 147.231."

Delete the title and insert:

"A bill for an act relating to civil actions; limiting liability for certain conduct of persons released from confinement; amending Minnesota Statutes 2004, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 2812, A bill for an act relating to public safety; establishing procedures to secure blood testing of individuals whose bodily fluids contact peace officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Dorman from the Committee on Capital Investment to which was referred:

H. F. No. 2959, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.11, subdivision 1; 16A.86, subdivisions 2, 4; 86A.05, subdivision 3; Laws 2005, chapter 20, article 1, sections 7, subdivision 14; 23, subdivision 12; proposing coding for new law in Minnesota Statutes, chapters 16B; 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **CAPITAL IMPROVEMENT APPROPRIATIONS.**

The sums shown in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by the Minnesota Constitution, article XI, section 5, paragraphs (b) to (j), or article XIV. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned subject to Minnesota Statutes, section 16A.642.

SUMMARY

<u>UNIVERSITY OF MINNESOTA</u>	<u>\$121,333,000</u>
<u>MINNESOTA STATE COLLEGES AND UNIVERSITIES</u>	<u>187,690,000</u>
<u>PERPICH CENTER FOR ARTS EDUCATION</u>	<u>1,051,000</u>
<u>EDUCATION</u>	<u>16,000,000</u>
<u>MINNESOTA STATE ACADEMIES</u>	<u>2,509,000</u>
<u>NATURAL RESOURCES</u>	<u>100,951,000</u>
<u>POLLUTION CONTROL AGENCY</u>	<u>15,800,000</u>
<u>BOARD OF WATER AND SOIL RESOURCES</u>	<u>9,200,000</u>
<u>AGRICULTURE</u>	<u>1,500,000</u>
<u>ZOOLOGICAL GARDEN</u>	<u>9,000,000</u>
<u>ADMINISTRATION</u>	<u>10,912,000</u>
<u>CAPITOL AREA ARCHITECTURAL PLANNING</u>	<u>1,800,000</u>
<u>MILITARY AFFAIRS</u>	<u>8,629,000</u>

<u>TRANSPORTATION</u>	144,500,000
<u>METROPOLITAN COUNCIL</u>	20,991,000
<u>HUMAN SERVICES</u>	57,821,000
<u>VETERANS HOMES BOARD</u>	16,646,000
<u>CORRECTIONS</u>	43,679,000
<u>EMPLOYMENT AND ECONOMIC DEVELOPMENT</u>	125,304,000
<u>HOUSING FINANCE AGENCY</u>	8,000,000
<u>MINNESOTA HISTORICAL SOCIETY</u>	5,572,000
<u>GRANTS TO POLITICAL SUBDIVISIONS</u>	90,037,000
<u>BOND SALE EXPENSES</u>	945,000
<u>TOTAL</u>	\$999,870,000
<u>Bond Proceeds Fund (General Fund Debt Service)</u>	862,773,000
<u>Bond Proceeds Fund (User Financed Debt Service)</u>	50,597,000
<u>Maximum Effort School Loan Fund</u>	4,000,000
<u>State Transportation Fund</u>	82,500,000
	APPROPRIATIONS
	\$

Sec. 2. **UNIVERSITY OF MINNESOTA**

Subdivision 1. To the Board of Regents of the University of Minnesota for the purposes specified in this section 121,333,000

Subd. 2. **Higher Education Asset Preservation and Replacement (HEAPR)** 30,000,000

For the purposes under Minnesota Statutes, section 135A.046, for use systemwide.

Subd. 3. **Duluth Campus Labovitz School of Business** 15,333,000

To construct, furnish, and equip a new building for the Labovitz School of Business and Economics to include classrooms, offices, teaching laboratories, student services, administrative support services, and utility upgrades.

APPROPRIATIONS
\$

Subd. 4. Twin Cities Campus

(a) Carlson School of Management 26,600,000

To design and construct a new facility to include classrooms, teaching laboratories, student services, administrative support services, and office space for the Department of Economics.

(b) Medical Biosciences Building Phase 1 and utility upgrade 40,000,000

To design and construct a new medical biosciences building to include research laboratories, lab support facilities, faculty offices, and support services. Necessary utility upgrades are included.

(c) Science Teaching and Student Service Center 4,100,000

To design and construct a new classroom and student services center to include science demonstration classrooms and university-wide student services. Demolition of the Science Classroom Building is included.

Subd. 5. University Research Centers

(a) Cedar Creek Natural History Area, East Bethel 500,000

To construct new housing for students and faculty, including visiting faculty and researchers.

(b) Cloquet Forestry Center Classroom Addition 500,000

To design and construct an addition to the administration building for offices, expanded classrooms, and educational support services. Included are HVAC upgrades.

(c) West Regional Outreach Center, Morris

(1) To design and construct an addition to the Administration Building for increased educational and office space 1,800,000

(2) To construct, furnish, and equip a facility for the wind energy to hydrogen to anhydrous ammonia pilot project 2,500,000

Subd. 6. Land Transfer; Dakota County Technical College

Appropriations under this section are not available until the commissioner of finance has determined that the Board of Regents has transferred to the state of Minnesota, for the Board of Trustees

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of Minnesota State Colleges and Universities, the 105-acre parcel of land adjacent to the Dakota Technical College that is currently used for the decision driving course.

Subd. 7. University Share

Except for Higher Education Asset Preservation and Replacement (HEAPR) under subdivision 2, the appropriations in this section are intended to cover approximately two-thirds of the cost of each project. The remaining costs must be paid from university sources.

Subd. 8. Unspent Appropriations

Upon substantial completion of a project authorized in this section and after written notice to the commissioner of finance, the Board of Regents must use any money remaining in the appropriation for that project for HEAPR under Minnesota Statutes, section 135A.046. The Board of Regents must report by February 1 of each even-numbered year to the chairs of the house and senate committees with jurisdiction over capital investments and higher education finance, and to the chairs of the house Ways and Means Committee and the senate Finance Committee, on how the remaining money has been allocated or spent.

Sec. 3. **MINNESOTA STATE COLLEGES AND UNIVERSITIES** 187,690,000

Subdivision 1. To the Board of Trustees of the Minnesota State Colleges and Universities for the purposes specified in this section.

Subd. 2. Higher Education Asset Preservation and Replacement 40,000,000

This appropriation is for the purposes specified in Minnesota Statutes, section 135A.046, including safety and statutory compliance, envelope integrity, mechanical systems, and space renovation.

Subd. 3. Bemidji State University Sattgast Science Hall Design 700,000

To design an addition to and renovation of Sattgast Science Hall.

Subd. 4. Century College Science and Library Building 19,900,000

To construct, furnish, and equip a new science instruction and learning resource center building on the east campus in Phase 1.

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Subd. 5. Fond du Lac Tribal and Community College Library and Cultural Center Addition 12,390,000

To construct, furnish, and equip an addition and a renovation for a library and learning resource center, and an addition for law enforcement, nursing education, cultural center, and related spaces.

Subd. 6. Inver Hills Community College Fine Arts Building Addition 700,000

To design a classroom addition to and renovation of the Fine Arts building.

Subd. 7. Lake Superior College 840,000

To design a two-phased project to construct a health and science center addition and to renovate existing spaces.

Subd. 8. Minneapolis Community and Technical College Science and Health Renovation 18,874,000

To complete the design of and to renovate, furnish, and equip spaces for science, nursing, and allied healthcare programs to include classrooms, laboratories, and ancillary spaces, in cooperation with Metropolitan State University. To renovate, furnish, and equip science laboratories in Kopp Hall for general classroom instruction.

Subd. 9. Minnesota State College - Southeast Technical, Red Wing Library and Student Services Renovation 4,855,000

To complete design, and to renovate, furnish, and equip spaces for library, learning resource center, information technology, student services and commons, bookstore, administration, music instrument repair, and allied health classrooms and laboratories, and to construct an entryway addition.

Subd. 10. Minnesota State University, Mankato, Trafton Hall Addition 32,900,000

To construct, furnish, and equip an addition for classrooms, science laboratories, and related offices, and to renovate, furnish, and equip Trafton Hall North in Phase 1. University funds may be added to this appropriation up to a total cost of \$33,250,000.

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Subd. 11. Minnesota State University, Moorhead

(1) MacLean Hall renovation 9,680,000

To renovate, furnish, and equip MacLean Hall for classrooms, laboratories, and related offices, and construct a new exterior stairwell.

(b) Lommen Hall 600,000

To design the renovation of Lommen Hall.

Subd. 12. Normandale Community College Classroom Addition and Renovation 5,125,000

To design, construct, renovate, furnish, and equip a Phase 1 classroom addition and renovation and to design a Phase 2 classroom addition and renovation.

Subd. 13. North Hennepin Community College 700,000

To design a Business and Technology Building addition and the renovation of the Career and Continuing Education Building.

Subd. 14. Northland Community and Technical College at East Grand Forks 600,000

To design a nursing addition and renovation of spaces for allied health laboratories, library, learning resource center, student commons, bookstore, classrooms, ancillary spaces, and boiler system expansion.

Subd. 15. St. Cloud State University

(a) Robert A. Wick Science Building 14,000,000

To construct, furnish, and equip an addition and renovation for classrooms, science laboratories, and related offices in Phase 1.

(b) Riverview Hall Renovation 4,500,000

To renovate, furnish, and equip Riverview Hall for general and technology-enhanced classrooms and ancillary spaces.

Subd. 16. St. Paul College Applied Science Renovation Design 3,000,000

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To design the renovation of classrooms, applied technology, and trades laboratories on the ground floor, and an addition to the mechanics shop and to design and construct replacement of the main campus electrical distribution system in Phase 1.

Subd. 17. Systemwide Initiatives

(a) Demolition 1,600,000

To demolish obsolete buildings or portions of buildings on campuses statewide. The board need not pay debt service for the appropriation in this subdivision.

(b) Science labs and workforce initiatives 5,140,000

To renovate, furnish, and equip teaching laboratories and classrooms for science and applied technology at campuses statewide. Campuses may use nonstate funds to increase the size of the projects.

Subd. 18. Winona State University

(a) Maxwell Hall renovation 11,186,000

To design, renovate, furnish, and equip Maxwell Hall for classrooms, offices, a National Child Protection Center and related spaces and to design, renovate, furnish, and equip vacated spaces in Somsen, Phelps, and Gildemeister Halls.

(b) Memorial Hall Design 400,000

To design an addition to Memorial Hall and renovation of vacated spaces at Gildemeister Hall. The board may use nonstate funds for the remainder of the cost of the design up to a total cost of \$785,000.

Subd. 19. Debt Service

The board shall pay the debt service on one-third of the principal amount of state bonds sold to finance projects authorized by this section, except for subdivisions 2 and 18, paragraph (b), and except that, where a nonstate match is required, the debt service is due on a principal amount equal to one-third of the total project cost, less the match committed before the bonds are sold. After each sale of general obligation bonds, the commissioner of finance shall notify the board of the amounts assessed for each year of the life of the bonds.

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Subd. 20. Unspent Appropriations

(a) Upon substantial completion of a project authorized in this section and after written notice to the commissioner of finance, the Board of Trustees must use any money remaining in the appropriation for that project for HEAPR under Minnesota Statutes, section 135A.046. The Board of Trustees must report by February 1 of each even-numbered year to the chairs of the house and senate committees with jurisdiction over capital investments and higher education finance, and to the chairs of the house Ways and Means Committee and the senate Finance Committee, on how the remaining money has been allocated or spent.

(b) The unspent portion of an appropriation for a project in this section that is complete, is available for higher education asset preservation and replacement under this subdivision, at the same campus as the project for which the original appropriation was made and the debt service requirement under subdivision 19 is reduced accordingly. Minnesota Statutes, section 16A.642, applies from the date of the original appropriation to the unspent amount transferred.

Sec. 4. PERPICH CENTER FOR ARTS EDUCATION

1,051,000

To the commissioner of administration for campus asset preservation at the Perpich Center for Arts Education, including sewer line replacement, air conditioning, reroofing of the east half of the main school building, and sidewalk and paving improvements, to be spent in accordance with Minnesota Statutes, section 16B.307.

Sec. 5. MINNESOTA DEPARTMENT OF EDUCATION

16,000,000

Subdivision 1. To the commissioner of education for the purposes specified in this section.

Subd. 2. Nett Lake Maximum Effort Capital Loan

4,000,000

For a capital loan to Independent School District No. 707, Nett Lake, as provided in Minnesota Statutes, sections 126C.60 to 126C.72. It is the intent of the legislature that this appropriation fully completes the funding for construction and renovation costs and related improvements to the district's kindergarten through grade 6 facilities. This appropriation must be spent on educationally related facilities and must not be used for community facilities or other noneducational purposes.

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Subd. 3. Library Accessibility and Improvement Grants 2,000,000

For library accessibility and improvement grants according to Minnesota Statutes, section 134.45.

Subd. 4. MacPhail Center for Music 5,000,000

(a) For a grant to the city of Minneapolis to predesign, design, construct, furnish, and equip a new facility for the MacPhail Center for Music. The city of Minneapolis may enter into a lease or management agreement to operate the center, subject to Minnesota Statutes, section 16A.695. This appropriation shall not be available until the city of Minneapolis has determined that not less than \$16,000,000 has been committed to the MacPhail Center for Music from nonstate sources, and that the available funds are sufficient to complete a functional facility. "Nonstate sources," for purposes of this project, means a source other than a direct state appropriation for construction of this facility and may include loan funds. Funds secured prior to the date of enactment are eligible to count toward the required commitment of nonstate sources, provided they are used for qualified capital expenditures. Any land acquisition cost paid by the MacPhail Center For Music shall qualify as a capital expenditure.

(b) The city of Minneapolis may provide funds to predesign, design, construct, furnish, and equip a center for music education, including classrooms and a recital hall in the city of Minneapolis, to provide a facility for education of students, music therapy programs for persons with disabilities, music teacher training opportunities, curriculum and program development, and to provide such programming in public and private schools and in partnership with other organizations throughout the state.

Subd. 5. Cooperative Facilities Grants 5,000,000

For cooperative facilities grants to qualifying school districts under Minnesota Statutes, sections 123A.441 to 123A.446.

Sec. 6. MINNESOTA STATE ACADEMIES 2,509,000

For asset preservation on both campuses of the academies, to be spent in accordance with Minnesota Statutes, section 16B.307.

Sec. 7. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section 100,951,000

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Subd. 2. Flood Hazard Mitigation Grants

19,230,000

For the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. The commissioner shall determine project priorities as appropriate, based on need. This appropriation includes money for the following projects:

(a) Austin

(b) Albert Lea

(c) Crookston

(d) Canisteo Mine

(e) Delano

(f) East Grand Forks

(g) Golden Valley

(h) Grand Marais Creek

(i) Granite Falls

(j) Inver Grove Heights

(k) Manston Slough

(l) Oakport Township

(m) Riverton Township

(n) Shell Rock Watershed District

(o) St. Vincent

(p) Wild Rice River Watershed District

For any project listed in this subdivision that is not ready to proceed or does not expend all the money allocated to it, the commissioner may allocate that project's money to a project on the commissioner's priority list.

To the extent that the cost of a project in Ada, Crookston, East Grand Forks, Granite Falls, Oakport Township, St. Vincent, Breckenridge, Dawson, Montevideo, Roseau, or Warren exceeds

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two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project. The local share for the St. Vincent dike may not exceed \$30,000.

\$100,000 of this appropriation is for the state share of a flood hazard mitigation grant under Minnesota Statutes, section 103F.161, to the city of St. Vincent in Kittson County to predesign renovation of the existing dike on the Red River of the North to a condition sufficient to earn certification from the U.S. Army Corps of Engineers that the dike will protect the city from a 100-year flood.

Subd. 3. Dam Repair, Reconstruction, and Removal 3,000,000

To repair, reconstruct, or remove publicly owned dams according to Minnesota Statutes, sections 103G.511 and 103G.515.

Of this amount, \$250,000 is for a grant to the city of Kenyon for the Kenyon embankment removal project.

Subd. 4. Wildlife Area Land Acquisition and Improvement 18,000,000

To acquire and improve land for wildlife management area purposes under Minnesota Statutes, section 86A.05, subdivision 8.

Subd. 5. Large Scale Forest Conservation Easements 8,000,000

To acquire conservation easements as described under Minnesota Statutes, chapter 84C, on private forest lands. The conservation easements must guarantee public access, including hunting and fishing.

Subd. 6. State Park Infrastructure Rehabilitation and Natural Resource Restoration 3,000,000

For infrastructure rehabilitation and natural resource restoration projects within state parks established under Minnesota Statutes, section 85.012, and state recreation areas established under Minnesota Statutes, section 85.013.

Of this amount, \$50,000 is for electrical, sewer, and water hookups at Monson Lake State Park.

Subd. 7. State Park Building Construction and Rehabilitation 3,000,000

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To construct a visitor center at Grand Portage State Park, and to renovate buildings in state parks and state recreation areas in accordance with a management plan required in Minnesota Statutes, chapter 86A.

Subd. 8. **Fisheries Acquisition and Improvement** 4,000,000

To acquire land and interests in land for aquatic management areas and to make public improvements and betterments of a capital nature to aquatic management areas established under Minnesota Statutes, section 86A.05, subdivision 14.

Subd. 9. **State Land Reforestation** 4,000,000

For reforestation activities under Minnesota Statutes, section 89.002, subdivision 2, including planting, seeding, site preparation, and purchasing tree seeds and seedlings.

Subd. 10. **State Forest Land Acquisition** 2,000,000

To acquire private lands within state forests established under Minnesota Statutes, section 89.021.

Subd. 11. **State Park and Recreation Area Acquisition** 3,000,000

To acquire high priority private lands within state parks established under Minnesota Statutes, section 85.012, and state recreation areas established under Minnesota Statutes, section 85.013.

Subd. 12. **Scientific and Natural Area Acquisition and Development** 3,000,000

To acquire land for scientific and natural areas and for protection and improvements of a capital nature to scientific and natural areas under Minnesota Statutes, section 84.033.

Subd. 13. **Water Access Acquisition and Betterment of Fishing Piers** 3,000,000

For public water access acquisition, renovation, and construction projects of a capital nature on lakes and rivers, including water access through the provision of fishing piers and shoreline access under Minnesota Statutes, section 86A.05, subdivision 9.

Subd. 14. **State Trail Acquisition, Rehabilitation, and Repair** 9,511,000

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To acquire land for and to construct and renovate state trails under Minnesota Statutes, section 85.015.

(a) Of this amount:

(1) \$300,000 is for the Preston to Forestville State Park segment of the Blufflands Trail System;

(2) \$100,000 is for the Root River segment of the Blufflands Trail System;

(3) \$500,000 is for the Casey Jones Trail;

(4) \$400,000 is for the Cuyuna Trail;

(5) \$750,000 is for the Gateway Trail;

(6) \$1,185,000 is for the Gitchi Gami Trail;

(7) \$1,000,000 is for the Glacial Lakes Trail;

(8) \$500,000 is for the Goodhue Pioneer Trail;

(9) \$1,800,000 is for the Mill Towns Trail;

(10) \$226,000 is for the Minnesota River Trail at Big Stone;

(11) \$750,000 is for the Shooting Star Trail.

(b) \$2,000,000 is for the rehabilitation of state trails.

(c) For any project listed in this subdivision that is not ready to proceed, the commissioner may allocate that project's money to another state trail project identified in this subdivision. The chairs of the house and senate committees with jurisdiction over environment and natural resources and legislators from the affected legislative districts must be notified of any changes.

Subd. 15. Trail Connections

1,210,000

For matching grants under Minnesota Statutes, section 85.019, subdivision 4c.

\$950,000 is for a grant to the St. Louis and Lake Counties Regional Railroad Authority for land acquisition, engineering, construction, furnishing, and equipping of a 19-mile "Boundary Waters Connection" of the Mesabi Trail from Bearhead State Park to the International Wolf Center in Ely. This appropriation is contingent upon a matching contribution of \$950,000 from other sources, public or private.

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\$260,000 is to provide the state match for the cost of the Soo Line Multiuse Recreational Bridge project over marked Trunk Highway 169 in Mille Lacs County.

Subd. 16. Lake Superior Safe Harbors

2,000,000

To design and construct capital improvements to public accesses and small craft harbors on Lake Superior in cooperation with the U.S. Army Corps of Engineers.

Notwithstanding the match requirements in Laws 1998, chapter 404, section 7, subdivision 24, and Laws 2000, chapter 492, article 1, section 7, subdivision 21, the commissioner may proceed with the Two Harbors project upon securing an agreement with the U.S. Army Corps of Engineers that commits federal expenditures of at least \$4,000,000 to the project.

Subd. 17. Stream Protection and Restoration

2,000,000

For the design and construction of stream protection and restoration projects.

Subd. 18. Local Initiatives Grants

2,000,000

(1) for grants to units of government to acquire and better natural and scenic areas under Minnesota Statutes, section 85.019, subdivision 4a;

(2) for grants to units of government to acquire land and design, construct, and redevelop outdoor recreation areas under Minnesota Statutes, section 85.019, subdivision 2; and

(3) for grants to local units of government and public regional parks organizations located outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, to acquire and better land for regional parks, trails, and open space.

Improvements must be of a capital nature. Each \$3 of state grants must be matched by \$2 of nonstate funds under clause (3).

Subd. 19. Native Prairie Bank Easements and Development

1,000,000

To acquire native prairie bank easements under Minnesota Statutes, section 84.96, and to develop and restore certain tracts of prairie bank lands for which the easements are permanent.

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Subd. 20. **Water Control Structures** 1,000,000

For the rehabilitation or replacement of water control structures used to manage shallow lakes and wetlands for waterfowl habitat on wildlife management areas under Minnesota Statutes, section 86A.05, subdivision 8.

Subd. 21. **Fish Hatchery Improvements** 1,000,000

For improvements of a capital nature to renovate fish culture facilities at hatcheries owned by the state and operated by the commissioner of natural resources under Minnesota Statutes, section 97A.045, subdivision 1.

Subd. 22. **Statewide Asset Preservation** 2,000,000

For the renovation of state-owned facilities operated by the commissioner of natural resources, to be spent in accordance with Minnesota Statutes, section 16B.307. The commissioner may use this appropriation to replace buildings if that is the most cost-effective method of renovation.

Subd. 23. **Buyout Trust Fund Lands** 1,000,000

To acquire under Minnesota Statutes, section 92.121, permanent school trust lands located within the boundaries of state parks, wildlife management areas, and state recreation areas.

Subd. 24. **Forest Roads and Bridges** 1,500,000

For reconstruction, resurfacing, replacement, and construction of state forest roads and bridges under Minnesota Statutes, section 89.002.

Subd. 25. **Off-road Vehicle Recreation Area** 1,500,000

To acquire land for and construct a public off-road vehicle recreation area under Minnesota Statutes, section 86A.05, subdivision 3. Debt service on the bonds sold to acquire the off-road vehicle recreation area is annually appropriated and must be paid from the off-road vehicle account in the natural resources fund to the commissioner of finance as required by Minnesota Statutes, section 16A.643.

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Subd. 26. State Park Camper Cabins 2,000,000

To construct camper cabins and upgrade infrastructure for the cabins in state parks under Minnesota Statutes, section 85.012, and state recreation areas under Minnesota Statutes, section 85.013.

Of this amount, \$150,000 is for camper cabins at Glacial Lakes State Park and \$150,000 is for camper cabins at Sibley State Park.

Sec. 8. POLLUTION CONTROL AGENCY

Subdivision 1. To the Pollution Control Agency for the purposes specified in this section 15,800,000

Subd. 2. Closed Landfill Program 10,800,000

To design and construct remedial systems and acquire land at landfills throughout the state in accordance with the closed landfill program under Minnesota Statutes, section 115B.39.

Of this amount:

(a) \$3,650,000 is for a grant to the city of Albert Lea to construct a remediation system to clean up the soil and groundwater contamination in the North Edgewater Park, formerly the Albert Lea dump;

(b) \$7,150,000 is for a grant to the Western Lake Superior Sanitary District, established under Minnesota Statutes, chapter 458D, to design and construct an active gas extraction system and new landfill cover for a landfill gas-to-energy system.

Subd. 3. Capital Assistance Program 5,000,000

For the solid waste capital assistance grants program under Minnesota Statutes, section 115A.54. Of this amount:

(a) \$3,000,000 is for a grant to the city of Perham to design, construct, furnish, and equip a resource recovery facility in the city of Perham. This appropriation is not available until the commissioner determines that at least an equal amount has been committed to the project from nonstate sources;

(b) \$2,000,000 is for a grant to Olmsted County to upgrade and expand capacity of the county's municipal solid waste combustor serving Dodge and Olmsted Counties by designing, constructing, furnishing, and equipping a third combustion unit to provide energy to an existing city-county district energy system.

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Sec. 9. **BOARD OF WATER AND SOIL RESOURCES**

Subdivision 1. To the Board of Water and Soil Resources for the purposes specified in this section 9,200,000

Subd. 2. **RIM and CREP Conservation Easements** 2,700,000

This appropriation is to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515. This appropriation must not be used for implementation.

Subd. 3. **Wetland Replacement Due to Public Road Projects** 3,500,000

To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads, as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraphs (k) and (l).

This appropriation must not be used for implementation.

The purchase price paid for acquisition of land, fee, or perpetual easement must be the fair market value as determined by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners to acquire land and restore and create wetlands and to acquire existing wetland banking credits. Acquisition of or the conveyance of land may be in the name of the political subdivision.

Subd. 4. **Streambank, Lakeshore Erosion Control** 2,500,000

For grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside protection and restoration projects through the state cost-share program under Minnesota Statutes, section 103C.501.

Subd. 5. **Area II** 500,000

For grants to assist local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. The grants are not available until the board determines that \$1 has been committed to the project from nonstate sources for every \$3 of state grant.

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Sec. 10. <u>AGRICULTURE</u>	<u>1,500,000</u>
<u>To the commissioner of administration to construct, furnish, and equip a biosafety level 3 agriculture laboratory in the Agriculture and Health Joint Laboratory facility in St. Paul.</u>	
Sec. 11. <u>MINNESOTA ZOOLOGICAL GARDEN</u>	<u>9,000,000</u>
<u>Subdivision 1. To the Minnesota Zoological Garden for the purposes in this section.</u>	
Subd. 2. <u>Asset Preservation</u>	<u>8,000,000</u>
<u>For capital asset preservation improvements and betterments, to be spent in accordance with Minnesota Statutes, section 16B.307.</u>	
Subd. 3. <u>Master Plan</u>	<u>1,000,000</u>
<u>For implementation of the 2001 Master Plan.</u>	
Sec. 12. <u>ADMINISTRATION</u>	
Subdivision 1. <u>To the commissioner of administration for the purposes specified in this section</u>	<u>10,912,000</u>
Subd. 2. <u>Capital Asset Preservation and Replacement Account (CAPRA)</u>	<u>5,000,000</u>
<u>To be spent in accordance with Minnesota Statutes, section 16A.632.</u>	
Subd. 3. <u>Asset Preservation</u>	<u>5,862,000</u>
<u>For asset preservation projects in properties managed by the commissioner. This appropriation must be spent in accordance with Minnesota Statutes, section 16B.307.</u>	
<u>Of this amount, \$150,000 is to restore and renovate the Minnesota Peace Officers Memorial on the Capitol grounds in St. Paul.</u>	
Subd. 4. <u>Workers Memorial</u>	<u>50,000</u>
<u>To design and construct a workers memorial on the Capitol grounds in St. Paul.</u>	

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Sec. 13. **CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD**

Capitol Building 1,800,000

To renovate the dome and rotunda of the Capitol Building.

Sec. 14. **MILITARY AFFAIRS** 8,629,000

Subdivision 1. To the adjutant general for the purposes specified in this section

Subd. 2. **Asset Preservation** 5,200,000

For asset preservation improvements and betterments of a capital nature at military affairs facilities statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. **Facility Life Safety Improvements** 1,000,000

For life/safety improvements and to correct code deficiencies at military affairs facilities statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 4. **Lead Abatement and Range Conversion** 1,029,000

For lead abatement and to design, construct, furnish, and equip the current indoor firing ranges in ten National Guard Training/Community Centers for storage space, classrooms, and office space. This appropriation may be used at Training/Community Centers located in the cities of: Albert Lea, Bloomington, Brainerd, Duluth, Jackson, Montevideo, Moorhead, Rochester, Rosemount, and St. Peter.

Subd. 5. **Facility ADA Compliance** 1,400,000

For Americans with Disabilities Act (ADA) alterations to existing National Guard Training/Community Centers in locations throughout the state, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 6. **Unspent Appropriations**

The unspent portion of an appropriation for a project in this section that has been completed may be used for any other purpose authorized in this section.

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Sec. 15. **TRANSPORTATION**

Subdivision 1. To the commissioner of transportation for the purposes specified in this section 144,500,000

Subd. 2. **Local Bridge Replacement and Rehabilitation** 60,000,000

This appropriation is from the bond proceeds account in the state transportation fund as provided in Minnesota Statutes, section 174.50, to match federal money and to replace or rehabilitate local deficient bridges.

Political subdivisions may use grants made under this section to construct or reconstruct bridges, including:

(1) matching federal-aid grants to construct or reconstruct key bridges;

(2) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a;

(3) paying the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made; and

(4) paying the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than the replacement of the existing bridge.

Subd. 3. **Local Road Improvement Program** 22,500,000

This appropriation is from the bond proceeds account in the state transportation fund as provided in Minnesota Statutes, section 174.50.

\$11,250,000 is for construction and reconstruction of local roads with statewide or regional significance under Minnesota Statutes, section 174.52, subdivision 4.

\$11,250,000 is for grants to counties to assist in paying the costs of capital improvement projects on county state-aid highways under Minnesota Statutes, section 174.52, subdivision 4a.

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Subd. 4. Northstar Commuter Rail

50,000,000

To construct, furnish, and equip the Northstar commuter rail line serving Big Lake to downtown Minneapolis and to construct, furnish, and equip the extension of the Hiawatha light rail transit line from its terminus in downtown Minneapolis to a new terminus near Fifth Avenue North adjacent to the proposed downtown Minneapolis commuter rail station. This appropriation is not available until a full-funding grant agreement has been executed with the Federal Transit Administration. If the Northstar commuter rail line is extended from Big Lake to the St. Cloud area, regional rail authority members of the Northstar Corridor Development Authority who did not fund a portion of the share of capital costs from Minneapolis to Big Lake shall contribute an amount for the extension equal to the amount they would have contributed for their proportional share of the entire line from Minneapolis to the St. Cloud area.

Subd. 5. Rail Service Improvement

5,000,000

For transfer to the rail service improvement account under Minnesota Statutes, section 222.49. Of this amount:

(a) \$700,000 is for a grant to the McLeod County Railroad Authority to acquire land for and to design and construct a railroad switching yard facility in Glencoe. This appropriation is not available until the commissioner determines that funds sufficient to complete the project are committed to the project from nonstate sources.

(b) \$1,000,000 is for a grant to the Minnesota Valley Regional Rail Authority to rehabilitate up to 33 miles of railroad track from Gibbon to Norwood-Young America. The commissioner may not make the grant until the commissioner has determined that the authority has obtained a commitment for at least \$500,000 in federal funds for the project. A grant under this section is in addition to any grant, loan, or loan guarantee for this project made by the commissioner under Minnesota Statutes, sections 222.46 to 222.62.

Subd. 6. Port Development Assistance

5,000,000

For grants under Minnesota Statutes, chapter 457A. Any improvements made with the proceeds of these grants must be publicly owned.

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Subd. 7. Greater Minnesota Transit 2,000,000

For capital assistance for greater Minnesota transit systems to be used for transit capital facilities under Minnesota Statutes, section 174.24, subdivision 3c. Money from this appropriation may be used to pay up to 80 percent of the nonfederal share of these facilities.

Sec. 16. **METROPOLITAN COUNCIL**

Subdivision 1. To the Metropolitan Council for the purposes specified in this section 20,991,000

Subd. 2. I-35W Bus Rapid Transit (BRT) 8,300,000

\$3,300,000 of this appropriation is for design, preliminary engineering, and construction of passenger facilities for a Bus Rapid Transit station at 46th Street and Interstate 35W.

\$5,000,000 of this appropriation may be used to fund portions of the design, preliminary engineering, land acquisition, and construction of three park and ride facilities south of Interstate 494 to serve Bus Rapid Transit on Interstate 35W and Interstate 35. The park and ride facility locations are near Interstate 35W and 82nd Street and Interstate 35W and 98th Street in the city of Bloomington, and near Interstate 35 and County Road 46 in the city of Lakeville. The Metropolitan Council is not required to spend funds at all three sites.

Subd. 3. Central Corridor Transitway 2,500,000

For design, environmental studies, and preliminary engineering in the Central Corridor Transitway.

This appropriation may not be spent for capital improvements within a trunk highway right-of-way.

Subd. 4. Cedar Avenue Bus Rapid Transit (BRT) 5,000,000

For environmental studies, preliminary engineering, bus lane improvements, and transit station construction and improvements in the Cedar Avenue Bus Rapid Transit Corridor.

This appropriation may not be spent for capital improvements within a trunk highway right-of-way.

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Subd. 5. Metropolitan Regional Parks Capital Improvements 5,191,000

For the cost of improvements and betterments of a capital nature and acquisition by the council and local government units of regional recreational open-space lands in accordance with the council's policy plan as provided in Minnesota Statutes, section 473.147. Priority must be given to park rehabilitation and land acquisition projects.

Of this amount, \$191,000 is for a grant to the city of White Bear Lake to construct the Lake Avenue Regional Trail connecting the Highway 96 Regional Trail with Ramsey Beach.

Sec. 17. **HUMAN SERVICES**

Subdivision 1. To the commissioner of administration for the purposes specified in this section 57,821,000

Subd. 2. Moose Lake Sex Offender Treatment - Phase 1 41,321,000

To design, construct, furnish, and equip the first of two phases of additional residential, program, and ancillary service capacity for the Minnesota sex offender treatment program at Moose Lake to accommodate 400 additional patients.

Subd. 3. St. Peter Regional Treatment Center Program and Activity Building 2,500,000

To design, construct, furnish, and equip a new program and activity building on the lower campus of the St. Peter Regional Treatment Center for individuals committed as sexual psychopathic personalities, sexually dangerous persons, mentally ill, or mentally ill and dangerous.

Subd. 4. Statewide Security Upgrades 2,500,000

To provide security upgrades of a capital nature at Department of Human Services campuses statewide, including but not limited to: security fencing, control centers, electronic monitoring and perimeter security equipment, electrical distribution systems, and building security renovations.

Subd. 5. Systemwide Redevelopment, Reuse, or Demolition 7,000,000

To demolish surplus, nonfunctional, or deteriorated facilities and infrastructure or to renovate surplus, nonfunctional, or deteriorated facilities and infrastructure at Department of Human Services campuses statewide.

APPROPRIATIONS
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Subd. 6. **Systemwide Roof Renovation and Replacement** 1,500,000

For renovation and replacement of roofs at Department of Human Services facilities statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 7. **Systemwide Asset Preservation** 3,000,000

For asset preservation improvements and betterments of a capital nature at Department of Human Services facilities statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Sec. 18. **VETERANS HOMES BOARD**

Subdivision 1. To the commissioner of administration for the purposes specified in this section 16,646,000

Subd. 2. **Asset Preservation** 6,000,000

For asset preservation improvements and betterments of a capital nature at veterans homes statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. **Fergus Falls Veterans Home** 637,000

To design a 21-bed special care unit to treat individuals with Alzheimer's disease or dementia.

Subd. 4. **Hastings Veterans Home Supportive Housing** 6,953,000

To design, construct, furnish, and equip 30 units of permanent supportive housing for veterans with disabilities.

Subd. 5. **Luverne Veterans Home** 599,000

To complete the design, construction, furnishing, and equipping of an addition to the nursing care facility, to be used as an Alzheimer's/dementia program, dining, and wander area.

Subd. 6. **Minneapolis Veterans Home** 2,457,000

To upgrade the emergency power system to make it code compliant and add emergency power outlets to Building 17.

APPROPRIATIONS
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Sec. 19. **CORRECTIONS**

Subdivision 1. To the commissioner of administration for the purposes specified in this section 43,679,000

Subd. 2. **Asset Preservation** 7,000,000

For improvements and betterments of a capital nature at Minnesota correctional facilities statewide, in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. **Minnesota Correctional Facility - Faribault, Phase 2** 3,000,000

To design, construct, furnish, and equip an expansion at the Minnesota Correctional Facility - Faribault, to include, but not be limited to, one new 416-bed, double-bunked, wet-celled lockable living unit; renovation of an existing living unit into a long-term care housing unit; additional programming space; and demolition of one vacated unit.

Subd. 4. **Minnesota Correctional Facility - Lino Lakes Medical Building** 2,494,000

To design, renovate, furnish, and equip the southeast portion of the B building to provide consolidated health, dental, and psychological services to offenders at the facility.

Subd. 5. **Minnesota Correctional Facility - Red Wing Education Building** 6,230,000

To design, construct, furnish, and equip a new vocational educational education building with a combined classroom and shop complex.

Subd. 6. **Minnesota Correctional Facility - Shakopee, Facility expansion** 5,375,000

To design, construct, furnish, and equip an addition to accommodate 92 beds.

Subd. 7. **Minnesota Correctional Facility - Stillwater, Phase 2** 19,580,000

To complete design, construct, furnish, and equip a new 150-bed segregation unit.

APPROPRIATIONS
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Sec. 20. **EMPLOYMENT AND ECONOMIC DEVELOPMENT**

Subdivision 1. To the commissioner of employment and economic development or other named agency for the purposes specified in this section 125,304,000

Subd. 2. **State Match for Federal Grants** 38,800,000

(a) To the Public Facilities Authority:

(1) to match federal grants for the water pollution control revolving fund under Minnesota Statutes, section 446A.07; and

(2) to match federal grants for the drinking water revolving fund under Minnesota Statutes, section 446A.081.

(b) The expenditure and allocation of state matching money between funds described in paragraph (a), clauses (1) and (2), must ensure that the matching funds required for the drinking water revolving fund are available to match the 2007 and 2008 federal grants, with the balance to be made available to the water pollution control revolving fund.

(c) This appropriation must be used for qualified capital projects.

Subd. 3. **Wastewater Infrastructure Funding Program** 23,000,000

(a) To the Public Facilities Authority for grants and loans to eligible municipalities under the wastewater infrastructure program established in Minnesota Statutes, section 446A.072.

To the greatest practical extent, the authority must use the appropriation for projects on the 2006 project priority list in priority order for qualified applicants that submit plans and specifications to the Pollution Control Agency or receive a funding commitment from USDA Rural Economic and Community Development by June 30, 2007, or for projects on the 2007 project priority list in priority order to qualified applicants that submit plans and specifications to the Pollution Control Agency or have received a funding commitment from USDA Rural Economic and Community Development by December 31, 2007.

(b) The grants listed in this paragraph are not subject to the 2006 and 2007 project priority lists, nor to the limitations on grant amounts set forth in Minnesota Statutes, section 446A.072, subdivision 5a.

APPROPRIATIONS

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Up to \$6,500,000 of the appropriation in this subdivision is for corrective action on systems built since 2000 with federal USDA Rural Economic and Community Development funds or Small Cities Development program grant funding that are problematic or failing for the cities of: Wolf Lake, Donaldson, Strandquist, Nerstrand, Darfur, Spring Hill, Tamarack, and Palisade. A grant must not exceed the amount of federal money used in the project unless, upon consultation with the Minnesota Pollution Control Agency, the consulting engineers, and other reliable technical experts, the authority determines the best course of action to correct the problem would exceed that amount and that other grant funding is not available. Up to \$500,000 is available for the cities of Dunnell, Dumont, Henriette, Lewisville, McGrath, and Ostrander to cover necessary and appropriate costs over and above the funds appropriated in Laws 2005, chapter 20, article 1, section 23, subdivision 3.

(c) \$3,000,000 of the appropriation in this subdivision is for a grant to the city of Askov to acquire land for, and to design, construct, furnish, and equip a new wastewater treatment facility and sewer and water extensions in the city of Askov.

(d) \$5,955,000 is for grants and loans to Lake Township in Roseau County for the following purposes:

(1) \$4,000,000 is for a grant to design, construct, furnish, and equip wastewater treatment plants at three sites.

(2) \$1,955,000 is for a loan from the water pollution control revolving fund established under Minnesota Statutes, section 446A.07, to design, construct, furnish, and equip wastewater treatment plants at three sites.

Of the combined grant and loan amounts in clauses (1) and (2), \$2,820,000 is for the wastewater treatment system at Northern Lights Mobile Home Park and Warroad Estates, \$1,524,000 is for the wastewater treatment system at Springsteel Island, and \$1,611,000 is for the wastewater treatment system at Lakewood Mobile Home Park. The Public Facilities Authority shall have discretion to allocate grant and loan amounts among these three projects consistent with this provision.

Subd. 4. Greater Minnesota Business Development Infrastructure Grant Program

15,800,000

For grants under Minnesota Statutes, section 116J.431.

APPROPRIATIONS
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Of this amount, \$250,000 is for a grant to Polk County to build approximately one mile of ten-ton road to provide access to a new ethanol plant outside of the city of Erskine.

Of this amount, \$1,400,000 is for a grant to the city of LaCrescent for public infrastructure made necessary by the reconstruction of a highway and a bridge.

Subd. 5. Redevelopment Account 15,000,000

For purposes of the redevelopment account under Minnesota Statutes, section 116J.571.

Subd. 6. Bioscience Business Development Public Infrastructure Grant Program 16,700,000

For purposes of the Minnesota bioscience business development public infrastructure grant program under Minnesota Statutes, section 116J.435. Of this amount:

(a) \$8,000,000 is for a grant to the city of Rochester for public infrastructure improvements for a Bioscience Development Center in the city of Rochester.

(b) \$3,700,000 is for a grant to the city of St. Paul to predesign, design, construct, furnish, and equip transportation, development, and redevelopment infrastructure required to support bioscience development in the St. Paul Bioscience Corridor.

(c) \$5,000,000 is for grants to political subdivisions to predesign, design, construct, furnish, and equip publicly owned infrastructure required to support bioscience development in Minnesota outside of the counties of Anoka, Carver, Dakota, Hennepin, Olmsted, Ramsey, Scott, and Washington.

Subd. 7. Workforce Center Renovations 1,004,000

For renovation of the Workforce Center in North Minneapolis. Renovations include exterior sheathing, mold remediation, electrical service upgrades, window replacement, overhead sprinklers, alley drainage, ADA compliance costs, and other costs necessary to repair water damage.

Subd. 8. Total Maximum Daily Load (TMDL) Grants 3,000,000

To the Public Facilities Authority for total maximum daily load grants under Minnesota Statutes, section 446A.073.

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Subd. 9. Clean Water Legacy

12,000,000

To the Public Facilities Authority for the purposes specified in this subdivision.

(a) \$7,000,000 is for the phosphorus reduction grant program for grants under Minnesota Statutes, section 446A.074. A grant must not exceed \$500,000 per project.

(b) \$1,000,000 is for the small community wastewater treatment fund for loans and grants under Minnesota Statutes, section 446A.075.

(c) \$4,000,000 is for the water pollution control revolving fund under Minnesota Statutes, section 446A.07, for wastewater treatment and stormwater projects.

Sec. 21. HOUSING FINANCE AGENCY

Subdivision 1. To the commissioner of the Housing Finance Agency for the purposes specified in this section

8,000,000

Subd. 2. Transitional housing

4,000,000

For loans or grants for publicly owned temporary or transitional housing under Minnesota Statutes, section 462A.201, subdivision 2.

Subd. 3. Supportive Housing for Long-term Homeless

4,000,000

For loans and grants for publicly owned permanent rental housing under Minnesota Statutes, section 462A.202, subdivision 3a, for persons who either have been without a permanent residence for at least 12 months or on at least four occasions in the last three years, or who are at significant risk of lacking a permanent residence for at least 12 months or on at least four occasions in the last three years. The housing must provide or coordinate with linkages to services necessary for residents to maintain housing stability and maximize opportunities for education and employment.

Sec. 22. MINNESOTA HISTORICAL SOCIETY

Subdivision 1. To the Minnesota Historical Society for the purposes specified in this section

5,572,000

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Subd. 2. Historic Sites Asset Preservation 4,000,000

For capital improvements and betterments at state historic sites, buildings, landscaping at historic buildings, exhibits, markers, and monuments, to be spent in accordance with Minnesota Statutes, section 16B.307. The society shall determine project priorities, as appropriate, based on need.

Subd. 3. County and Local Preservation Grants 1,000,000

To be allocated to county and local jurisdictions as matching money for historic preservation projects of a capital nature. Grant recipients must be public entities and must match state funds on at least an equal basis. The facilities must be publicly owned.

Subd. 4. Minnesota History Center Visitor Services Upgrades 572,000

For security upgrades and facility renovations in the library and for electrical infrastructure upgrades.

Sec. 23. GRANTS TO POLITICAL SUBDIVISIONS

Subdivision 1. To the commissioner of the agency named in each subdivision for the purposes specified in this section 90,037,000

Subd. 2. Bemidji Regional Events Center 3,000,000

To the commissioner of employment and economic development for a grant to the city of Bemidji for predesign, design, and site development of a regional event center.

Subd. 3. Bloomington; Old Cedar Avenue Bridge 300,000

To the commissioner of natural resources for a grant to the city of Bloomington to renovate the old Cedar Avenue bridge to serve as a hiking and bicycling trail connection.

Subd. 4. Burnsville; Water Treatment Plant 3,000,000

To the Public Facilities Authority for a grant to the city of Burnsville to design, construct, furnish, and equip a water treatment facility to provide an additional potable water source for the city of Burnsville using water from the Burnsville quarry. This appropriation is not available until the commissioner of finance has determined that at least \$6,000,000 is available in matching funds from nonstate sources. Amounts spent since January 1, 2002, to plan, design, and construct this project may be counted as part of the nonstate match.

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Subd. 5. Central Iron Range Sanitary Sewer District Treatment Facilities 2,500,000

To the Public Facilities Authority to make a grant to the Central Iron Range Sanitary Sewer District to design, construct, and equip an expansion of wastewater treatment at Hibbing's South Wastewater Treatment Plant, mercury treatment facilities at the plant, and sanitary sewer lines to connect Hibbing, Chisholm, and Buhl to use the upgrades at the plant.

Subd. 6. Dakota County Public Safety Center 1,000,000

To the commissioner of public safety for a grant to Dakota County for environmental studies, engineering, land acquisition, and construction of a multijurisdictional public safety support center in Dakota County.

Subd. 7. Dakota County; Empire Wetlands 7,000,000

To the Metropolitan Council to acquire land for the Empire Wetlands Wildlife Area and Regional Park in Dakota County.

Subd. 8. Duluth Lake Superior Zoo 600,000

To the commissioner of employment and economic development for a grant to the city of Duluth to predesign, design, construct, furnish, and equip renovations to the polar bear exhibit at the Lake Superior Zoo. This appropriation is not available until the commissioner of finance determines that at least \$200,000 is committed to the project from nonstate sources.

Subd. 9. Duluth Entertainment and Convention Center 3,000,000

To the commissioner of employment and economic development for a grant to the city of Duluth to design, construct, furnish, and equip an approximately 217,446-square-foot arena at the Duluth Entertainment and Convention Center. The arena must include an ice rink of at least 200 feet by 85 feet; trade show and concert space; seating capacity for at least 6,630 with suites, club seats, and concessions; state-of-the-art locker and training facilities; and accessible and expanded media space.

This appropriation is not available until the commissioner of finance has determined: (1) that at least an equal amount is committed to the project from nonstate sources, including an annual payment from the University of Minnesota, Duluth, of at least \$455,000 for the life of the bonds issued by the city of Duluth for the project and an annual payment from the Duluth

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Entertainment and Convention Center of at least \$461,000 for the life of the bonds issued by the city of Duluth for the project; and (2) the University of Minnesota, Duluth, and the city of Duluth have entered into a lease agreement for the University's use of the arena for the life of the bonds issued by the city.

Subd. 10. Hennepin County, Lowry Avenue Corridor 5,000,000

To the commissioner of employment and economic development for a grant to Hennepin County for Phase II capital improvements to the Lowry Avenue corridor from Theodore Wirth Parkway to Girard Avenue in Minneapolis.

Subd. 11. Hennepin, Cedar Lakes Trail 1,800,000

To the commissioner of natural resources for a grant to Hennepin County to complete the Cedar Lakes Trail.

Subd. 12. Itasca Steel Mill DRI 9,000,000

To the commissioner of employment and economic development for a grant to Itasca County to acquire right-of-way and mitigate loss of wetlands and runoff of storm water, to predesign, design, construct, and equip roads and rail lines, and, in cooperation with a city and the city's public utility, to predesign, design, construct, and equip natural gas pipelines, water supply systems, and wastewater collection and treatment systems.

Subd. 13. Koochiching RECAP 2,500,000

To the commissioner of the Pollution Control Agency for a grant to Koochiching County to prepare a site for and to design, construct, and equip a plasma torch gasification facility that converts municipal solid waste into energy and slag, reducing the need to dispose of the waste in a landfill. The facility must be located in the city of International Falls.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed to the project from nonstate sources.

Subd. 14. Lewis and Clark Water System 3,317,000

To the Public Facilities Authority for grants to the city of Luverne, city of Worthington Public Utilities, Lincoln-Pipestone Rural Water System, and Rock County Rural Water System to acquire land, predesign, design, construct, furnish, and equip one or more water transmission and storage facilities to accommodate the connection with the Lewis and Clark Rural Water System, Inc., to serve southwestern Minnesota.

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The grants must be awarded to projects approved by the Lewis and Clark Joint Powers Board.

This appropriation is available only to the extent matched by at least \$1 of local money paid to the Lewis and Clark Rural Water System, Inc., for each \$1 of state money to be used to reimburse costs incurred on eligible projects.

Subd. 15. Little Falls Zoo

400,000

To the commissioner of natural resources for a grant to the city of Little Falls in Morrison County to design and construct capital improvements at the Little Falls Zoo. The capital improvements made with this appropriation must support accreditation of the Little Falls Zoo by the American Association of Zoos and Aquariums, including at a minimum construction of a veterinary quarantine area.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed to the project from nonstate sources.

Subd. 16. Minnesota Shubert Center

11,000,000

To the commissioner of administration for a grant to the city of Minneapolis to construct, furnish, and equip an atrium to create the Minnesota Shubert Center. The city of Minneapolis may enter into a lease or management agreement to operate the center, subject to Minnesota Statutes, section 16A.695.

Subd. 17. Minneapolis Lake of the Isles

2,500,000

To the commissioner of employment and economic development to make a grant to the Minneapolis Park and Recreation Board to mitigate flooding at Lake of the Isles in the city of Minneapolis. Funds appropriated by this section must be used for shoreline stabilization and restoration, dredging, wetland replacement, and other infrastructure improvements necessary to deal with the 1997 flood damage and to prevent future flooding.

Subd. 18. Ramsey County, Union Depot

1,000,000

To the commissioner of employment and economic development for a grant to the Ramsey County Regional Railroad Authority to acquire land and structures, to refurbish structures, and to initiate planning, engineering, and environmental work to renovate the Union Depot for use as a multimodal transit center in St. Paul.

APPROPRIATIONS
\$**Subd. 19. Redwood Falls, Reservoir**800,000

To the commissioner of the Pollution Control Agency for a grant to the Redwood-Cottonwood Rivers control area, a joint powers entity, to predesign, design, construct, and equip the reservoir reclamation and enhancement of the 66-acre Lake Redwood Reservoir to increase its depth from 2.8 feet to 15 feet to remove 650,000 cubic yards of sediment, to attain compliance with both turbidity and fecal coliform impairments for the project area, and to secure renewable energy capacity of the hydroelectric dam which is impeded by lack of water capacity.

The appropriation is not available until the commissioner determines that an amount sufficient to complete the project has been committed to the project from nonstate sources. The nonstate portion will provide low-interest loans for 173 noncompliant septic systems that are imminent health threats and provide technical assistance to reduce phosphorus loading to the Redwood River to assist total maximum daily load (TMDL) compliance of the low-dissolved oxygen impairment on the lower Minnesota River.

Subd. 20. Rochester, Southeast Minnesota Regional Public Safety Training Center1,700,000

To the commissioner of administration for a grant to the city of Rochester for Phase I of the Southeast Minnesota Regional Public Safety Training Center to construct a fire and police training tower, including a staging building, roadway, and utilities, adjacent to the existing National Guard facility located in Rochester.

The appropriation is not available until the commissioner determines that an equal amount has been committed to the project from nonstate sources.

Subd. 21. Roseville500,000

To the commissioner of employment and economic development for a grant to the city of Roseville to predesign, design, construct, furnish, and equip the renovation of the John Rose Minnesota Oval.

Subd. 22. Scott County Public Safety Training Center1,000,000

To the commissioner of public safety for a grant to Scott County to design, construct, furnish, and equip a regional public safety training facility to be located in Scott County.

APPROPRIATIONS
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Subd. 23. **Southwest Regional Event Center** 12,000,000

To the Board of Trustees of the Minnesota State Colleges and Universities to design, construct, furnish, and equip a multipurpose regional event center at Southwest Minnesota State University.

This appropriation is not available until the board determines that at least \$5,000,000 has been committed to the project from private, nongovernmental sources.

Subd. 24. **St. Paul Como Zoo** 10,000,000

To the Metropolitan Council for a grant to the city of St. Paul to predesign, design, construct, furnish, equip, and redevelop infrastructure at the Como Zoo.

Subd. 25. **St. Paul National Great River Park** 2,500,000

To the commissioner of employment and economic development for a grant to the city of St. Paul to predesign, design, construct, furnish, and equip river park development and redevelopment infrastructure of the National Great River Park in St. Paul.

Subd. 26. **Virginia Medical Helipad** 750,000

To the commissioner of employment and economic development for a grant to the city of Virginia to design, construct, furnish, and equip an access elevator and a helipad to be located on the roof of the Virginia Regional Medical Center.

Subd. 27. **Town of White, Road** 400,000

To the commissioner of transportation for a grant to the town of White for: (1) the design and construction of a new paved road to provide access between the city of Aurora and the Giants Ridge recreational facilities and developments on Wynne and Sabin Lakes in the city of Biwabik and improve public safety and emergency response; and (2) the connection of two existing paved recreational trails and a designated snowmobile route between County Highway 138 and marked Trunk Highway 135.

This appropriations is not available until the commissioner determines that \$288,000 has been committed to the project from nonstate sources.

APPROPRIATIONS
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Subd. 28. **Hmong Veterans Statue** 150,000

To the commissioner of veterans affairs to complete design and construction of a statue in the capitol area to honor the Hmong veterans of the war in Laos who were allied with American forces during the Vietnam War, pursuant to Laws 2003, chapter 69.

Subd. 29. **Starbase Minnesota** 150,000

To the adjutant general of the Department of Military Affairs for predesign and design of a new facility for the Starbase Minnesota program, subject to Minnesota Statutes, section 16A.695.

Subd. 30. **Prairie Wetlands ELC** 2,000,000

To the commissioner of natural resources for a grant under Minnesota Statutes, section 84.0875, to the city of Fergus Falls to predesign, design, construct, furnish, and equip the expansion of the Prairie Wetlands Environmental Learning Center.

Subd. 31. **Otter Tail River Restoration** 320,000

To the commissioner of natural resources for a grant to the city of Ottertail for design and construction of river restoration projects on the Otter Tail River. The appropriation is not available until the commissioner determines that \$80,000 has been committed to the project from nonstate sources.

Subd. 32. **Farmington Infrastructure** 850,000

To the commissioner of employment and economic development for a grant to the city of Farmington for a new water main and sewer line to serve the proposed new Farmington high school. This appropriation is contingent upon the city of Farmington and the Farmington school district reaching a general agreement on the new high school by July 15, 2006. Each dollar of state money appropriated is available as the commissioner of finance determines that at least \$2 of nonstate money is committed to the project, subject to Minnesota Statutes, section 16A.502.

Sec. 24. **BOND SALE EXPENSES** 945,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Sec. 25. **BOND SALE AUTHORIZATION.**

Subdivision 1. **Bond proceeds fund.** To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$913,370,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. **Maximum effort school loan fund.** To provide the money appropriated in this act from the maximum effort school loan fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$4,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the maximum effort school loan fund.

Subd. 3. **Transportation fund bond proceeds account.** To provide the money appropriated in this act from the state transportation fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$82,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Sec. 26. Minnesota Statutes 2004, section 16A.11, subdivision 1, is amended to read:

Subdivision 1. **When.** The governor shall submit a three-part budget to the legislature. Parts one and two, the budget message and detailed operating budget, must be submitted by the fourth Tuesday in January in each odd-numbered year. However, in a year following the election of a governor who had not been governor the previous year, parts one and two must be submitted by the third Tuesday in February. Part three, the detailed recommendations as to capital expenditure, must be submitted as follows: agency capital budget requests by ~~July 1~~ August 15 of each odd-numbered year, and governor's recommendations by January 15 of each even-numbered year. Detailed recommendations as to information technology expenditure must be submitted as part of the detailed operating budget. Information technology recommendations must include projects to be funded during the next biennium and planning estimates for an additional two bienniums. Information technology recommendations must specify purposes of the funding such as infrastructure, hardware, software, or training.

Sec. 27. Minnesota Statutes 2004, section 16A.86, subdivision 2, is amended to read:

Subd. 2. **Budget request.** A political subdivision that requests an appropriation of state money for a local capital improvement project is encouraged to submit ~~a preliminary~~ the request to the commissioner of finance by ~~June~~ July 15 of an odd-numbered year to ensure its full consideration. ~~The final request must be submitted by November 1.~~ The requests must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be forwarded to the legislature, along with agency requests, by the deadline established in section 16A.11, subdivision 1.

Sec. 28. Minnesota Statutes 2004, section 16A.86, subdivision 4, is amended to read:

Subd. 4. **Funding.** (a) The state share of a project covered by this section must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment, except as provided in paragraph (b). This subdivision does not apply to a project proposed by a school district or other school organization.

(b) The state share may be more than half the total cost of a project if the project is deemed needed as a result of a disaster or to prevent a disaster or is located in a political subdivision with a very low average net tax capacity.

(c) Nothing in this section prevents the governor from recommending, or the legislature from considering or funding, projects that do not meet the ~~deadlines~~ deadline in subdivision 2 or the criteria in this subdivision or subdivision 3 when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

Sec. 29. **[16B.307] ASSET PRESERVATION STANDARDS.**

Article XI, section 5, clause (a), of the Constitution requires that state general obligation bonds be issued to finance only the acquisition or betterment of public land, buildings, and other public improvements of a capital nature. Money appropriated for asset preservation, whether from state bond proceeds or from other revenue, is subject to the following additional limitations:

(a) An appropriation for asset preservation may not be used to acquire new land nor to acquire or construct new buildings, additions to buildings, or major new improvements.

(b) An appropriation for asset preservation may be used only for a capital expenditure on a capital asset previously owned by the state, within the meaning of generally accepted accounting principles as applied to public expenditures. The legislature assumes that many projects for preservation and replacement of portions of existing capital assets will constitute betterments and capital improvements within the meaning of the Constitution and capital expenditures under generally accepted accounting principles, and will be financed more efficiently and economically under this section than by direct appropriations for specific projects.

(c) Categories of projects considered likely to be most needed and appropriate for asset preservation appropriations are the following:

(1) projects to remove life safety hazards, like building code violations or structural defects. Notwithstanding paragraph (a), a project in this category may include an addition to an existing building if it is a required component of the hazard removal project;

(2) projects to eliminate or contain hazardous substances like asbestos or lead paint;

(3) moderate projects to replace or repair roofs, windows, tuckpointing, mechanical or electrical systems, utility infrastructure, tunnels, site renovations necessary to support building use, and structural components necessary to preserve the exterior and interior of existing buildings; and

(4) projects to renovate parking structures.

(d) Up to ten percent of an appropriation subject to this section may be used for design costs for projects eligible to be funded under this section in anticipation of future asset preservation appropriations.

Sec. 30. Minnesota Statutes 2004, section 85.013, is amended by adding a subdivision to read:

Subd. 21c. **Rollingstone Off-Road Vehicle Recreation Area.** The Rollingstone Off-Road Vehicle Recreation Area is established in Winona County.

Sec. 31. Minnesota Statutes 2004, section 86A.05, subdivision 3, is amended to read:

Subd. 3. **State recreation area; purpose; resource and site qualifications; administration.** (a) A state recreation area shall be established to provide a broad selection of outdoor recreation opportunities in a natural setting which may be used by large numbers of people.

(b) No unit shall be authorized as a state recreation area unless its proposed location substantially satisfies the following criteria:

(1) Contains natural or artificial resources which provide outstanding outdoor recreational opportunities that will attract visitors from beyond the local area;

(2) Contains resources which permit intensive recreational use by large numbers of people; and

(3) May be located in areas which have serious deficiencies in public outdoor recreation facilities, provided that state recreation areas should not be provided in lieu of municipal, county, or regional facilities.

(c) State recreation areas shall be administered by the commissioner of natural resources in a manner which is consistent with the purposes of this subdivision primarily to provide as broad a selection of opportunities for outdoor recreation as is consistent with maintaining a pleasing natural environment. Scenic, historic, scientific, scarce, or disappearing resources within state recreation areas shall be recommended for authorization as historic sites or designated scientific and natural areas pursuant to section 86A.08 to preserve and protect them. Physical development shall enhance and promote the use and enjoyment of the natural recreational resources of the area.

(d) The commissioner may acquire and establish an outdoor recreation area for off-road vehicle use.

Sec. 32. **[86A.27] ROLLINGSTONE OFF-ROAD VEHICLE RECREATION AREA; WINONA COUNTY.**

Subdivision 1. **Acquisition and management.** The commissioner of natural resources is authorized to acquire by gift or purchase the lands for the Rollingstone Off-Road Vehicle Recreation Area. The commissioner shall manage the unit as a state recreation area as provided by Minnesota Statutes, section 86A.05, subdivision 3. The commissioner or the commissioner's designee in the Trails and Waterways Division of the Department of Natural Resources shall develop and manage the area for off-road vehicle recreational use.

Subd. 2. **Management plan.** The commissioner shall develop a comprehensive management plan that provides for:

(1) recreation for off-road vehicles;

(2) protection of natural resources;

(3) limited timber management;

(4) land acquisition needs; and

(5) road and facility development.

The completed management plan shall serve as the master plan for purposes of section 86A.09.

Subd. 3. **Boundaries.** The following described lands are located within the boundaries of the Rollingstone Off-Road Vehicle Recreation Area in Winona County:

(1) Parcel ID Number R12.015.3331 in Section 32, Township 108 North, Range-008; and

(2) Parcel ID Number R12.015.3251 in Section 31, Township 108 North, Range-008.

Subd. 4. **Adopt-a-recreation area.** The commissioner shall utilize section 85.045, as much as possible in developing and operating the Rollingstone Off-Road Vehicle Recreation Area.

Subd. 5. **Feasibility study.** The Trails and Waterways Division of the Department of Natural Resources shall conduct a study to identify additional sites to expand the Rollingstone Off-Road Vehicle Recreation Area and to determine the feasibility of acquiring, developing, and connecting the sites.

Subd. 6. **Vehicles must be registered; definition.** An off-road vehicle being operated in the Rollingstone Off-Road Vehicle Recreation Area must be properly registered as an off-road vehicle under chapter 84.

Sec. 33. Minnesota Statutes 2004, section 103F.161, subdivision 3, is amended to read:

Subd. 3. **Red River basin flood mitigation projects.** (a) Notwithstanding subdivision 2, a grant for implementation of a flood hazard mitigation project in the Red River basin that is consistent with the 1998 mediation agreement and approved by the Red River flood damage reduction work group may be for up to 75 percent of the cost of the proposed mitigation measures for the Agassiz-Audubon, North Ottawa, Hay Creek, and Thief River subwatershed projects.

(b) Condemnation may not be used to acquire land for natural resource or wildlife enhancements or other measures that are not mitigation measures.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to projects funded with grants under Minnesota Statutes, section 103F.161, subdivision 3, on or after the effective date of this section and to projects that have commenced with grant money under Minnesota Statutes, section 103F.161, subdivision 3, but that have not yet been fully funded by grants under Minnesota Statutes, section 103F.161, subdivision 3, on the effective date of this section.

Sec. 34. Minnesota Statutes 2005 Supplement, section 116.182, subdivision 2, is amended to read:

Subd. 2. **Applicability.** This section governs the commissioner's certification of projects seeking financial assistance under section 103F.725, subdivision 1a; 446A.07; 446A.072; ~~or~~ 446A.073; 446A.074; or 446A.075.

Sec. 35. **[116J.435] MINNESOTA BIOSCIENCE BUSINESS DEVELOPMENT PUBLIC INFRASTRUCTURE GRANT PROGRAM.**

Subdivision 1. **Creation of account.** A Minnesota bioscience business development public infrastructure account is created in the bond proceeds fund. Money in the account may only be used for eligible costs for publicly owned property.

Subd. 2. **Definitions.** For purposes of this section:

(1) "local governmental unit" means any county, city, town, special district, or other political subdivision or public corporation;

(2) "governing body" means the council, board of commissioners, board of trustees, or other body charged with governing any local governmental unit;

(3) "public infrastructure" means publicly owned physical infrastructure necessary to support bioscience business development activities, including, but not limited to, wastewater collection and treatment, drinking water, storm sewers, utility extensions, telecommunications infrastructure, streets, roads, bridges, parking ramps, facilities that support basic science and clinical research, and research infrastructure; and

(4) "eligible project" means a public infrastructure project for which a local governmental unit may be eligible to receive a grant under this section, including: manufacturing; technology; warehousing and distribution; research and development; bioscience business incubator; agricultural bioprocessing; or industrial, office, or research park development that would be used by a bioscience-based business.

Subd. 3. **Grant program established.** (a) The commissioner shall make competitive grants to local governmental units to provide for up to 50 percent of the capital costs of public infrastructure necessary for an eligible bioscience business infrastructure development. The local governmental unit receiving a grant must provide for the remainder of the public infrastructure costs, either in cash or in kind. In-kind contributions may include the value of site preparation other than the public infrastructure needed for the project.

(b) Grants under this program may be made to local governmental units to predesign, design, acquire, and construct publicly owned infrastructure required to support bioscience development activity in this state.

(c) The purpose of the program is to keep or enhance jobs in the area, increase the tax base, or to expand or create new economic development through the growth of new bioscience businesses and organizations.

Subd. 4. **Application.** (a) The commissioner must develop forms and procedures for soliciting and reviewing applications for grants under this section. At a minimum, a local governmental unit must include the following information in its application:

(1) a resolution of its governing body certifying that the required local match is available and committed;

(2) a detailed estimate, along with necessary supporting evidence, of the total development costs for the site;

(3) an assessment of the potential or likely use of the site for bioscience activities after completion of the project;

(4) a timeline indicating the major milestones of the project and their anticipated completion dates;

(5) a commitment from the governing body to repay the grant if the milestones are not realized by the completion date identified in clause (4); and

(6) any additional information or material the commissioner prescribes.

(b) The determination of whether to make a grant for a project is within the discretion of the commissioner, subject to this section. The commissioner's decisions and application of the priorities are not subject to judicial review, except for abuse of discretion.

Subd. 5. **Priorities.** (a) If applications for grants exceed the available appropriations, grants shall be made for projects that, in the commissioner's judgment, provide the highest return in public benefits for the public costs incurred. "Public benefits" include job creation, environmental benefits to the state and region, efficient use of public transportation, efficient use of existing infrastructure, provision of affordable housing, multiuse development that constitutes community rebuilding rather than single-use development, crime reduction, blight reduction, community stabilization, and property tax base maintenance or improvement. In making this judgment, the commissioner shall give priority to projects with one or more of the following characteristics:

(1) the potential of the local governmental unit to attract viable bioscience businesses;

(2) proximity to public transit if located in a metropolitan county, as defined in section 473.121, subdivision 4;

(3) multijurisdictional projects that take into account the need for affordable housing, transportation, and environmental impact;

(4) the project is not relocating substantially the same operation from another location in the state, unless the commissioner determines the project cannot be reasonably accommodated within the local governmental unit in which the business is currently located, or the business would otherwise relocate to another state or country; and

(5) the number of jobs that will be created.

(b) The factors in paragraph (a) are not listed in a rank order of priority; rather, the commissioner may weigh each factor, depending upon the facts and circumstances, as the commissioner considers appropriate.

Subd. 6. **Local match requirement.** In order to qualify for a grant under this section, the local governmental unit must pay for at least one-half of the public infrastructure costs as a local match. The local governmental unit shall pay an amount of the project costs equal to at least 50 percent of the development project from the municipality's general fund; a special property tax levy for that purpose; tax increments; regional, state, or federal money available for the economic development; or any other money available to the local governmental unit.

Subd. 7. **Cancellation of grant.** If a grant is awarded to a local governmental unit and funds are not encumbered for the grant within four years after the award date, the grant must be canceled.

Subd. 8. **Repayment of grant.** If a project funded with a grant awarded under this section is completed, and after five years from the date of the last grant payment the site is not occupied by a bioscience business, the grant recipient must repay the amount of the grant funds received. The commissioner must deposit all money received under this subdivision into the debt service fund.

Sec. 36. Minnesota Statutes 2005 Supplement, section 116J.575, subdivision 1, is amended to read:

Subdivision 1. **Commissioner discretion.** The commissioner may make a grant for up to 50 percent of the eligible costs of a project. The commissioner shall, in each grant cycle, make grants so that 50 percent of the dollar value of grants for that cycle are for projects located outside of the metropolitan area and 50 percent are for projects located within the metropolitan area. This allocation of funds does not apply for any grant cycle in which the applications received by the application deadline are insufficient to permit the equal division of grants between metropolitan and nonmetropolitan projects. The determination of whether to make a grant for a site is within the discretion of the commissioner, subject to this section and sections 116J.571 to 116J.574 and available unencumbered money in the redevelopment account. ~~Notwithstanding section 116J.573, if the commissioner determines that the applications for grants for projects in greater Minnesota are less than the amount of grant funds available, the commissioner may make grants for projects anywhere in Minnesota.~~ The commissioner's decisions and application of the priorities under this section are not subject to judicial review, except for abuse of discretion.

Sec. 37. Minnesota Statutes 2004, section 123A.44, is amended to read:

123A.44 CITATION.

Sections 123A.441 to 123A.446 may be cited as the "Cooperative ~~Secondary~~ Facilities Grant Act."

Sec. 38. Minnesota Statutes 2004, section 123A.441, is amended to read:

123A.441 POLICY AND PURPOSE.

Because of the rates of decline in school-aged population, population shifts and economic changes that the state has experienced in recent years and anticipates in future years, and because in some instances local districts have not, and will not be able to provide the required construction funds through local property taxes, the purpose of the cooperative ~~secondary~~ facilities grant program is to provide an incentive to encourage cooperation in making available to all ~~secondary~~ students those educational programs, services and facilities that are most efficiently and effectively provided by a cooperative effort of ~~several~~ school districts. The policy and purpose of sections 123A.442 to 123A.446 is to use the credit of the state, to a limited degree, to provide grants to cooperating groups of districts to improve and expand the educational opportunities and facilities available to their ~~secondary~~ students.

Sec. 39. Minnesota Statutes 2004, section 123A.442, is amended to read:

123A.442 APPROVAL AUTHORITY; APPLICATION FORMS.

Subdivision 1. **Approval by commissioner.** To the extent money is available, the commissioner may approve projects from applications submitted under section 123A.443. The grant money must be used only to acquire, construct, remodel or improve the building or site of a cooperative ~~secondary~~ facility under contracts to be entered into within 15 months after the date on which each grant is awarded.

Subd. 2. **Cooperation and combination.** Districts that have not already consolidated and receive a cooperative ~~secondary~~ facilities grant ~~after May 1, 1991~~, shall:

(1) submit a consolidation plan as set forth in under section ~~123A.36~~ 123A.48 for approval by the ~~State Board of Education before December 31, 1999~~, or Department of Education ~~after December 30, 1999~~; and

(2) hold a referendum on the question of ~~combination~~ consolidation no later than four years after a grant is awarded under subdivision 1.

The districts are eligible for ~~cooperation and combination~~ consolidation revenue under section ~~123A.39, subdivision 3~~ 123A.485.

Subd. 3. **Consolidated districts.** A school district that has consolidated with another school district since July 1, 1980, is eligible for a cooperative facilities grant.

Sec. 40. Minnesota Statutes 2004, section 123A.443, is amended to read:

123A.443 GRANT APPLICATION PROCESS.

Subdivision 1. **Qualification.** Any group of districts or a consolidated district that meets the criteria required under subdivision 2 may apply for an incentive grant for construction of a new ~~secondary~~ facility or for remodeling and improving an existing ~~secondary~~ facility. A grant for new construction must not exceed the lesser of \$5,000,000 or ~~75~~ 25 percent of the approved construction costs of a cooperative ~~secondary~~ education facility. A grant for remodeling and improving an existing facility must not exceed ~~\$200,000~~ \$1,000,000.

Subd. 2. **Review by commissioner.** (a) A group of districts or a consolidated district that submits an application for a grant must submit a proposal to the commissioner for review and comment under section 123B.71. The commissioner shall prepare a review and comment on the proposed facility by July 1 of an odd-numbered year,

regardless of the amount of the capital expenditure required to acquire, construct, remodel, or improve the ~~secondary~~ facility. The commissioner shall not approve an application for an incentive grant for any ~~secondary~~ facility unless the facility receives a favorable review and comment under section 123B.71 and the following criteria are met:

(1) ~~the applicant is a consolidated district or a minimum of two or more districts, with kindergarten to grade 12 enrollments in each district of no more than 1,200 pupils, enter that have entered~~ into a joint powers agreement;

(2) ~~for a group of districts,~~ a joint powers board representing all participating districts is established under section 471.59 to govern the cooperative ~~secondary~~ facility;

(3) ~~the planned secondary facility will result in the joint powers district meeting the requirements of Minnesota Rules, parts 3500.2010 and 3500.2110;~~

(4) ~~at least 198,300 pupils would be served in grades 10 to kindergarten through grade 12, 264 pupils would be served in grades 9 to 12, or 396 pupils would be served in grades 7 to 12;~~

(5) ~~(4) for a group of districts,~~ no more than one superintendent is employed by the joint powers board as a result of the cooperative ~~secondary~~ facility agreement;

(6) ~~(5) a statement of need is submitted, that may include reasons why the current secondary facilities are inadequate, unsafe or inaccessible to the handicapped disabled;~~

(7) ~~(6) an educational plan is prepared, that includes input from both community and professional staff;~~

(8) ~~(7) for a group of districts,~~ a combined seniority list for all participating districts is developed by the joint powers board;

(9) ~~(8) for a group of districts,~~ an education program is developed that provides for more learning opportunities and course offerings, including the offering of advanced placement courses, for students than is currently available in any single member district;

(10) ~~(9) a plan is developed for providing instruction of any resident students in other districts when distance to the secondary education facility makes attendance at the facility unreasonably difficult or impractical; and~~

(11) ~~(10) for a secondary facility,~~ the joint powers board established under clause (2) discusses with technical colleges located in the area how vocational education space in the cooperative ~~secondary~~ facility could be jointly used for secondary and postsecondary purposes.

(b) To the extent possible, the joint powers board is encouraged to provide for severance pay or for early retirement incentives under section 122A.48, for any teacher or administrator, as defined under section 122A.40, subdivision 1, who is placed on unrequested leave as a result of the cooperative ~~secondary~~ facility agreement.

(c) For the purpose of paragraph (a), clause ~~(8)~~ (7), each district must be considered to have started school each year on the same date.

(d) The districts may develop a plan that provides for the location of social service, health, and other programs serving pupils and community residents within the cooperative ~~secondary~~ facility. The commissioner shall consider this plan when preparing a review and comment on the proposed facility.

(e) The districts must schedule and conduct a meeting on library services. The school districts, in cooperation with the regional public library system and its appropriate member libraries, must discuss the possibility of including jointly operated library services at the cooperative ~~secondary~~ facility.

(f) The board of a district that has reorganized under section 123A.37 or 123A.48 and that is applying for a grant for remodeling or improving an existing facility may act in the place of a joint powers board to meet the criteria of this subdivision.

Subd. 3. **Reorganizing districts.** A district that is a member of a joint powers board established under subdivision 2 and that is planning to reorganize under section 123A.45, 123A.46, or 123A.48 must notify the joint powers board one year in advance of the effective date of the reorganization. Notwithstanding section 471.59 or any other law to the contrary, the board of a district that reorganizes under section 123A.45, 123A.46, or 123A.48 may appoint representatives to the joint powers board who will serve on the joint powers board for two years after the effective date of the reorganization if authorized in the agreement establishing the joint powers board to govern the cooperative ~~secondary~~ facility. These representatives shall have the same powers as representatives of any other school district under the joint powers agreement.

Subd. 4. **District procedures.** A joint powers board of a ~~secondary~~ district established under subdivision 2 or a school board of a reorganized district that intends to apply for a grant must adopt a resolution stating the proposed costs of the project, the purpose for which the costs are to be incurred, and an estimate of the dates when the facilities for which the grant is requested will be contracted for and completed. Applications for the state grants must be accompanied by (a) a copy of the resolution, (b) a certificate by the clerk and treasurer of the joint powers board showing the current outstanding indebtedness of each member district, and (c) a certificate by the county auditor of each county in which a portion of the joint powers district lies showing the information in the auditor's official records that is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate must show, as to each outstanding bond issue of each member district, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications and necessary data must be in the form prescribed by the commissioner ~~and the rules of the State Board of Education before December 31, 1999, and after December 30, 1999, in the form prescribed by the commissioner.~~ Applications must be received by the commissioner by September 1 of an odd-numbered year. When an application is received, the commissioner shall obtain from the commissioner of revenue, and from the Public Utilities Commission when required, the information in their official records that is required to be used in computing the debt limit of the joint powers district under section 475.53, subdivision 4.

Subd. 5. **Award of grants.** By November 1 of the odd-numbered year, the commissioner shall examine and consider all applications for grants, and if any district is found not qualified, the commissioner shall promptly notify that board.

A grant award is subject to verification by the district as specified in subdivision 8. A grant award for a new facility must not be made until the site of the ~~secondary~~ facility has been determined. A grant award to remodel or improve an existing facility must not be made until the districts have reorganized. ~~If the total amount of the approved applications exceeds the amount that is or can be made available, the commissioner shall allot the available amount equally between the approved applicant districts. In awarding grants the commissioner shall give priority first to projects with the greatest total number of pupils served in the consolidated district and second to projects with the greatest number of school districts that have consolidated or are proposing to consolidate.~~ The commissioner shall promptly certify to each qualified district the amount, if any, of the grant awarded to it.

Subd. 6. **Collocation grant.** A group of districts that receives a grant for a new facility under subdivision 4 is also eligible to receive an additional grant in the amount of \$1,000,000. To receive the additional grant, the group of districts must develop a plan under subdivision 2, paragraph (d), that provides for the location of a significant number of noneducational student and community service programs within the cooperative ~~secondary~~ facility.

Subd. 7. **Referendum; bond issue.** Within 180 days after being awarded a grant for a new facility under subdivision 5, the joint powers board must submit the question of authorizing the borrowing of funds for the ~~secondary~~ facility to the voters of the joint powers district at a special election, which may be held in conjunction with the annual election of the school board members of the member districts. The question submitted must state the total amount of funding needed from all sources. A majority of those voting in the affirmative on the question is sufficient to authorize the joint powers board to accept the grant and to issue the bonds on public sale ~~in accordance with~~ according to chapter 475. The clerk of the joint powers board must certify the vote of the bond election to the commissioner. If the question is approved by the voters, the commissioner shall notify the approved applicant districts that the grant amount certified under subdivision 5 is available and appropriated for payment under this subdivision. If a majority of those voting on the question do not vote in the affirmative, the grant must be canceled.

Subd. 8. **Contract.** Each grant must be evidenced by a contract between the board and the state acting through the commissioner. The contract obligates the state to pay to the board an amount computed according to subdivision 5, and according to a schedule, and terms and conditions acceptable to the commissioner of finance.

Subd. 9. **Consolidation.** A group of districts that operates a cooperative ~~secondary~~ facility that was acquired, constructed, remodeled, or improved under this section and implements consolidation proceedings according to section 123A.48, may propose a temporary school board structure in the petition or resolution required under section 123A.48, subdivision 2. The districts may propose the number of existing school board members of each district to become members of the board of the consolidated district and a method to gradually reduce the membership to six or seven. The proposal must be approved, disapproved, or modified by the ~~state board of education~~ commissioner. The election requirements of section 123A.48, subdivision 20, do not apply to a proposal approved by the state board. Elections conducted after the effective date of the consolidation are subject to the Minnesota Election Law.

Sec. 41. Minnesota Statutes 2004, section 136F.98, subdivision 1, is amended to read:

Subdivision 1. **Issuance of bonds.** The Board of Trustees of the Minnesota State Colleges and Universities or a successor may issue revenue bonds under sections 136F.90 to 136F.97 whose aggregate principal amount at any time may not exceed ~~\$100,000,000, \$150,000,000~~ and payable from the revenue appropriated to the fund established by section 136F.94, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures or portions thereof to be used for dormitory, residence hall, student union, food service, ~~and related~~ parking purposes ~~at, or for any other similar revenue-producing building or buildings of such type and character as the board finds desirable for the good and benefit of~~ the state universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house Ways and Means Committee and the senate Finance Committee about the facilities to be financed by the bonds.

Sec. 42. **[446A.074] CLEAN WATER LEGACY PHOSPHORUS REDUCTION GRANTS.**

Subdivision 1. **Creation of fund.** The authority shall establish a clean water legacy capital improvement fund and shall make grants from the fund as provided in this section.

Subd. 2. **Grants.** The authority shall award grants from the clean water legacy capital improvement fund to governmental units for the capital costs of wastewater treatment facility projects or a portion thereof that will reduce the discharge of total phosphorus from the facility to one milligram per liter or less. A project is eligible for a grant if it meets the following requirements:

(1) the applicable phosphorus discharge limit is incorporated in a permit issued by the agency for the wastewater treatment facility on or after March 28, 2000, the grantee agrees to comply with the applicable limit as a condition of receiving the grant, or the grantee made improvements to a wastewater treatment facility on or after March 28, 2000, that include infrastructure to reduce the discharge of total phosphorus to one milligram per liter or less;

(2) the governmental unit has submitted a facilities plan for the project to the agency and a grant application to the authority on a form prescribed by the authority; and

(3) the agency has approved the facilities plan, and certified the eligible costs for the project to the authority.

Subd. 3. **Eligible capital costs.** Eligible capital costs for phosphorus reduction grants under subdivision 4, paragraph (a), include the as-bid construction costs and engineering planning and design costs for phosphorus treatment. Eligible capital costs for phosphorus reduction grants under subdivision 4, paragraph (b), include the final, incurred construction, engineering, planning, and design costs for phosphorus treatment.

Subd. 4. **Grant amounts and priorities.** (a) Priority must be given to projects that start construction on or after July 1, 2006. If a facility's plan for a project is approved by the agency before July 1, 2010, the amount of the grant is 75 percent of the eligible capital cost of the project. If a facility's plan for a project is approved by the agency on or after July 1, 2010, the amount of the grant is 50 percent of the eligible capital cost of the project. Priority in awarding grants under this paragraph must be based on the date of approval of the facility's plan for the project.

(b) Projects that meet the eligibility requirements in subdivision 2 and have started construction before July 1, 2006, are eligible for grants to reimburse up to 75 percent of the eligible capital cost of the project, less any amounts previously received in grants from other sources. Application for a grant under this paragraph must be submitted to the authority no later than June 30, 2008. Priority for award of grants under this paragraph must be based on the date of agency approval of the facility plan.

(c) In each fiscal year that money is available for grants, the authority shall first award grants under paragraph (a) to projects that met the eligibility requirements of subdivision 2 by May 1 of that year. The authority shall use any remaining money available that year to award grants under paragraph (b). Grants that have been approved but not awarded in a previous fiscal year carry over and must be awarded in subsequent fiscal years in accordance with the priorities in this paragraph.

(d) Disbursements of grants under this section by the authority to recipients must be made for eligible project costs as incurred by the recipients, and must be made by the authority in accordance with the project financing agreement and applicable state law.

Subd. 5. **Fees.** The authority may charge the grant recipient a fee for its administrative costs not to exceed one-half of one percent of the grant amount, to be paid upon execution of the grant agreement.

Sec. 43. **[446A.075] SMALL COMMUNITY WASTEWATER TREATMENT PROGRAM.**

Subdivision 1. **Creation of fund.** The authority shall establish a small community wastewater treatment fund and shall make loans and grants from the fund as provided in this section. Money in the fund is annually appropriated to the authority and does not lapse. The fund shall be credited with all loan repayments and investment income from the fund, and servicing fees assessed under section 446A.04, subdivision 5. The authority shall manage and administer the small community wastewater treatment fund, and for these purposes, may exercise all powers provided in this chapter.

Subd. 2. **Loans and grants.** (a) The authority shall award loans as provided in paragraph (b) and grants as provided in paragraphs (c) and (d) to governmental units from the small community wastewater treatment fund for projects to replace noncomplying individual sewage treatment systems with a community wastewater treatment system or systems meeting the requirements of section 115.55. A governmental unit receiving a loan or loan and grant from the fund shall own the community wastewater treatment systems built under the program and shall be responsible, either directly or through a contract with a private vendor, for all inspections, maintenance, and repairs necessary to ensure proper operation of the systems.

(b) Loans may be awarded for up to 100 percent of eligible project costs as described in this section.

(c) When the area to be served by a project has a median household income below the state average median household income, the governmental unit may receive 50 percent of the funding provided under this section in the form of a grant. An applicant may submit income survey data collected by an independent party if it believes the most recent United States census does not accurately reflect the median household income of the area to be served.

(d) If requested, a governmental unit receiving funding under this section may receive a grant equal to ten percent of its first year's award, up to a maximum of \$30,000, to contract for technical assistance services from the University of Minnesota Extension Service to develop the technical, managerial, and financial capacity necessary to build, operate, and maintain the systems.

Subd. 3. **Project priority list.** Governmental units seeking loans or loans and grants from the small community wastewater treatment program shall first submit a project proposal to the agency on a form prescribed by the agency. A project proposal shall include the compliance status for all individual sewage treatment systems in the project area. The agency shall rank project proposals on its project priority list used for the water pollution control revolving fund under section 446A.07.

Subd. 4. **Applications.** Governmental units with projects on the project priority list shall submit applications to the authority on forms prescribed by the authority. The application shall include:

(1) a list of the individual sewage treatment systems proposed to be replaced over a period of up to three years;

(2) a project schedule and cost estimate for each year of the project;

(3) a financing plan for repayment of the loan; and

(4) a management plan providing for the inspection, maintenance, and repairs necessary to ensure proper operation of the systems.

Subd. 5. **Awards.** The authority shall award loans or loans and grants as provided in subdivision 2 to governmental units with approved applications based on their ranking on the agency's project priority list. The total amount awarded shall be based on the estimated project costs for the portion of the project expected to be completed within one year, up to an annual maximum of \$500,000. For projects expected to take more than one year to complete, the authority may make a multiyear commitment for a period not to exceed three years, contingent on the future availability of funds. Each year of a multiyear commitment must be funded by a separate loan or loan and grant agreement meeting the terms and conditions in subdivision 6. A governmental unit receiving a loan or loan and grant under a multiyear commitment shall have priority for additional loan and grant funds in subsequent years.

Subd. 6. **Loan terms and conditions.** Loans from the small community wastewater treatment fund shall comply with the following terms and conditions:

(1) principal and interest payments must begin no later than two years after the loan is awarded;

(2) loans shall carry an interest rate of one percent;

(3) loans shall be fully amortized within ten years of the first scheduled payment or, if the loan amount exceeds \$10,000 per household, shall be fully amortized within 20 years but not to exceed the expected design life of the system;

(4) a governmental unit receiving a loan must establish a dedicated source or sources of revenues for repayment of the loan and must issue a general obligation note to the authority for the full amount of the loan; and

(5) each property owner to be served by a community wastewater treatment system under this program must provide an easement to the governmental unit to allow access to the system for management and repairs.

Subd. 7. **Special assessment deferral.** (a) A governmental unit receiving a loan under this section that levies special assessments to repay the loan may defer payment of the assessments under the provisions of sections 435.193 to 435.195.

(b) A governmental unit that defers payment of special assessments for one or more properties under paragraph (a) may request deferral of that portion of the debt service on its loan, and the authority shall accept appropriate amendments to the general obligation note of the governmental unit. If special assessment payments are later received from properties that received a deferral, the funds received shall be paid to the authority with the next scheduled loan payment.

Subd. 8. **Eligible costs.** Eligible costs for small community wastewater treatment loans and grants shall include the costs of technical assistance as provided in subdivision 2, paragraph (d), planning, design, construction, legal fees, administration, and land acquisition.

Subd. 9. **Disbursements.** Loan and grant disbursements by the authority under this section must be made for eligible project costs as incurred by the recipients, and must be made in accordance with the project loan or grant and loan agreement and applicable state law.

Subd. 10. **Audits.** A governmental unit receiving a loan under this section must annually provide to the authority for the term of the loan a copy of its annual independent audit or, if the governmental unit is not required to prepare an independent audit, a copy of the annual financial reporting form it provides to the state auditor.

Sec. 44. Minnesota Statutes 2004, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. **Bonding authority.** The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but not including the making of grants. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this section at any time may not exceed ~~\$1,250,000,000~~ \$1,500,000,000, excluding bonds for which refunding bonds or crossover refunding bonds have been issued.

Sec. 45. Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended by Laws 2005, chapter 20, article 1, section 42, is amended to read:

Subd. 21. **Harbor of Refuge at Two Harbors** 1,000,000

To develop the harbor of refuge and marina at Two Harbors, including public access improvements, marina slips, parking facilities, utilities, a fuel dock, and an administration building.

This appropriation is not available until the commissioner has determined that at least \$500,000 has been committed from federal sources. Notwithstanding Minnesota Statutes, section 16A.642, this appropriation and its corresponding bond authorization do not cancel until ~~June 30, 2006~~ December 31, 2009.

Sec. 46. Laws 2002, chapter 393, section 19, subdivision 2, is amended to read:

Subd. 2. **Northwest Busway** 20,000,000

To design and construct a busway in the northwest metropolitan area between downtown Minneapolis and Rogers. This appropriation is contingent on \$12,000,000 from Hennepin county and \$5,000,000 from the metropolitan council for the project. Total funding from all sources may be used for roadway design, reconstruction, acquisition of land and right-of-way, and to design, construct, furnish, and equip transit stations and park and rides. Design-build under new Minnesota Statutes, sections 383B.158 to 383B.1586, may be used for implementing this project. Notwithstanding Minnesota Statutes, section 16A.642, this appropriation and its corresponding bond authorization do not cancel until December 31, 2010.

Sec. 47. Laws 2005, chapter 20, article 1, section 7, subdivision 14, is amended to read:

Subd. 14. **State Trail Development** 7,910,000

To acquire land for and to develop and rehabilitate state trails as specified in Minnesota Statutes, section 85.015.

\$1,500,000 is for the Blazing Star Trail.

\$435,000 is for a segment of the Blufflands Trail, from Preston to Forestville.

\$200,000 is for a segment of the Blufflands Trail, from Chester Woods County Park to the city limits of Rochester in Olmsted County, primarily for nonmotorized riding and hiking.

\$400,000 is for the Douglas Trail.

\$400,000 is for the Gateway Trail.

\$725,000 is for the Gitchi Gami Trail.

\$500,000 is for the Glacial Lakes Trail.

\$200,000 is for the Goodhue Pioneer Trail.

\$300,000 is for the Heartland Trail.

\$300,000 is for the Mill Towns Trail.

\$100,000 is for the Minnesota River Trail.

\$2,400,000 is for the Paul Bunyan Trail: ~~\$1,500,000~~ \$320,000 is for an extension across Excelsior Road in the city of Baxter to connect with the Oberstar Tunnel; \$900,000 is to acquire right-of-way in the city of Bemidji and to rehabilitate the trail.

\$450,000 is for the Shooting Star Trail.

Sec. 48. Laws 2005, chapter 20, article 1, section 7, subdivision 21, is amended to read:

Subd. 21. State Park and Recreation Area Acquisition

2,500,000

For acquisition of land under Minnesota Statutes, section 86A.05, subdivisions 2 and 3, from willing sellers of private lands within state park and recreation area boundaries established by law.

\$500,000 is to purchase land within the boundaries of Greenleaf Lake state park in Meeker county. This appropriation may also be used for a grant to Meeker County for acquisition of property at Greenleaf Lake to establish a regional park.

Sec. 49. Laws 2005, chapter 20, article 1, section 19, subdivision 6, is amended to read:

Subd. 6. Metropolitan Regional Parks Capital Improvements

14,664,000

This appropriation must be used to pay the cost of improvements and betterments of a capital nature and acquisition by the council and local government units of regional recreational open-space lands in accordance with the council's policy plan as provided in Minnesota Statutes, section 473.147. Priority should be given to park rehabilitation and land acquisition projects.

For purposes of Minnesota Statutes, section 473.351, Columbia Parkway, Ridgeway Parkway, and Stinson Boulevard are considered to be part of the metropolitan regional recreation open space system.

\$100,000 is for a grant to Ramsey and Washington Counties, or either of them as jointly agreed, to prepare engineering design documents for the development of a trail adjacent to marked Trunk Highway 120 from its intersection with Joy Road to its intersection with 20th Street in the city of North St. Paul, ~~adjacent to marked Trunk Highway 96 from its intersection with marked Trunk Highway 61 to its intersection with marked Trunk Highway 244, and adjacent to marked Trunk Highway 244 from its intersection with marked Trunk Highway 96 to and including its intersection with Washington County Road 12~~ to be known as the Silver Lake Trail. The design must be consistent with the recommendations of the Lake Links Trail Network Master Plan prepared for Ramsey and Washington Counties.

\$388,000 is for a grant to the city of St. Paul for park and trail improvements in the Desnoyer Park area, above the Meeker Island lock historic site.

\$4,676,000 is for a grant to the city of St. Paul to design and construct river's edge improvements at Raspberry Island and Upper Landing and develop a public park on Raspberry Island. Of this amount, \$676,000 is the local match for an Upper Landing federal TEA-21 grant.

\$2,500,000 is for a grant to the city of South St. Paul for the closure, capping, and remediation of approximately 80 acres of the Port Crosby construction and demolition debris landfill in South St. Paul, as the fourth phase of converting the land into parkland, and to restore approximately 80 acres of riverfront land along the Mississippi River.

Sec. 50. Laws 2005, chapter 20, article 1, section 20, subdivision 3, is amended to read:

Subd. 3. Systemwide Redevelopment, Reuse, or Demolition

17,600,000

To demolish or improve surplus, nonfunctional, or deteriorated facilities and infrastructure at Department of Human Services campuses statewide.

(a) Up to \$8,600,000 may be used to predesign, design, construct, furnish, and equip renovation of existing space or construction of new space for skilled nursing home capacity for forensic treatment programs operated by state-operated services on the campus of St. Peter Regional Treatment Center.

(b) \$4,000,000 may be used to prepare and develop a site, including demolition of buildings and infrastructure, to implement the redevelopment and reuse of the Ah-Gwah-Ching Regional Treatment Center campus. If the property is sold or transferred to a local unit of government, the unspent portion of this appropriation may be granted to the local unit of government that acquires the campus for the purposes stated in this subdivision.

Up to \$400,000 may be used for a grant to the city of Walker to connect the water reservoir to the city.

(c) \$1,000,000 may be used to renovate one or more buildings for chemical dependency treatment specializing in methamphetamine addiction, and demolish buildings, on the Willmar Regional Treatment Center campus. If the property is sold or transferred to a local unit of government, the unspent portion of this appropriation may be granted to the local unit of government that acquires the campus for the purposes stated in this subdivision.

(d) Up to \$2,210,000 may be spent by the commissioner of finance to retire municipal bonds issued by the city of Fergus Falls and to retire interfund loans incurred by the city of Fergus Falls in connection with the waste incinerator and steam heating facility at the Fergus Falls Regional Treatment Center.

(e) Up to \$400,000 may be used for a grant to the city of Fergus Falls to demolish the city's waste-to-energy incineration plant located on the grounds of the Fergus Falls Regional Treatment Center.

(f) The provisions, terms, and conditions of any grant made by the director of the Office of Environmental Assistance under Minnesota Statutes, chapter 115A, to the city of Fergus Falls for the waste incinerator steam heating facility that supports the Fergus Falls Regional Treatment Center and that may come into effect as a result of the incinerator and facility being closed, are hereby waived.

Sec. 51. Laws 2005, chapter 20, article 1, section 23, subdivision 3, is amended to read:

Subd. 3. Wastewater Infrastructure Funding Program

29,900,000

(a) To the Public Facilities Authority for the purposes specified in this subdivision. \$29,300,000 of this appropriation is for grants and loans to eligible municipalities under the wastewater infrastructure program established in Minnesota Statutes, section 446A.072.

To the greatest practical extent, the authority must use the appropriation for projects on the 2005 project priority list in priority order to qualified applicants that submit plans and specifications to the Pollution Control Agency or receive a funding commitment from USDA Rural Economic and Community Development before December 1, 2006.

\$600,000 of this appropriation is to implement the wastewater infrastructure program.

(b) The grants listed in this paragraph are not subject to the 2005 project priority list nor to the limitations on grant amounts set forth in Minnesota Statutes, section 446A.072, subdivision 5a.

\$1,500,000 is for a grant to the city of Aurora to reconstruct its wastewater treatment plant, damaged in an explosion May 5, 2004.

\$1,700,000 is for a grant to the Central Iron Range Sanitary Sewer District Authority to predesign and design the necessary facilities to collect, treat, and dispose of sewage in the district, including a pump-storage facility and a wind-energy facility.

Up to \$5,000,000 may be used as grants to the cities of Dunnell, Dumont, Henriette, Lewisville, McGrath, and Ostrander to undertake corrective action on systems built since 2001 with federal money from USDA Rural Economic and Community Development. A grant must not exceed the amount of federal money used in the construction of systems that incorporated sand filter treatment, fixed activated sludge treatment, or mechanical package plant treatment technologies.

\$4,950,000 is for a grant to the city of Duluth for design and construction of sanitary sewer overflow storage facilities at selected locations in the city of Duluth. This appropriation is available when matched by \$1 of money secured or provided by the city of Duluth for each \$1 of state money.

\$1,700,000 is for a grant to the city of Eagle Bend to predesign, design, construct, furnish, and equip a wastewater collection and treatment system.

\$1,500,000 is for a grant to the city of Two Harbors to retire loans, whether interfund or otherwise, incurred to acquire land for, design, construct, furnish, and equip a 2,500,000 gallon equalization basin and a chlorine-contact tank of at least 100,000 gallon capacity, adjacent to the city's wastewater treatment plant. The equalization basin is required under the city's National Pollution Discharge Elimination System permit. This appropriation is not available until the commissioner of finance determines that \$325,000 has been committed to the project from nonstate sources.

\$1,550,000 for a grant to the city of Bayport for the Middle St. Croix River Watershed Management Organization to complete the sewer system extending from Minnesota Department of Natural Resources pond 82-310P (the prison pond) in Bayport through the Stillwater prison grounds to the St. Croix River.

\$2,000,000 is to the commissioner of employment and economic development for a grant to the city of New Brighton ~~to relocate a sanitary sewer interceptor~~ for sanitary sewer and storm water improvements in the Northwest Quadrant to allow for redevelopment of that area.

Sec. 52. Laws 2005, chapter 20, article 1, section 23, subdivision 12, is amended to read:

Subd. 12. **Bioscience Development**

18,500,000

For grants to political subdivisions to predesign, design, construct, furnish, and equip publicly owned infrastructure required to support bioscience development in this state.

\$2,500,000 is for a grant to the city of Worthington. \$2,000,000 is for bioscience business development public infrastructure grants under Minnesota Statutes, section 116J.435.

Sec. 53. Laws 2005, chapter 20, article 1, section 27, is amended to read:

Sec. 27. **BOND SALE SCHEDULE**

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2007, no more than ~~\$780,536,000~~ \$763,706,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 54. **COOPERATIVE FACILITY GRANT TIMELINES WAIVED.**

Notwithstanding the timelines in Minnesota Statutes, section 123A.443, Independent School District No. 2134, United South Central, and the fiscal agent for Independent School District Nos. 403, Ivanhoe, and 404, Lake Benton, may submit an application for a cooperative facilities grant to the commissioner of education. The commissioner must either approve, modify, or reject the application within 60 days of its receipt.

Sec. 55. **OUTDOOR LIGHTING PURCHASE.**

All purchasing of outdoor lighting fixtures using funds appropriated under this act must give consideration to maximizing energy conservation and savings, reducing glare, minimizing light pollution, and preserving the natural night environment.

Sec. 56. **FERGUS FALLS INCINERATOR; CONVEYANCE OF EQUIPMENT.**

Notwithstanding any law, administrative rule, commissioner's order, or agreement to the contrary, the city of Fergus Falls may convey to the city of Perham, for nominal consideration, all or part of the air pollution equipment, including the building and related equipment, that is currently located at the Fergus Falls incinerator. The conveyance shall be in a form approved by the attorney general and must be used for public purposes. The city of Perham is responsible for the costs of dismantling, transporting, and reassembling the equipment in Perham, as part of the expansion of the Perham resource recovery facility.

Sec. 57. **CANCELLATIONS.**

\$3,259,000 of the appropriation in Laws 2005, chapter 20, section 20, subdivision 2, for design of a facility at the St. Peter Regional Treatment Center is canceled. The bond sale authorized in Laws 2005, chapter 20, section 28, subdivision 1, is reduced by \$3,259,000.

Sec. 58. **EFFECTIVE DATE.**

Except as otherwise provided, this act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.11, subdivision 1; 16A.86, subdivisions 2, 4; 85.013, by adding a subdivision; 86A.05, subdivision 3; 103F.161, subdivision 3; 123A.44; 123A.441; 123A.442; 123A.443; 136F.98, subdivision 1; 446A.12, subdivision 1; Minnesota Statutes 2005 Supplement, sections 116.182, subdivision 2; 116J.575, subdivision 1; Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2005, chapter 20, article 1, sections 7, subdivisions 14, 21; 19, subdivision 6; 20, subdivision 3; 23, subdivisions 3, 12; 27; proposing coding for new law in Minnesota Statutes, chapters 16B; 86A; 116J; 446A."

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.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 3127, A bill for an act relating to taxation; changing the deposit of revenues from the sales tax on motor vehicle leases; amending Minnesota Statutes 2005 Supplement, section 297A.815, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 297A.815, is amended by adding a subdivision to read:

Subd. 3. **Deposit of revenues.** Notwithstanding any law to the contrary, money collected and received under this section must be deposited in the same manner and in the same proportions as provided for revenues collected under chapter 297B.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted beginning July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

(g) The revenues, including interest and penalties, collected under section 297A.815 must be deposited by the commissioner as provided for in that section.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted beginning July 1, 2006."

Delete the title and insert:

"A bill for an act relating to taxation; changing the deposit of revenues from the sales tax on motor vehicle leases; amending Minnesota Statutes 2004, section 297A.94; Minnesota Statutes 2005 Supplement, section 297A.815, by adding a subdivision."

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

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 3235, A bill for an act relating to public safety; creating new penalties for criminal neglect of a vulnerable adult; amending Minnesota Statutes 2004, section 609.233, subdivision 1, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 3258, A bill for an act relating to health; requiring reporting on notification that is required before an abortion is performed on a minor or certain other women; providing civil penalties; amending Minnesota Statutes 2004, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144; 145.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 3265, A bill for an act relating to highways; authorizing larger cities and certain road authorities to allow advertising on trash and recycling receptacles placed in rights-of-way of streets and highways; amending Minnesota Statutes 2004, section 160.27, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 160.27, is amended by adding a subdivision to read:

Subd. 7a. **Trash and recycling receptacles.** (a) Trash and recycling receptacles may be placed and maintained within the right-of-way of any street or highway when a license, permit, or franchise is first obtained from the road authority. Trash and recycling receptacles, including trash and recycling receptacles with advertisements placed on them, may not be attached to a bench or shelter placed under subdivision 2. The receptacles may not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

(b) In any city, the owners may place advertisements on trash and recycling receptacles only if authorized by the license, permit, or franchise. Trash and recycling receptacles with advertisements placed on them may not be located within 25 feet of a bench or shelter placed under subdivision 2, and may not be placed within the right-of-way of a trunk highway.

(c) The council of any city may, by public negotiation or bid, grant franchises for the placement, operation, or maintenance of trash and recycling receptacles with advertisements placed on them on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. The term of the license, permit, or franchise agreement may not exceed ten years. This provision does not supersede or preclude any requirements for obtaining permits from the appropriate road authority having jurisdiction for construction, reconstruction, or maintenance of the right-of-way of any trunk highway, county highway, or county state-aid highway.

(d) Cities shall establish guidelines relating to the nature of the advertising allowed on trash and recycling receptacles. Advertisements placed on trash and recycling receptacles:

(1) may not interfere with safe use of the street or highway;

(2) may only be allowed on two sides of each receptacle;

(3) may not extend higher than four feet above the pavement surface; and

(4) may not be larger than 15 square feet in total.

Nothing in this subdivision supersedes the prohibitions under section 173.15.

(e) For purposes of this subdivision, "city" means a statutory or home rule charter city."

Delete the title and insert:

"A bill for an act relating to highways; governing trash and recycling receptacles in rights-of-way of streets and highways; authorizing cities and other road authorities to allow advertising on trash and recycling receptacles placed in rights-of-way of streets and highways; amending Minnesota Statutes 2004, section 160.27, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 3449, A bill for an act relating to manufactured homes; regulating manufactured home park conversions; amending Minnesota Statutes 2004, section 327C.095, subdivisions 1, 5.

Reported the same back with the following amendments:

Page 1, line 11, delete "commissioner of" and insert "commissioners of health and"

Page 1, delete section 2

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 3526, A bill for an act relating to commerce; providing an expedited process for the judicial review of financing statements; establishing civil and criminal liability for fraudulent or otherwise improper financing statements; amending Minnesota Statutes 2005 Supplement, section 609.749, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 545; 604; 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [545.05] EXPEDITED PROCESS TO REVIEW AND DETERMINE EFFECTIVENESS OF FINANCING STATEMENTS.

Subdivision 1. Definitions. (a) As used in this section, a financing statement or other record is fraudulent or otherwise improper if it is filed without the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or without the consent of the secured party of record in the case of an amendment or termination.

(b) As used in this section, filing office or filing officer refers to the office or officer where a financing statement or other record is appropriately filed or recorded as provided by law, including, but not limited to, the county recorder, the secretary of state, and other related filing officers.

Subd. 2. **Motion.** An obligor, person named as a debtor, or owner of collateral described or indicated in a financing statement or other record filed under sections 336.9-101 to 336.9-709 (Uniform Commercial Code - Secured Transactions), who has reason to believe that the financing statement or other record is fraudulent or otherwise improper may complete and file at any time a motion for judicial review of the effectiveness of the financing statement or other record. A secured party of record who believes that an amendment or termination of a financing statement or other record is fraudulent or otherwise improper may also file a motion.

Subd. 3. **Service and filing.** (a) The motion under subdivision 2 must be mailed by certified United States mail to the person who is indicated as the secured party on the allegedly fraudulent or improper record at the address listed on the record or, in the case of a filing by the secured party of record, to the address of the person who filed the amendment or termination in question, as listed on the record. The motion must be accompanied by a copy of the record in question, an affidavit of mailing, the form for responding to the motion under subdivision 6, and a copy of the text of this section.

(b) On the day the motion is mailed, a copy of the materials must be filed with the district court of the county in which the financing statement or other record has been filed or in the county of residence of the moving party. The motion must be supported by the affidavit of the moving party or the moving party's attorney setting forth a concise statement of the facts upon which the claim for relief is based. There is no filing fee for a motion or a response filed under this section.

Subd. 4. **Motion form.** The motion must be in substantially the following form:

In Re: A Purported Financing Statement in the district court of County, Minnesota, Against [Name of person who filed the financing statement]

MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED UNDER THE UNIFORM
COMMERCIAL CODE - SECURED TRANSACTIONS

..... (name of moving party) files this motion requesting a judicial determination of the effectiveness of a financing statement or other record filed under the Uniform Commercial Code - Secured Transactions in the office of the (filing office and location) and in support of the motion provides as follows:

I.

..... (name), the moving party, is the [obligor, person named as a debtor, or owner of collateral described or indicated in] [secured party of record listed in] a financing statement or other record filed under the Uniform Commercial Code.

II.

On (date), in the exercise of the filing officer's official duties as (filing officer's position), the filing officer received and filed or recorded the financing statement or other record, a copy which is attached, that purports to [perfect a security interest against the obligor, person named as debtor, or the owner of collateral described or indicated in the financing statement or other record] or [amend or terminate the financing statement in which the moving party is listed as the secured party of record].

III.

The moving party alleges that the financing statement or other record is fraudulent or otherwise improper and that this court should declare the financing statement or other record ineffective.

IV.

The moving party attests that the assertions in this motion are true and correct.

V.

The moving party does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek review of an effective financing statement. The moving party further acknowledges that the moving party may be subject to sanctions if this motion is determined to be frivolous. The moving party may be contacted by the respondent at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

REQUEST FOR RELIEF

The moving party requests the court to review the attached documentation and enter an order finding that the financing statement or other record is ineffective together with other findings as the court deems appropriate.

Respectfully submitted, (Signature and typed name and address).

Subd. 5. **Motion acknowledgment form.** The form for the certificate of acknowledgment must be substantially as follows:

AFFIDAVIT

THE STATE OF MINNESOTA COUNTY OF

BEFORE ME, the undersigned authority, personally appeared, who, being by me duly sworn, deposed as follows:

"My name is I am over 18 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I attest that the assertions contained in the accompanying motion are true and correct."

SUBSCRIBED and SWORN TO before me, this day of

NOTARY PUBLIC, State of [state name]

Notary's printed name:

My commission expires:

The motion must be supported by the affidavit of the moving party or the moving party's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Subd. 6. **Motion affidavit of mailing form.** The moving party shall complete an affidavit of mailing the motion to the court and to the respondent in substantially the following form:

State of Minnesota

County of

....., the moving party, being duly sworn, on oath, deposes and says that on the day of,, the moving party mailed the motion to the court and the respondent by placing a true and correct copy of the motion in an envelope addressed to them as shown by certified United States mail at, Minnesota.

Subscribed and sworn to before me this day of,

Subd. 7. **Response form.** The person listed as [the secured party in] [filing] the record for which the moving party has requested review may respond to the motion and accompanying materials to request an actual hearing within 20 days from the mailing by certified United States mail by the moving party. The form for use by the person listed as [the secured party in] [filing] the record in question to respond to the motion for judicial review must be in substantially the following form:

In Re: A Purported Financing Statement in the district court of County, Minnesota, Against [Name of person who filed the financing statement]

RESPONSE TO MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED UNDER THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

..... (name) files this response to a motion requesting a judicial determination of the effectiveness of a financing statement or other record filed under the Uniform Commercial Code - Secured Transactions in the office of the (filing office and location) and in support of the motion provides as follows:

I.

..... (name), the respondent, is the person listed as [the secured party in] [filing] the record for which review has been requested by the moving party.

II.

On (date), in the exercise of the filing officer's official duties as (filing officer's position), the filing officer received and filed or recorded the financing statement or other record, a copy which is attached, that purports to [perfect a security interest against] [amend or terminate a record filed by] the moving party.

III.

Respondent states that the financing statement or other record is not fraudulent or otherwise improper and that this court should not declare the financing statement or other record ineffective.

IV.

Respondent attests that assertions in this response are true and correct.

V.

Respondent does not request the court to make a finding as to any underlying claim of the parties involved. Respondent further acknowledges that respondent may be subject to sanctions if this response is determined to be frivolous.

REQUEST FOR RELIEF

Respondent requests the court to review the attached documentation, to set a hearing for no later than five days after the date of this response or as soon after that as the court shall order and to enter an order finding that the financing statement or other record is not ineffective together with other findings as the court deems appropriate. Respondent may be contacted at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

Respectfully submitted,

(Signature and typed name and address).

Subd. 8. **Response acknowledgment form.** The form for the certificate of acknowledgment must be substantially as follows:

AFFIDAVIT

THE STATE OF MINNESOTA COUNTY OF

BEFORE ME, the undersigned authority, personally appeared, who, being by me duly sworn, deposed as follows:

"My name is I am over 18 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I attest that the assertions contained in the accompanying motion are true and correct."

SUBSCRIBED and SWORN TO before me, this day of

NOTARY PUBLIC, State of [state name]

Notary's printed name:

My commission expires:

Subd. 9. **Response affidavit of mailing form.** Respondent shall submit the response by United States mail to both the court and the moving party, and also by either e-mail or facsimile as provided by the moving party. The respondent shall complete an affidavit of mailing the response to the court and to the moving party in substantially the following form:

State of Minnesota

County of

....., being the responding party, being duly sworn, on oath, deposes and says that on the day of,, respondent mailed the response to court and the moving party by placing a true and correct copy of the response in an envelope addressed to them as shown depositing the same with postage prepaid, in the U.S. Mail at, Minnesota.

Subscribed and sworn to before me this day of,

Subd. 10. **Hearing.** (a) If a hearing is timely requested, the court shall hold that hearing within five days after the mailing of the response by the respondent or as soon after that as ordered by the court. After the hearing, the court shall enter appropriate findings of fact and conclusions of law regarding the financing statement or other record filed under the Uniform Commercial Code.

(b) If a hearing request under subdivision 7 is not received by the court by the 20th day following the mailing of the original motion, the court's finding may be made solely on a review of the documentation attached to the motion and without hearing any testimonial evidence. After that review, which must be conducted no later than five days after the 20-day period has expired, the court shall enter appropriate findings of fact and conclusions of law as provided in subdivision 11 regarding the financing statement or other record filed under the Uniform Commercial Code.

(c) A copy of the findings of fact and conclusions of law must be sent to the moving party, the respondent, and the person who filed the financing statement or other record at the address listed in the motion or response of each person within seven days of the date that the findings of fact and conclusions of law are issued by the court.

(d) In all cases, the moving party shall file or record an attested copy of the findings of fact and conclusions of law in the filing office in the appropriate class of records in which the original financing statement or other record was filed or recorded. The filing officer shall not collect a filing fee for filing a court's finding of fact and conclusion of law as provided in this section except as specifically directed by the court in its findings and conclusions.

Subd. 11. **Order form; no hearing.** The findings of fact and conclusion of law for an expedited review where no hearing has been requested must be in substantially the following form:

MISCELLANEOUS DOCKET No.

In Re: A purported Financing Statement in the district court of County, Minnesota, Against [Name of person who filed financing statement]

Judicial Finding of Fact and Conclusion of Law Regarding a Financing Statement or Other Record Filed Under the Uniform Commercial Code - Secured Transactions

On the (number) day of (month), (year), in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of (name) and the documentation attached. The respondent did not respond within the required 20-day period. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation as provided in Minnesota Statutes, section 545.05.

The court finds as follows (only an item or subitem checked and initialed is a valid court ruling):

[.] The documentation attached to the motion IS filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination.

[.] The documentation attached to the motion IS NOT filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the documentation, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination and, IS NOT an effective financing statement or other record under the Uniform Commercial Code - Secured Transactions law of this state.

[.] This court makes no finding as to any underlying claims of the parties involved and expressly limits its findings of fact and conclusions of law to the review of a ministerial act. The filing officer shall remove the subject financing statement or other record so that the record is not reflected in or obtained as a result of any search, standard or otherwise, conducted of those records, but shall retain them and these findings of fact and conclusions of law in the filing office for the duration of the period for which they would have otherwise been filed.

SIGNED ON THIS THE DAY of

..... District Judge

..... District

..... County, Minnesota

Subd. 12. **Hearing determination.** If a determination is made after a hearing, the court may award the prevailing party all costs related to the entire review, including, but not limited to, filing fees, attorney fees, administrative costs, and other costs.

Subd. 13. **Subsequent motion.** If the moving party files a subsequent motion under this section against a person filing a financing statement or other record that is reviewed under this section and found to be filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination, the court may, in addition to assessing costs, order other equitable relief against the moving party or enter other sanctions against the moving party.

Subd. 14. **Judicial officers.** The chief judge of a district court may order that any or all proceedings under this section be conducted and heard by other judicial officers of that district court.

Sec. 2. **[604.18] CIVIL LIABILITY FOR FRAUDULENT OR OTHERWISE IMPROPER FINANCING STATEMENTS.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "financing statement" has the meaning given in section 336.9-102(a) of the Uniform Commercial Code; and

(2) "filing officer" is defined as the Uniform Commercial Code filing officer in each jurisdiction.

Subd. 2. **Liability.** (a) A person shall not knowingly cause to be presented for filing or promote the filing of a financing statement that the person knows:

(1) is forged;

(2) is not:

(i) related to a valid lien or security agreement; or

(ii) filed pursuant to section 336.9-502(d); and

(3) is for an improper purpose or purposes, such as to harass, hinder, defraud, or otherwise interfere with any person.

(b) A person who violates paragraph (a) is liable to each injured person for:

(1) the greater of:

(i) nominal damages up to \$10,000; or

(ii) the actual damages caused by the violation;

(2) court costs;

(3) reasonable attorney fees;

(4) related expenses of bringing the action, including investigative expenses; and

(5) exemplary damages in the amount determined by the court.

Subd. 3. **Cause of action.** (a) The following persons may bring an action to enjoin violation of this section or to recover damages under this section:

(1) the obligor, the person named as the debtor, any person who owns an interest in the collateral described or indicated in the financing statement, or any person harmed by the filing of the financing statement;

(2) the attorney general;

(3) a county attorney;

(4) a city attorney; and

(5) a person who has been damaged as a result of an action taken in reliance on the filed financing statement.

(b) A filing officer may refer a matter to the attorney general or other appropriate person for filing the legal actions under this section.

Subd. 4. **Venue.** An action under this section may be brought in any district court in the county in which the financing statement is presented for filing or in a county where any of the persons named in subdivision 3, paragraph (a), clause (1), reside.

Subd. 5. **Filing fee.** (a) The fee for filing an action under this chapter is \$..... The plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as provided by paragraph (b), the plaintiff may not be assessed any other fee, cost, charge, or expense by the clerk of the court or other public official in connection with the action.

(b) The fee for service of notice of an action under this section charged to the plaintiff may not exceed:

(1) \$..... if the notice is delivered in person; or

(2) the cost of postage if the service is by registered or certified mail.

(c) A plaintiff who is unable to pay the filing fee and fee for service of notice may file with the court an affidavit of inability to pay under the Minnesota Rules of Civil Procedure.

(d) If the fee imposed under paragraph (a) is less than the filing fee the court imposes for filing other similar actions and the plaintiff prevails in the action, the court may order a defendant to pay to the court the differences between the fee paid under paragraph (a) and the filing fee the court imposes for filing other similar actions.

Subd. 6. **Other remedies.** (a) An obligor, person named as a debtor, owner of collateral, or any other person harmed by the filing of a financing statement in violation of subdivision 2, paragraph (a), also may request specific relief, including, but not limited to, terminating the financing statement and removing the debtor named in the financing statement from the index as provided in section 545.05, such that it will not appear in a search under that debtor name.

(b) This law is cumulative of other law under which a person may obtain judicial relief with respect to any filed or recorded document.

Sec. 3. **[609.7475] FRAUDULENT OR OTHERWISE IMPROPER FINANCING STATEMENTS.**

Subdivision 1. **Definition.** As used in this section, "record" has the meaning given in section 336.9-102.

Subd. 2. **Crime described.** A person who:

(1) knowingly causes to be presented for filing or promotes the filing of a record that:

(i) is not:

(A) related to a valid lien or security agreement; or

(B) filed pursuant to section 336.9-502(d); or

(ii) contains a forged signature or is based upon a document containing a forged signature; or

(2) presents for filing or causes to be presented for filing a record with the intent that it be used to harass or defraud any other person;

is guilty of a crime and may be sentenced as provided in subdivision 3.

Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), a person who violates subdivision 2 is guilty of a gross misdemeanor.

(b) A person who violates subdivision 2 is guilty of a felony 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:

(1) commits the offense with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(2) commits the offense after having been previously convicted of a violation of this section.

Subd. 4. **Venue.** A violation of this section may be prosecuted in either the county of residence of the individual listed as debtor or the county in which the filing is made.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 3631, A bill for an act relating to housing; regulating condominium conversions; amending Minnesota Statutes 2005 Supplement, section 515B.1-106.

Reported the same back with the following amendments:

Page 2, after line 23, insert:

"(f) Any ordinance or charter provision enacted hereunder that prohibits the conversion of buildings to the common interest community form of ownership shall not be effective for a period exceeding 18 months."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 3665, A bill for an act relating to the Minnesota Veterans Homes Board; authorizing the board to conduct certain meetings by telephone or other electronic means; amending Minnesota Statutes 2004, section 198.003, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 3674, A bill for an act relating to marriage; providing for the solemnization of Hmong marriages; imposing criminal penalties for knowingly facilitating the solemnization of a prohibited marriage; clarifying filing requirements for certain Quaker marriages; requiring the reporting of certain acts; amending Minnesota Statutes 2004, sections 517.05; 517.14; 517.18; Minnesota Statutes 2005 Supplement, section 626.556, subdivisions 2, 3.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, line 12, delete "this chapter" and insert "section 517.02"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 3682, A bill for an act relating to metropolitan government; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2004, section 473.39, by adding a subdivision.

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

The report was adopted.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 3696, A bill for an act relating to taxation; delaying the final designation of the international economic development zone and the beginning of zone duration; changing corresponding dates relating to tax incentives; authorizing political subdivisions to apply for foreign trade zone powers; extending the period that appropriation for funding certain grants to qualifying business is available; amending Minnesota Statutes 2005 Supplement, sections

272.02, subdivision 83; 290.0922, subdivisions 2, 3; 297A.68, subdivision 41; 469.322; 469.323, subdivision 2; 469.327; Laws 2005, First Special Session chapter 3, article 10, section 23; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the following amendments:

Page 5, after line 6, insert:

"(c) Before final designation of the zone, the foreign trade zone authority, in consultation with the applicant, must conduct a transportation impact study based on the regional model and utilizing traffic forecasting and assignments. The results must be used to evaluate the effects of the proposed use on the transportation system and identify any needed improvements. If the site is in the metropolitan area, the study must also evaluate the effect of the transportation impacts on the metropolitan transportation system plan as well as the comprehensive plans of the municipalities that would be affected. The authority shall provide copies of the study to the legislature under section 3.195 and to the chairs of the committees with jurisdiction over transportation and economic development. The applicant must pay the cost of the study."

Page 5, line 7, strike "(c)" and insert "(d)"

Page 5, line 8, strike "(d)" and insert "(e)"

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

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 3723, A bill for an act relating to elections; eliminating the requirement to provide interpreter assistance to deaf voters; amending Minnesota Statutes 2004, section 204C.15, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 202A.155, is amended to read:

202A.155 INTERPRETER SERVICES; CAUCUS MATERIALS.

A communicatively impaired individual who needs interpreter services at a precinct caucus shall so notify the major political party whose caucus the individual plans to attend. ~~Written~~ Notice must be given by certified letter or electronic mail to the ~~county or legislative district committee~~ state office of the major political party ~~at least 30 days~~ before the precinct caucus date. The major political party, ~~not later than 14 days before the precinct caucus date,~~ shall promptly attempt to secure the services of one or more interpreters if available and shall assume responsibility for the cost of the services, if provided. The state central committee of the major political party shall determine the process for reimbursing interpreters.

A visually impaired individual may notify the county or legislative district committee of the major political party whose precinct caucus the individual plans to attend, that the individual requires caucus materials in audio tape, Braille, or large type format. Upon receiving the request, the county or legislative district committee shall provide all official written caucus materials as soon as they are available, so that the visually impaired individual may have them converted to audio tape, Braille, or large print format prior to the precinct caucus.

Sec. 2. Minnesota Statutes 2004, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Interpreters; physical assistance in marking ballots.** A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to ~~act as interpreters~~ provide assistance. The interpreters shall assist the individual in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter."

Delete the title and insert:

"A bill for an act relating to elections; changing certain requirements for providing interpreters and voter assistance; amending Minnesota Statutes 2004, sections 202A.155; 204C.15, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 3780, A bill for an act relating to workers' compensation; modifying appeal procedures; modifying notice of coverage provisions; amending Minnesota Statutes 2004, section 176.421, subdivision 4; Minnesota Statutes 2005 Supplement, section 176.185, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Seifert from the Committee on State Government Finance to which was referred:

H. F. No. 3833, A bill for an act relating to elections; modifying the postelection review process; appropriating money; amending Minnesota Statutes 2004, section 204B.40; proposing coding for new law in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 2004, section 204C.50, subdivisions 3, 4, 5, 6; Minnesota Statutes 2005 Supplement, section 204C.50, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 4, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "appropriating"

Page 1, line 3, delete "money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 3878, A bill for an act relating to human services; establishing a reverse mortgage incentive program; establishing eligibility standards, benefits, and other requirements; appropriating money; amending Minnesota Statutes 2004, sections 47.58, subdivision 8; 256.01, by adding a subdivision; 256.975, subdivision 7; 256B.0911, subdivision 3a; 256B.0913, by adding a subdivision; 462A.05, by adding subdivisions; Minnesota Statutes 2005 Supplement, sections 256B.0911, subdivision 1a; 287.04.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 263, 923, 1106, 3265, 3449, 3631, 3665, 3723, 3780 and 3833 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Tingelstad, Seifert and Severson introduced:

H. F. No. 4099, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 3; by adding an article; providing for a bipartisan legislative redistricting commission.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Lanning, Marquart, Zellers, Slawik, Westrom, Nornes, Brod and Simpson introduced:

H. F. No. 4100, A bill for an act relating to taxation; property; providing a local option for granting a property tax exemption for certain nonprofit child care facilities; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

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

Hilstrom and Carlson introduced:

H. F. No. 4101, A bill for an act relating to education finance; authorizing a grant for the Brooklyn Center innovation district program; appropriating money.

The bill was read for the first time and referred to the Committee on Education Finance.

Carlson; Nelson, M., and Hilstrom introduced:

H. F. No. 4102, A bill for an act relating to airports; directing the Metropolitan Council to submit a report to the legislature on the Crystal Airport and potential alternative land uses for the Crystal Airport property.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Hansen, Rukavina, Lillie, Thao, Carlson and Dorn introduced:

H. F. No. 4103, A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by one-fourth of one percent and dedicating the receipts for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hansen introduced:

H. F. No. 4104, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article V, section 1; article XI, by adding a section; creating the Office of the Secretary of Natural Resources; modifying the Legislative Commission on Minnesota Resources; dedicating the sales tax receipts equal to a sales tax of one-fourth of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund, clean water fund, and farmland and natural areas fund; appropriating money; amending Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D; 446A; proposing coding for new law as Minnesota Statutes, chapter 116V; repealing Minnesota Statutes 2004, section 84.01.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelson, P., introduced:

H. F. No. 4105, A bill for an act relating to public safety; requiring Department of Administration to study establishment of a statewide critical incident planning and mapping system for secondary school buildings; appropriating money.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Finance.

Sieben introduced:

H. F. No. 4106, A bill for an act relating to taxes; individual income; allowing a subtraction for educational awards from the National Service Trust; amending Minnesota Statutes 2005 Supplement, section 290.01, subdivision 19b.

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

Mariani introduced:

H. F. No. 4107, A bill for an act relating to human services; expanding the supplemental rate for certain group residential housing facilities; amending Minnesota Statutes 2004, section 256I.05, by adding a subdivision.

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

Vandeverer introduced:

H. F. No. 4108, A bill for an act relating to taxation; property; requiring payments to compensate taxing jurisdictions for a decrease in tax base when real property is acquired by a political subdivision and becomes exempt; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Demmer, Urdahl, Abeler, Eken and Heidgerken introduced:

H. F. No. 4109, A bill for an act relating to education; including agriculture education option in social studies graduation requirements; amending Minnesota Statutes 2004, section 120B.024.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3465, 2728, 2832 and 2976.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3465, A bill for an act relating to workers' compensation; modifying appeal procedures; modifying notice of coverage provisions; amending Minnesota Statutes 2004, section 176.421, subdivision 4; Minnesota Statutes 2005 Supplement, section 176.185, subdivision 1.

The bill was read for the first time.

McNamara moved that S. F. No. 3465 and H. F. No. 3780, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2728, A resolution memorializing the President and the United States Congress to name the Rochester Veterans Outpatient Clinic the Corporal Chuck Lindberg Clinic.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 2832, A bill for an act relating to employment; forming a task force to study recruitment and retention of volunteer emergency personnel.

The bill was read for the first time.

Rukavina moved that S. F. No. 2832 and H. F. No. 2788, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2976, A bill for an act relating to elections; clarifying documents acceptable to prove residence; amending Minnesota Statutes 2004, section 201.061, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 201.061, subdivision 3.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

CONSENT CALENDAR

Seifert moved that the Consent Calendar be continued. The motion prevailed.

CALENDAR FOR THE DAY

Seifert moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Smith moved that the name of Soderstrom be added as an author on H. F. No. 432. The motion prevailed.

Finstad moved that the name of Peterson, A., be added as an author on H. F. No. 854. The motion prevailed.

Vandever moved that the name of Brod be added as an author on H. F. No. 2469. The motion prevailed.

Welti moved that the name of Ruud be added as an author on H. F. No. 2567. The motion prevailed.

Eastlund moved that the name of Atkins be added as an author on H. F. No. 2857. The motion prevailed.

Pelowski moved that the name of Walker be added as an author on H. F. No. 3026. The motion prevailed.

Nelson, P., moved that the name of Liebling be added as an author on H. F. No. 3050. The motion prevailed.

Abrams moved that the name of Poppe be added as an author on H. F. No. 3079. The motion prevailed.

Meslow moved that the name of Soderstrom be added as an author on H. F. No. 3091. The motion prevailed.

Walker moved that the name of Peterson, A., be added as an author on H. F. No. 3106. The motion prevailed.

Sykora moved that the name of Soderstrom be added as an author on H. F. No. 3158. The motion prevailed.

Sertich moved that the name of Fritz be added as an author on H. F. No. 3260. The motion prevailed.

Anderson, B., moved that the name of Soderstrom be added as an author on H. F. No. 3298. The motion prevailed.

Hackbarth moved that the name of Soderstrom be added as an author on H. F. No. 3353. The motion prevailed.

Brod moved that the name of Poppe be added as an author on H. F. No. 3677. The motion prevailed.

Hansen moved that the name of Loeffler be added as an author on H. F. No. 3705. The motion prevailed.

Hornstein moved that the name of Wilkin be added as an author on H. F. No. 3719. The motion prevailed.

Mariani moved that the names of Hausman; Ruud; Johnson, S.; Simon; Hornstein; Paymar; Haws; Nelson, M.; Liebling and Hansen be added as authors on H. F. No. 3770. The motion prevailed.

Penas moved that the name of Ozment be added as chief author on H. F. No. 3810. The motion prevailed.

Hansen moved that the name of Loeffler be added as an author on H. F. No. 3836. The motion prevailed.

Seifert moved that the names of Peterson, A., and Magnus be added as authors on H. F. No. 3905. The motion prevailed.

Loeffler moved that the name of Tingelstad be added as an author on H. F. No. 4065. The motion prevailed.

Sieben moved that the name of Kahn be added as an author on H. F. No. 4079. The motion prevailed.

Koenen moved that the name of Soderstrom be added as an author on H. F. No. 4082. The motion prevailed.

Peterson, S., moved that the names of Smith, Mullery, Ruud and Dittrich be added as authors on H. F. No. 4085. The motion prevailed.

Westerberg moved that the names of Charron and Magnus be added as authors on H. F. No. 4092. The motion prevailed.

Seifert moved that the name of Garofalo be added as an author on H. F. No. 4094. The motion prevailed.

Gunther moved that the name of Magnus be added as an author on H. F. No. 4097. The motion prevailed.

ANNOUNCEMENT BY THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS

Pursuant to House Rule 4.03, Knoblach reported to the House the following 2006 Budget Limits Resolution as adopted by the Committee on Ways and Means on Wednesday, April 5, 2006:

A resolution of the Ways and Means Committee of the House of Representatives; setting the limit on changes in expenditures for the biennium in accordance with House Rule 4.03.

Be It Resolved by the Ways and Means Committee of the House of Representatives that the following net expenditures from the general fund for fiscal years 2006 and 2007 are set for the major finance bills in the 2006 regular session:

- (1) a limit of \$4,800,000 for a higher education finance bill;
- (2) a limit of \$6,600,000 for an education finance bill;
- (3) a limit of \$1,000,000 for an agriculture and rural development finance bill;
- (4) a limit of \$10,500,000 for an environment and natural resources finance bill;
- (5) a limit of \$75,250,000 for a health finance bill;
- (6) a limit of \$3,000,000 for a state government finance bill;
- (7) a limit of (\$26,750,000) for a jobs and economic opportunity finance bill;
- (8) a limit of \$750,000 for a transportation finance bill;
- (9) a limit of \$6,300,000 for a public safety finance bill;
- (10) a limit of \$6,779,000 for a capital investment bill for additional debt service and general fund appropriations;
- (11) a limit of (\$316,716,000) for property tax aids and credits, administrative costs and other net expenditures in the tax bill.

Net expenditures in a major finance bill for fiscal years 2006 and 2007 must not exceed the amount indicated in this resolution.

Of the \$316,716,000 available for state tax reductions under the budget resolution, \$267,716,000 of that amount is available contingent on the state prevailing in the appeal of the decision, filed December 20, 2005, by the Minnesota District Court, Second Judicial District in *State v. Philip Morris, Inc.*

These changes are based on expenditures projected in the forecast for the general fund issued February 28, 2006.

Be It Further Resolved that the net expenditure of \$121,931,000 for the health care access fund forecast for fiscal years 2006 and 2007 is set for the major finance bills in the 2006 regular session. Of this amount, \$102,284,000 is available contingent on the state prevailing in the appeal of the decision, filed December 20, 2005, by the Minnesota District Court, Second Judicial District in *State v. Philip Morris, Inc.*

These changes are based on expenditures projected in the forecast for the health care access fund issued February 28, 2006.

Be It Further Resolved that the following changes in net expenditures for the tax relief account in the general fund for fiscal years 2006 and 2007 are set for the major finance bills in the 2006 regular session:

(1) a limit of \$316,716,000 for a tax bill.

These changes are based on expenditures projected in the forecast for the tax relief account in the general fund issued February 28, 2006.

ADJOURNMENT

Seifert moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, April 6, 2006. The motion prevailed.

Seifert moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 3:00 p.m., Thursday, April 6, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives