

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

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 NINETIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 25, 2002

The House of Representatives convened at 11:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Mark Innocenti, Our Lady of Lourdes Catholic Church, Little Falls, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Stanek was excused.

Entenza was excused until 12:00 noon. Schumacher was excused until 12:35 p.m. Westrom was excused until 12:40 p.m. Jennings was excused until 5:00 p.m.

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

**REPORTS OF CHIEF CLERK**

S. F. No. 2881 and H. F. No. 3169, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Vandever moved that the rules be so far suspended that S. F. No. 2881 be substituted for H. F. No. 3169 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3187 and H. F. No. 3317, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Seagren moved that the rules be so far suspended that S. F. No. 3187 be substituted for H. F. No. 3317 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3246 and H. F. No. 2710, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Entenza moved that the rules be so far suspended that S. F. No. 3246 be substituted for H. F. No. 2710 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 21, 2002

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

Dear Speaker Sviggum:

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

H. F. No. 2899, relating to metropolitan government; making changes to the livable community provisions.

H. F. No. 3584, relating to judgments; changing the formula for certain calculations.

H. F. No. 2813, relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; requiring child care licenses to contain certain information.

H. F. No. 2766, relating to motor vehicle fuel franchises; removing an expiration date.

H. F. No. 3189, relating to motor vehicles; defining street-sweeping vehicles as special mobile equipment for vehicle registration purposes.

H. F. No. 2742, relating to state government; regulating contested case procedures.

Sincerely,

JESSE VENTURA  
Governor

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	2899	246	3:12 p.m. March 21	March 21
	3584	247	3:10 p.m. March 21	March 21
	2813	248	3:11 p.m. March 21	March 21
	2766	249	3:12 p.m. March 21	March 21
	3189	250	3:12 p.m. March 21	March 21
	2742	251	3:10 p.m. March 21	March 21

Sincerely,

MARY KIFFMEYER  
Secretary of State

**REPORTS OF STANDING COMMITTEES**

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

H. F. No. 2574, A bill for an act relating to energy; providing incentives for use of renewable biodiesel fuel; making clarifying changes; amending Minnesota Statutes 2001 Supplement, sections 216B.169, subdivision 1; 216B.1691, subdivision 1; 216B.2411; 216C.41, subdivisions 1, 2, 3, 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 13, delete "10" and insert "3"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3379, A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 10A.02, subdivision 11; 10A.025, subdivisions 2, 4; 10A.03, subdivision 3; 10A.04, subdivisions 4, 5, 6; 10A.08; 10A.09, subdivision 7; 10A.11, subdivision 7; 10A.12, subdivision 6; 10A.13, subdivision 1; 10A.14, subdivision 4; 10A.15, subdivision 4; 10A.16; 10A.17, subdivision 5, by adding a subdivision; 10A.18; 10A.20, subdivision 12, by adding a subdivision; 10A.25, subdivision 10; 10A.255, subdivision 1; 10A.27, subdivisions 2, 9, 11, 13, by adding a subdivision; 10A.273, subdivisions 1, 4, 5; 10A.28, subdivisions 1, 2, 4, by adding a subdivision; 10A.29; 10A.322, subdivision 1; 10A.323; 356A.06, subdivision 4; Minnesota Statutes 2001 Supplement, section 10A.31, subdivision 7.

Reported the same back with the following amendments:

Page 15, line 15, after "(d)" insert "Except as provided in paragraph (e)."

Page 15, after line 17, insert:

"(e) The limitations of subdivision 1a do not apply to contributions from a principal campaign committee for a legislative office that is being dissolved to another principal campaign committee for a legislative office, when the candidate for each committee is identical."

Page 24, delete section 42

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

The report was adopted.

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

H. F. No. 3393, A bill for an act relating to child support; permitting the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support; clarifying requirements relating to payment agreements; modifying certain bonus incentives; changing child medical support requirements and procedures; changing support enforcement provisions; providing for continued exchange of certain data; appropriating money; amending Minnesota Statutes 2000, sections 171.186, subdivisions 1, 3, by adding a subdivision; 171.20, subdivision 4; 171.30, subdivision 1; 518.171, subdivision 3, by adding a subdivision; 518.551, subdivisions 12, 13, 14, 15; 518.553; 518.6111, subdivision 8; 518.614, subdivisions 3, 4; 518.617, subdivision 2; 548.091, subdivisions 1, 2a; Minnesota Statutes 2001 Supplement, sections 256.979, subdivisions 5, 6; 518.171, subdivisions 1, 4, 5; 518.6196; 548.091, subdivision 1a; Laws 2001, chapter 202, section 19.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

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

H. F. No. 3648, A bill for an act relating to economic development; modifying programs and practices; providing findings; modifying fees and assessments; providing extra unemployment benefits for certain laid-off workers; providing a special assessment; providing consultation requirements for capital projects; repealing obsolete provisions; reinstating a repealed law; amending Minnesota Statutes 2000, sections 16A.86, by adding a subdivision; 16B.305, by adding a subdivision; 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 5, 8, by adding a subdivision; 268.051, subdivision 8; 446A.07, subdivision 4; 446A.12, subdivision 1; 462A.04, subdivisions 1, 4; Minnesota Statutes 2001 Supplement, sections 116C.03, subdivision 2; 268.022, subdivision 1; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673.

Reported the same back with the following amendments:

Page 4, line 7, after the second comma, insert "state historic preservation office of the Minnesota historical society."

Pages 12 and 13, delete section 19

Page 14, after line 29, insert:

"Sec. 20. Minnesota Statutes 2000, section 270B.14, subdivision 8, is amended to read:

Subd. 8. [EXCHANGE BETWEEN DEPARTMENTS OF LABOR AND INDUSTRY AND REVENUE.] The departments of labor and industry and revenue may exchange information as follows:

(1) data used in determining whether a business is an employer or a contracting agent;

(2) taxpayer identity information relating to employers and employees for purposes of supporting tax administration and ~~chapter~~ chapters 176, 177, and 181; and

(3) data to the extent provided in and for the purpose set out in section 176.181, subdivision 8."

Page 18, delete section 26

Page 22, after line 24, insert:

"Sec. 29. [REPORT.]

The unemployment insurance advisory council shall present to the legislature, by January 15, 2003, a report, including proposals for any legislation, on the long-term solvency of the Minnesota unemployment insurance program trust fund."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "projects" insert "; requiring a report"

Page 1, line 14, after the second semicolon, insert "270B.14, subdivision 8;"

Page 1, line 17, delete "sections" and insert "section" and delete "268.022"

Page 1, line 18, delete "subdivision 1;"

Page 1, line 19, delete "Laws"

Page 1, delete line 20

Page 1, line 21, delete "section 31;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2572, A bill for an act relating to local government; authorizing the establishment of a specific nonprofit corporation in development region nine for certain specified purposes.

Reported the same back with the following amendments to the unofficial engrossment:

Page 6, after line 1, insert:

"[**EFFECTIVE DATE.**] This section is effective for mortgages recorded after June 30, 2003."

Page 10, line 24, delete "equitable"

Page 10, line 26, after "property" insert "or two or more properties constituting a single project"

Page 11, line 9, after the period, insert "Real property includes an easement and improvements made to a leasehold of real property. The owner of the property means the entity or entities that are the fee or equitable owners and that are economically at risk with regard to the property."

Page 12, after line 4, insert:

"Sec. 15. Laws 1965, chapter 326, section 1, subdivision 5, as amended by Laws 1975, chapter 110, section 1, Laws 1985, chapter 87, section 3, and Laws 1998, chapter 389, article 11, section 11, is amended to read:

Subd. 5. [PROMOTION OF TOURIST, AGRICULTURAL AND INDUSTRIAL DEVELOPMENT.] Promotion of tourist, agricultural and industrial development. The amount to be spent annually for the purposes of this subdivision shall not exceed ~~\$4~~ \$10 per capita of the county's population.

Sec. 16. Laws 1967, chapter 170, section 1, subdivision 5, as amended by Laws 1985, chapter 87, section 6, and Laws 1998, chapter 389, article 11, section 12, is amended to read:

Subd. 5. Promotion of tourist, agricultural and industrial developments. The amount to be spent annually for the purposes of this subdivision shall not exceed ~~\$4~~ \$10 per capita of the county's population."

Page 18, line 11, delete "21 to 28" and insert "23 to 30"

Page 18, line 16, delete "23" and insert "25"

Page 18, line 33, delete "21 to 28" and insert "23 to 30"

Page 19, line 7, delete "21 to 28" and insert "23 to 30" and delete "becomes" and insert "become"

Page 19, line 25, delete "26" and insert "28"

Page 20, line 8, delete "21 to 28" and insert "23 to 30"

Page 21, lines 1, 9, 26, and 31, delete "21 to 28" and insert "23 to 30"

Page 21, line 18, delete "25" and insert "27"

Page 24, after line 6, insert:

"Sec. 34. [ST. LOUIS COUNTY; FORFEITED LAND; PROCEEDS.]

Subdivision 1. [AUTHORITY; PURPOSES.] Notwithstanding the provisions of Minnesota Statutes, section 282.08, clause (4), the county board of St. Louis county, out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products from that land after making the payments directed by Minnesota Statutes, section 282.08, clauses (1), (2), and (3), may annually by resolution apportion the balance including undistributed receipts remaining in the fund on the effective date of this section as provided in subdivisions 2 to 5.

Subd. 2. [TIMBER DEVELOPMENT; MEMORIAL FORESTS.] No more than 30 percent of the balance is to be used for timber development on tax-forfeited land and dedicated memorial forests to be expended under the supervision of the county board on projects approved by the commissioner of natural resources.

Subd. 3. [OTHER PURPOSES.] No more than 20 percent of the balance is to be used for the following purposes:

(1) acquisition and maintenance of county parks or recreational areas as defined in Minnesota Statutes, sections 398.31 to 398.36;

(2) land use planning programs being carried on in the county including the enforcement of any controls developed in said program; and

(3) no more than \$4 per capita of the county's population on the promotion of tourist, agricultural, and economic development.

Subd. 4. [USE FOR STATE OR FEDERAL PROGRAMS.] Any funds set aside by the county board pursuant to subdivisions 2 and 3 may be used by the county board as the county's share in any state or federal aid program relating to the purposes stated in subdivisions 2 and 3.

Subd. 5. [APPORTIONMENT.] Any balance shall be apportioned as follows: county, 40 percent; town or city, 20 percent; and school district, 40 percent. But in unorganized territories, the portion that should have accrued to the township must be administered by the county board of commissioners.

**[EFFECTIVE DATE; LOCAL APPROVAL.] This section is effective the day after the governing body of St. Louis county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.**"

Page 24, line 8, delete "21 to 28" and insert "23 to 30"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, after the semicolon, insert "providing for the distribution and apportionment of certain tax-forfeited land proceeds;"

Page 1, line 28, after the semicolon, insert "Laws 1965, chapter 326, section 1, subdivision 5, as amended; Laws 1967, chapter 170, section 1, subdivision 5, as amended;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2707, A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; appropriating money; amending Minnesota Statutes 2001 Supplement, sections 357.18, subdivision 3; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2001, First Special Session chapter 10, article 2, section 98; Laws 2001, First Special Session chapter 10, article 2, section 99.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 507.093, is amended to read:

507.093 [STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.]

(a) The following standards are imposed on documents to be recorded with the county recorder or filed with the registrar of titles:

(1) The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.

(2) The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.



(3) The document shall be on white paper of not less than 20-pound weight with no background color, images, or writing and shall have a clear border of approximately one-half inch on the top, bottom, and each side.

(4) The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page. The right half to be used by the county recorder for recording information or registrar of titles for filing information and the left half to be used by the county auditor or treasurer for certification.

(5) The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4).

(6) No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.

(7) A document presented for recording or filing must be sufficiently legible to reproduce a readable copy using the county recorder's or registrar of title's current method of reproduction.

The standards in this paragraph do not apply to a document that is recorded or filed as part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391.

(b) The recording or filing fee for a document that does not conform to the standards in paragraph (a) shall be increased as provided in sections 357.18, subdivision 5; 508.82; and 508A.82.

(c) The recorder or registrar shall refund the recording or filing fee to the applicant if the real estate documents are not filed or registered within 30 days after receipt, or as otherwise provided by section 386.30.

Sec. 2. Minnesota Statutes 2001 Supplement, section 507.24, subdivision 2, is amended to read:

Subd. 2. [ORIGINAL SIGNATURES REQUIRED.] Unless otherwise provided by law, an instrument affecting real estate that is to be recorded as provided in this section or other applicable law must contain the original signatures of the parties who execute it and of the notary public or other officer taking an acknowledgment. However, a financing statement that is recorded as a filing pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment. Any electronic instruments, including signatures and seals, affecting real estate may only be recorded as part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391.

Sec. 3. Minnesota Statutes 2001 Supplement, section 508.82, subdivision 1, is amended to read:

Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (5), (11), (13), (14), (16), and (17), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a ~~\$4.50~~ \$5 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2), (3), (5), (11), (13), (14), (16), and (17), with 50 cents of this surcharge to be retained by the county to cover its administrative costs, 50 cents must be deposited in the state treasury to provide an additional funding source for the appropriations in Laws 2001, First Special Session chapter 10, article 2, sections 98 and 99, to the legislative coordinating commission for the real estate task force established under Laws 2000, chapter 391, and \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering a first certificate of title, including issuing a copy of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the registration of the new certificate of title, including a copy of it, \$30;

(4) for issuance of a CECT pursuant to section 508.351, \$15;

- (5) for the entry of each memorial on a certificate, \$15;
- (6) for issuing each residue certificate, \$20;
- (7) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;
- (8) for each certificate showing condition of the register, \$10;
- (9) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;
- (10) for a noncertified copy of any certificate of title, other than the copies issued under clauses (2) and (3), any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;
- (11) for filing two copies of any plat in the office of the registrar, \$30;
- (12) for any other service under this chapter, such fee as the court shall determine;
- (13) for filing an amendment to a declaration in accordance with chapter 515, \$10 for each certificate upon which the document is registered and \$30 for an amended floor plan filed in accordance with chapter 515;
- (14) for filing an amendment to a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium or common interest community plat or amendment;
- (15) for a copy of a condominium floor plan filed in accordance with chapter 515, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan or common interest community plat with a minimum fee of \$10;
- (16) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;
- (17) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30; and
- (18) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$10.

Sec. 4. Minnesota Statutes 2001 Supplement, section 508A.82, subdivision 1, is amended to read:

Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid to the registrar shall be as follows:

- (1) of the fees provided herein, five percent of the fees collected under clauses (3), (5), (11), (13), (14), and (17), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a ~~\$4.50~~ \$5 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2), (3), (5), (11), (13), (14), and (17), with 50 cents of this surcharge to be retained by the county to cover its administrative costs, 50 cents to be deposited in the state treasury to provide an additional funding source for the appropriations in Laws 2001, First Special Session chapter 10, article 2, sections 98 and 99, to the legislative coordinating commission for the real estate task force established under Laws 2000, chapter 391, and \$4 to be paid to the state treasury and credited to the general fund;
- (2) for registering a first CPT, including issuing a copy of it, \$30;
- (3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the registration of the new CPT, including a copy of it, \$30;

- (4) for issuance of a CECT pursuant to section 508A.351, \$15;
- (5) for the entry of each memorial on a CPT, \$15;
- (6) for issuing each residue CPT, \$20;
- (7) for exchange CPTs or combined certificates of title, \$10 for each CPT and certificate of title canceled and \$10 for each new CPT or combined certificate of title issued;
- (8) for each CPT showing condition of the register, \$10;
- (9) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;
- (10) for a noncertified copy of any CPT, other than the copies issued under clauses (2) and (3), any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;
- (11) for filing two copies of any plat in the office of the registrar, \$30;
- (12) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;
- (13) for filing an amendment to a declaration in accordance with chapter 515, \$10 for each certificate upon which the document is registered and \$30 for an amended floor plan filed in accordance with chapter 515;
- (14) for filing an amendment to a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), and issuing a CECT if required, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium or common interest community plat or amendment;
- (15) for a copy of a condominium floor plan filed in accordance with chapter 515, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, or common interest community plat with a minimum fee of \$10;
- (16) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;
- (17) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30; and
- (18) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10.

Sec. 5. Laws 2000, chapter 391, section 1, subdivision 2, is amended to read:

Subd. 2. [STUDY AND RECOMMENDATIONS.] The task force shall study and make recommendations regarding implementation of a system for electronic filing and recording of real estate documents and shall consider:

- (1) technology and computer needs;
- (2) legal issues such as authenticity, security, timing and priority of recordings, and the relationship between electronic and paper recording systems;

- (3) cost-effectiveness of electronic recording systems;
- (4) timetable and plan for implementing an electronic recording system, considering types of documents and entities using the system and volume of recordings;
- (5) permissive versus mandatory systems; and
- (6) other relevant issues identified by the task force.

The task force shall submit a report to the legislature by January 15, 2001, outlining a proposed work plan and budget for consideration by the legislature. The task force expires June 30, ~~2003~~ 2004.

Sec. 6. Laws 2001, First Special Session chapter 10, article 2, section 98, is amended to read:

Sec. 98. [WORK PLAN APPROPRIATIONS.]

(a) \$650,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the real estate task force established in accordance with Laws 2000, chapter 391, for the expenses of the task force in carrying out the work plan as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004, and is to be administered at the direction of the chair of the task force, subject to the prior approval of the task force.

(b) \$500,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the task force for the development and implementation of pilot electronic real estate projects in diverse counties as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004.

Sec. 7. [EXTENSION OF EFFECTIVE DATE.]

The effective date of the amendment to Minnesota Statutes, section 357.18, subdivision 3, contained in Laws 2001, First Special Session chapter 10, article 2, section 77, is extended until June 30, 2004.

Sec. 8. [ADDITIONAL FUND SOURCE FOR 2001 APPROPRIATION.]

The 50 cent increase in the surcharges made by the amendments in sections 1 and 2 are available as an additional funding source for the appropriations in Laws 2001, First Special Session chapter 10, article 2, sections 98 and 99.

Sec. 9. [EFFECTIVE DATES AND APPLICATION.]

The amendments made by sections 3 and 4 are effective until June 30, 2004, for documents last acknowledged ten or more days after the date of final enactment of this act; or filed 45 days or more after the date of final enactment. Sections 6 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; extending the availability of an existing appropriation; providing for the electronic recording and authentication of certain documents as part of a pilot project; delaying the expiration date of the electronic real estate

recording task force; amending Minnesota Statutes 2000, section 507.093; Minnesota Statutes 2001 Supplement, sections 507.24, subdivision 2; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2000, chapter 391, section 1, subdivision 2; Laws 2001, First Special Session chapter 10, article 2, section 98."

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

The report was adopted.

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

S. F. No. 2963, A bill for an act relating to state government; transferring duties of the state treasurer to the commissioner of finance; amending Minnesota Statutes 2000, sections 7.26; 16A.27, subdivision 5; 16A.626; 35.08; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 280.29; 293.06; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; Minnesota Statutes 2001 Supplement, sections 35.09, subdivision 3; 122A.21; 276.11, subdivision 1; 299D.03, subdivision 5; repealing Minnesota Statutes 2000, section 7.21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 4.06, is amended to read:

4.06 [VACANCY; SUCCESSION; DISABILITY.]

(a) When a vacancy occurs, from any cause whatever, in the office of governor, the lieutenant governor shall become governor and the last duly elected president of the senate shall become lieutenant governor for the remainder of the term. When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president of the senate shall become governor for the remainder of the term. If there be no president of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, ~~or the treasurer~~, or the attorney general, in that order, shall upon resignation from office, become governor for the remainder of the term.

(b) In case of the death or other failure to take office of the governor-elect, the lieutenant governor-elect shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect. In case of the death or other failure to take office of both the governor-elect and lieutenant governor-elect, the last duly elected president of the senate, or in the case of death or other failure to take office, the last duly elected speaker of the house of representatives, or in the case of death or other failure to take office, the secretary of state-elect, or under the same circumstances the auditor-elect, ~~the treasurer-elect~~ or the attorney general-elect, in that order shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect.

(c) If the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration of an inability to discharge the powers and duties of the office of governor, and until the governor transmits a written declaration to the contrary, the powers and duties of the governor shall be discharged by the lieutenant governor.

(d) The governor may be declared unable to discharge the powers and duties of the office if a declaration is signed by four out of five of the following persons and transmitted to the president of the senate and the speaker of the house of representatives: the chief justice of the supreme court, the lieutenant governor, the governor's chief of staff, the governor's personal physician, and a member of the governor's cabinet designated in advance by the governor. If no cabinet member has been designated, three out of four shall be sufficient. The lieutenant governor shall then discharge the powers and duties of the office of governor.

(e) The declaration remains in effect until the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration that no inability exists, unless four out of five of the persons described in paragraph (d), or three out of four if no cabinet member has been designated, sign and transmit to the president of the senate and the speaker of the house of representatives within four days of the governor's declaration a declaration that the governor is unable to discharge the powers and duties of the office. In that event, the lieutenant governor shall continue to discharge the duties of the office until the legislature decides the issue, assembling within 48 hours for that purpose if not in session. If the legislature, within 21 days after receipt of the declaration that the governor is unable to discharge the powers and duties of the office or, if the legislature is not in session, within 21 days after being required to assemble, determines by two-thirds vote of both houses that the governor is unable to discharge the powers and duties of the office, the lieutenant governor shall continue to discharge the powers and duties of the office. Otherwise, the governor shall resume the powers and duties of the office.

Sec. 2. [7.015] [OFFICE OF STATE TREASURER.]

The office of state treasurer is created, under direction of a state treasurer appointed by the governor, with advice and consent of the senate. The treasurer serves in the unclassified service. Section 15.06, subdivisions 2 to 6, apply to the state treasurer. Personnel, powers, or duties of the office of state treasurer may not be transferred to another agency under authority of section 16B.37 or other law.

Sec. 3. Minnesota Statutes 2000, section 8.05, is amended to read:

8.05 [FORMS PREPARED; OPINIONS.]

The attorney general shall prepare forms for bonds and other contracts and instruments for the use of state officials, boards, and commissions and give legal advice in all matters relating to their official duties, whenever required by the governor, auditor, ~~treasurer~~, or secretary of state, or any board or commission created by law. When required by either house of the legislature the attorney general shall give a written opinion upon any question of law. The attorney general similarly shall give a written opinion upon any question of law submitted by a permanent or interim committee or commission of the legislature or of either house of the legislature, including but not limited to an interim committee of the legislature created by law for a county containing a city of the first class.

Sec. 4. Minnesota Statutes 2000, section 10.01, is amended to read:

10.01 [SPACE FOR CONSTITUTIONAL OFFICES; ADDITIONAL DUTIES.]

The governor, secretary of state, auditor, ~~treasurer~~, and attorney general shall keep their offices in rooms provided for them, respectively, in the area known as the capitol, or as the capitol complex, or as the capitol area; and, in addition to the duties heretofore prescribed, shall severally render such other services and be subject to such further obligations as are required of or imposed upon them by law.

Sec. 5. Minnesota Statutes 2000, section 11A.08, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is created an investment advisory council consisting of ~~17~~ 18 members. Ten of these members shall be experienced in general investment matters. They shall be appointed by the state board. One member is the state treasurer. The other seven members shall be: the commissioner of finance; the executive director of the Minnesota state retirement system; the executive director of the public employees

retirement association; the executive director of the teachers retirement association; a retiree currently receiving benefits from the postretirement investment fund; and two public employees who are active members of funds whose assets are invested by the state board. The retiree and the public employees shall be appointed by the governor for four-year terms.

Sec. 6. Minnesota Statutes 2000, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] (a) Notwithstanding any other law to the contrary, terms and conditions of employment for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraph (c) must be reviewed and approved, modified, or rejected by the legislature and the legislative coordinating commission under section 3.855, subdivisions 2 and 3, before becoming effective.

(b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, and state auditor, ~~and state treasurer~~ must be determined by the governor, lieutenant governor, attorney general, secretary of state, and state auditor, ~~and state treasurer~~, respectively.

(c) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education services office must be determined by the higher education services office.

Sec. 7. Minnesota Statutes 2000, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~, secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, \$300;

(b) for the office of senator in Congress, \$400;

(c) for office of senator or representative in the legislature, \$100;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 8. Minnesota Statutes 2000, section 204D.10, subdivision 2, is amended to read:

Subd. 2. [PARTY PRIMARY; TEN PERCENT REQUIREMENT.] If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, ~~state treasurer~~, and attorney general.

Sec. 9. Minnesota Statutes 2000, section 209.01, subdivision 2, is amended to read:

Subd. 2. [STATEWIDE OFFICE.] For purposes of this chapter "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, ~~state treasurer~~, secretary of state, chief justice or associate justice of the supreme court, judge of the court of appeals, United States senator, or presidential elector.

Sec. 10. [TRANSFER.]

All statutory powers, responsibilities, and duties of the constitutional office of state treasurer are transferred to the statutory office of state treasurer, under Minnesota Statutes, section 15.039, except as otherwise provided in Laws 1998, chapter 387, and except that Minnesota Statutes, section 15.039, subdivision 7, does not apply to the elected state treasurer.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective January 6, 2003."

Delete the title and insert:

"A bill for an act relating to state government; creating the office of state treasurer; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 43A.18, subdivision 4; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 7."

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

The report was adopted.

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

S. F. No. 3054, A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

Reported the same back with the following amendments:

Page 1, after line 25, insert:

"Sec. 3. Minnesota Statutes 2001 Supplement, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSABLE COSTS.] (a) The board shall provide reimbursement to eligible applicants for reimbursable costs.



(b) The following costs are reimbursable for purposes of this chapter:

(1) corrective action costs incurred by the applicant and documented in a form prescribed by the board, except the costs related to the physical removal of a tank; ~~and~~

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury, property damage, or corrective action costs incurred by a third party caused by a release where the responsible person's liability for the costs has been established by a court order or court-approved settlement; ~~and~~

(3) up to 180 days of interest costs associated with the financing of corrective action and incurred by the applicant in a written extension of credit or loan that has been signed by the applicant and executed after July 1, 2002, provided that the applicant documents that:

(i) the interest costs are incurred as a result of an extension of credit or loan from a financial institution; and

(ii) the board has not considered the application within the applicable time frame specified in section 115C.09, subdivision 2a, paragraph (c).

Interest costs meeting the requirements of this clause are eligible only when they are incurred between the date a complete initial application is received by the board, or the date a complete supplemental application is received by the board, and the date that the board first notifies the applicant of its reimbursement determination. An application is complete when the information reasonably required or requested by the board's staff from the applicant has been received by the board's staff. Interest costs are not eligible for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the extension of credit or loan was executed.

(c) A cost for liability to a third party is incurred by the responsible person when an order or court-approved settlement is entered that sets forth the specific costs attributed to the liability. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before the period, insert "Minnesota Statutes 2001 Supplement, section 115C.09, subdivision 1"

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2574, 3364, 3393 and 3648 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 2881, 3187, 3246 and 2572 were read for the second time.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2622, A bill for an act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's endorsement regulations; establishing a biological agents registry; providing for background checks of new applicants for aerial applicator licenses; providing for a civil penalty; providing criminal penalties; providing for expedited management and disposal of waste in peacetime emergencies; authorizing closing public meetings to discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of residency for drivers' licenses; providing for expense reimbursement of bomb disposal units; upon commission of terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae, or poultry; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; updating the wiretapping law to help interception of terroristic communications; prescribing penalties; establishing an anti-terrorism account in the special revenue fund; abolishing the office of corrections ombudsman; transferring certain funds from the tobacco use prevention and local public health endowment funds to the general fund; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; requiring a report on the best way to exchange data with the federal government with respect to foreign students; appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision; 13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355, subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.531, subdivision 1; 609.532, subdivision 3; 609.625, by adding a subdivision; 609.668, subdivision 6; 609.713, subdivision 1, by adding a subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 16; 626A.05, subdivision 2; 626A.06, subdivisions 11, 12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; 260B.171, subdivision 1; repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; Minnesota Statutes 2001 Supplement, section 241.45; proposing coding for new law in Minnesota Statutes, chapters 18D; 144; 168; 171; 609.

The Senate has appointed as such committee:

Senators Ranum; Moua; Kelley, S. P.; Schwab and Neuville.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2909, A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

Senators Sams, Berglin and Kiscaden.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Penas moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2909. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2486, A bill for an act relating to health; modifying requirements for certain major spending commitments; amending Minnesota Statutes 2000, section 62J.17, subdivision 8.

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

Senators Samuelson, Berglin and Fischbach.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Goodno moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2486. The motion prevailed.

Mr. Speaker:

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

S. F. No. 3288, A bill for an act relating to public employment labor relations; extending the expiration of an interest arbitration provision governing firefighters; amending Minnesota Statutes 2000, section 179A.16, subdivision 7a.

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

Senators Kelley, S. P.; Rest and Fischbach.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Rhodes moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3288. The motion prevailed.

Mr. Speaker:

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

S. F. No. 3293, A bill for an act relating to highways; transferring three state highways and vacating one state highway; repealing Minnesota Statutes 2000, section 161.115, subdivisions 122, 197, 204, 233.

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

Senators Chaudhary, Foley and Frederickson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Paulsen moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3293. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2125, 3099, 3177, 3114, 3298 and 2674.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2125, A bill for an act relating to natural resources; modifying provisions for all-terrain vehicle use on certain wildlife management area lands; modifying disposition of lottery ticket in lieu of sales tax receipts; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; amending Minnesota Statutes 2000, section 97A.133, subdivision 3; Minnesota Statutes 2001 Supplement, sections 297A.94; 477A.14.

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

S. F. No. 3099, A bill for an act relating to human services; allowing the ombudsman for corrections to apply for or receive certain grants; making changes to continuing care programs; modifying case manager continuing education requirements; adding an exemption from preadmission screening requirements; modifying targeted case management client contact requirements; requiring a case management services study; modifying planned closure rate adjustment provisions; correcting inconsistencies in mental health services coverage in border states; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; expanding MFIP hardship extensions; amending Minnesota Statutes 2000, sections 241.44, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.40, subdivision 1; Minnesota Statutes 2001 Supplement, sections 144.122; 144.148, subdivision 2; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6; 256J.425, subdivisions 3, 4, 5, 6, by adding a subdivision; 326.38; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2000, section 326.45.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 3177, A bill for an act relating to economic development; coordinating funding for wastewater and drinking water programs; modifying the wastewater infrastructure funding program; increasing bonding authority for the public facilities authority; amending Minnesota Statutes 2000, sections 446A.07, subdivision 4; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; 446A.12, subdivision 1; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

The bill was read for the first time and referred to the Committee on Capital Investment.

S. F. No. 3114, A bill for an act relating to child support; permitting the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support; clarifying requirements relating to payment agreements; appropriating money; amending Minnesota Statutes 2000, sections 171.186, subdivisions 1, 3, by adding a subdivision; 171.20, subdivision 4; 171.30, subdivision 1; 518.551, subdivisions 12, 13, 14, 15; 518.553.

The bill was read for the first time.

Boudreau moved that S. F. No. 3114 and H. F. No. 3393, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3298, A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; modifying provisions regulating disposition of impounded vehicles; allowing limited use of highway shoulders by buses and vanpools; requiring parked vehicle to be parallel with curb; allowing limited regulation by local governments of train whistles; modifying motor carrier provisions to reduce certain regulatory obligations; requiring commissioner of transportation to adopt rules to implement and administer training program for tow truck operators; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; removing sunset provision relating to determining city populations for state-aid street purposes; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; providing for resolution of dispute relating to Camp Coldwater Springs; establishing vanpool demonstration project, highway corridor-protection demonstration project, and commuter rail station working group; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; providing for fees; appropriating money for various projects and activities; amending Minnesota

Statutes 2000, sections 161.20, subdivision 2; 161.465; 168B.051, subdivisions 1a, 2; 169.35, subdivision 1; 169.86, subdivision 5; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; Laws 2001, First Special Session chapter 8, article 2, section 6; proposing coding for new law in Minnesota Statutes, chapters 15; 168; 169; 174; 299A; repealing Minnesota Statutes 2000, section 221.0313.

The bill was read for the first time.

Kuisle moved that S. F. No. 3298 and H. F. No. 3199, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2674, A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

The bill was read for the first time.

Ozment moved that S. F. No. 2674 and H. F. No. 2920, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

#### MOTIONS FOR RECONSIDERATION

Ozment moved that the vote whereby S. F. No. 3084 was passed on Friday, March 22, 2002, be now reconsidered. The motion prevailed.

Ozment moved that the action whereby S. F. No. 3084 was given its third reading be now reconsidered. The motion prevailed.

Ozment moved to amend S. F. No. 3084 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3506, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 115A.929, is amended to read:

## 115A.929 [FEES; ACCOUNTING.]

Each political subdivision that provides for solid waste management shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the political subdivision and ~~shall~~ must annually report revenue collected from the fees and use of the revenue ~~separately from other revenue and use of revenue in any required financial report or audit to the office of environmental assistance.~~ For the purposes of this section, "waste management fees" means:

- (1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;
- (2) all tipping fees collected at waste management facilities owned or operated by the political subdivision;
- (3) all charges imposed by the political subdivision for waste collection and management services; and
- (4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the political subdivision.

Sec. 2. Minnesota Statutes 2000, section 609.5315, subdivision 6, is amended to read:

Subd. 6. [REPORTING REQUIREMENT.] The appropriate agency shall provide a written record of each forfeiture incident to the ~~state auditor office of strategic and long-range planning.~~ The record shall include the amount forfeited, date, and a brief description of the circumstances involved. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. Reports shall be made on a monthly basis in a manner prescribed by the ~~state auditor director of the office.~~ The ~~state auditor director~~ shall report annually to the legislature on the nature and extent of forfeitures.

Sec. 3. [REPEALER.]

Minnesota Statutes 2000, section 6.77, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2003."

Delete the title and insert:

"A bill for an act relating to auditing; modifying certain state and local auditing procedures and reporting practices; amending Minnesota Statutes 2000, sections 115A.929; 609.5315, subdivision 6; repealing Minnesota Statutes 2000, section 6.77."

The motion prevailed and the amendment was adopted.

S. F. No. 3084, A bill for an act relating to auditing; modifying certain state and local auditing procedures and reporting practices; amending Minnesota Statutes 2000, sections 115A.929; 609.5315, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 366; repealing Minnesota Statutes 2000, section 6.77.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Erickson	Kielkucki	Krinkie	Olson	Wilkin
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The bill was passed, as amended, and its title agreed to.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

### FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2214.

H. F. No. 2214 was reported to the House.



Mares moved to amend H. F. No. 2214, the second engrossment, as follows:

Page 2, line 1, after the period, insert "The amounts so used are appropriated to the commissioner of finance to make the payments."

Page 4, line 16, delete "facility" and insert "revenues from the ballpark"

Page 4, line 34, after "gift" insert "or sale"

Page 5, line 22, after the period, insert "The proceeds of the bonds must be deposited in a ballpark revenue bond proceeds fund in the state treasury. The amount necessary to make the loan described in this section and to make other payments authorized by law from the fund are appropriated from the ballpark revenue bond proceeds fund in the state treasury to the commissioner to make the loan and the other payments."

Page 5, line 28, after the period, insert "Minnesota Statutes, sections 16A.672 to 16A.675, apply to the bonds."

Page 7, line 4, after the period, insert "The money described in subdivision 2 that is received by the commissioner, and all income from it, as well as other revenue available to the commissioner for the purpose of the gift fund, must be deposited in this ballpark revenue bond debt service gift fund in the state treasury. Money in this gift fund necessary to make all debt service payments, when due, on the state revenue bonds issued under this act are appropriated to the commissioner of finance to make the payments."

Page 7, after line 29, insert:

"Subd. 4. [LOAN AGREEMENT.] Upon satisfaction of the conditions under this act, the commissioner shall provide a loan to the city, in an amount up to \$330,000,000, from the bond proceeds fund. The proceeds of this loan may be used for the costs of designing, acquiring, constructing, furnishing, and equipping the baseball park. The commissioner shall specify the terms of the loan agreement.

Subd. 5. [PLEDGES.] Any pledge made by the commissioner is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner is immediately subject to the lien of the pledge without any physical delivery of the property or money or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner, whether or not those parties have notice of the lien or pledge. Neither the order nor any other instrument by which a pledge is created need be recorded.

Subd. 6. [BONDS; NONLIABILITY OF INDIVIDUALS.] The commissioner and the commissioner's staff and any person executing the bonds are not personally liable on the bonds or subject to any personal liability or accountability by reason of their issuance.

Subd. 7. [BONDS; PURCHASE AND CANCELLATION.] The commissioner, subject to agreements with bondholders which may then exist, may out of any funds available for the purpose to purchase bonds of the commissioner at a price not exceeding (i) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (ii) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Subd. 8. [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.] The state pledges and agrees with the holders of any bonds that the state will not limit or alter the rights vested in the commissioner to fulfill the terms of any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner may include this pledge and agreement of the state in any agreement with the holders of bonds issued under this section."

Page 7, line 30, delete "4" and insert "9"

Page 7, line 34, delete "5" and insert "10"

Page 8, line 7, delete everything after the period

Page 8, delete lines 8 and 9

Page 8, line 10, delete everything before "the"

Page 8, line 12, delete "6" and insert "11"

Page 8, line 15, delete "7" and insert "12"

Page 9, delete lines 5 to 8

Page 9, line 9, delete "(8)" and insert "(7)"

Page 9, line 13, delete "(9)" and insert "(8)"

Page 9, line 17, delete "(10)" and insert "(9)"

Page 9, line 35, delete "(11)" and insert "(10)"

Page 10, line 12, delete "and"

Page 10, line 13, delete "(12)" and insert "(11)"

Page 10, line 19, delete the period and insert "; and

(12) the city may reserve all or part of the revenue from the sale of personal seat licenses and naming rights to make payments on the state loan."

Page 10, line 20, delete "8" and insert "13"

Page 11, line 6, before the period, insert "or to pay for improvements to the baseball park"

Page 11, line 20, delete "liquor and"

Page 11, line 21, delete "food taxes" and insert "taxes on sales of food and alcoholic beverages, as defined in Minnesota Statutes, section 297G.01,"

Amend the title as follows:

Page 1, line 26, after the semicolon, insert "appropriating money;"

Adjust amounts accordingly

Re-number or reletter in sequence and correct internal references

Amend the title accordingly

Paymar moved to amend the Mares amendment to H. F. No. 2214, the second engrossment, as follows:

Page 3, line 28 of the Mares amendment, before the period, insert "or to pay for the city's cost of public infrastructure improvements to serve users of the ballpark."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Mares amendment to H. F. No. 2214, the second engrossment. The motion prevailed and the amendment was adopted.

Hackbarth moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

### PROFESSIONAL SPORTS PRESERVATION AND STADIUM CONSTRUCTION

Section 1. [16A.88] [STADIUM CONSTRUCTION FUND.]

Subdivision 1. [FUND ESTABLISHED.] A stadium construction fund is established in the special revenue fund in the state treasury, consisting of money paid to the commissioner of finance under subdivision 3, and interest or permitted investments gains thereon. Money held in the account is to be used by the commissioner solely for payments as provided in subdivision 2.

Subd. 2. [USES OF FUND.] (a) The commissioner shall give \$330,000,000 to a city, as defined in section 3, to finance the costs of designing, acquiring, constructing, furnishing, and equipping a baseball park for a major league baseball franchise.

(b) Of this amount, \$165,000,000 shall be a grant issued to the city for the purposes of paragraph (a). The commissioner shall make an additional \$165,000,000 of this amount a loan to the city for the purposes of paragraph (a). This ballpark loan shall be repaid in annual installments to the commissioner of finance at a rate of 6.5 percent, amortized over 30 years. The commissioner shall deposit these payments annually into the general fund.

(c) In addition, any available amounts in the fund may be used, as appropriated by law, to provide financial assistance to construct a football stadium and to make improvements to other sports facilities in the state.

Subd. 3. [FINANCING OF STADIUM CONSTRUCTION FUND.] The stadium construction fund shall be financed by a license fee in the amount of \$330,000,000 to be paid by the licensee receiving a license under article 2, section 2. Upon receipt of the license fee payment transfer from the commissioner of public safety, as provided in article 2, section 5, the commissioner of finance shall deposit the payment in the stadium construction fund.

Sec. 2. Minnesota Statutes 2000, section 272.02, is amended by adding a subdivision to read:

Subd. 50. [BASEBALL PARK.] Real or personal property acquired, owned, leased, controlled, used, or occupied as a baseball park by a major league professional baseball team is exempt from taxation but the property is subject to special assessments levied by a political subdivision under chapter 429. The baseball park includes parking facilities and land necessary to and part of the use of the baseball park. A use of the property in any manner different from its use as a baseball park must not be considered in determining the special benefit under chapter 429 received by the properties. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal property on the premises of the baseball park leased by the local government unit that operates the baseball park to another person or entity for uses directly related to the operation of the baseball park is exempt from taxation regardless of the length of the lease. This subdivision expires one month after repayment of the loan issued to finance the baseball park.

Sec. 3. [SITE SELECTION FOR BASEBALL PARK.]

Subdivision 1. [DEFINITION.] (a) For purposes of this article, the following terms have the meanings given, unless the context indicates otherwise.

(b) "City" means the statutory or home rule charter city, designated by the council as the site for the baseball park.

(c) "Commissioner" means the commissioner of finance.

(d) "Council" means the executive council under Minnesota Statutes, section 9.011.

(e) "Ballpark loan" means the loan as provided in section 1, subdivision 2, paragraph (b), to finance the costs of designing, acquiring, constructing, furnishing, and equipping a baseball park for a major league baseball franchise.

Subd. 2. [SITE SELECTION PROCESS.] On or before April 1, 2003, the council shall select a city to provide a site for the new baseball park. The required elements of the selection process are:

(1) the council shall accept bids from any city within the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2;

(2) acceptable bids must provide, at a minimum, for the provision of land of a site that is of adequate size for the baseball park and adjacent parking facilities to be made available to the team;

(3) the site must be in a condition appropriate for development;

(4) the bid must specify the intent of the city to own and operate the baseball park and demonstrate a reasonable capacity to do so;

(5) the bid must demonstrate the financial capacity of the city to make the annual payments under and satisfy any other conditions of the loan under this act; and

(6) the legislative commission on planning and fiscal policy has reviewed the bids and made a recommendation to the council regarding the proposed host city and site for the baseball park.

Subd. 3. [SELECTION CRITERIA.] In selecting a site, the council shall consider, at least the following:

(1) the adequacy of the size of the site relative to preferred design for the baseball park;

(2) the adequacy of existing public infrastructure serving the site, including parking and highway, road, and transit access to meet the demands created by events at the baseball park in combination with other uses or events in the area that create traffic, transit or parking demands;

(3) the costs of any likely infrastructure improvements for the facility;

(4) potential development advantages including development of compatible mixed use, commercial, and housing developments in the area surrounding the baseball park;

(5) compatibility of surrounding uses with the baseball park; and

(6) appropriate aesthetic considerations.

Subd. 4. [PRE-CONDITIONS FOR SELECTION.] Before the council may designate a city as the host city for the baseball park, the council must determine that each of the following is met for the proposed baseball park:

(1) all of the requirements of sections 3 to 6 have been met by the city, the team, and major league baseball;

(2) the pledged financial contribution from the team to the city will be sufficient to pay the debt service on the ballpark loan;

(3) the city has established a baseball park district to foster the development and continuing growth of compact, pedestrian-oriented, compatible mixed uses within buildings and blocks around the baseball park;

(4) the requirements of subdivision 5 have been met; and

(5) the legislative commission on planning and fiscal policy has approved the site, in its recommendation to the council.

Subd. 5. [COMMUNITY OWNERSHIP.] (a) The owner of the major league baseball team must agree that before the owner sells a majority ownership interest in the team, the owner will attempt for a reasonable time to comply with the requirements of paragraphs (b) and (c).

(b) The owner of the team must work with the governor, the commissioner, and a community foundation or corporation on a plan to:

(1) transfer by gift to a foundation or corporation all ownership interests in the team;

(2) provide for sale of shares in the team by the foundation or corporation to the community, in a manner such that up to 49 percent of the voting stock may be dispersed so that no person owns more than five percent; and

(3) ensure that the franchise may not move from Minnesota without approval of 75 percent of the shares of voting stock.

(c) The owner of the team must attempt to reach an agreement on the sale of a majority interest in the team to one or more Minnesota buyers before attempting to sell the majority interest to others.

(d) If the owner of the team attempts to sell a majority interest in the team, the commissioner must report to the legislature at the beginning of the next legislative session on efforts to work with the owner of the team to implement this subdivision.

Sec. 4. [PRE-CONDITIONS TO ISSUING LOAN.]

Subdivision 1. [COMMISSIONER TO DETERMINE.] Before making a ballpark loan under this act, the commissioner must determine that:

(1) the team has agreed with the city to make payments on the ballpark loan on behalf of the city at the times and in the amounts provided in the loan agreement;

(2) the team has provided the city with sufficient guarantees for the team's performance in making ballpark loan payments on behalf of the city;

(3) the conditions required under section 6, have been met;

(4) the governing body of the city approves by two-thirds vote a resolution confirming that it will own the baseball park and agree to the terms of the ballpark loan;

(5) the city has executed agreements that provide for the construction of a roof-ready baseball park to be owned by the city for a guaranteed maximum price not to exceed \$330,000,000, and that require performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the city and loss of revenues resulting from incomplete construction on the substantial completion date; and

(6) the city has entered into a contract with a manager to operate the baseball park for the use of the major league baseball team.

Subd. 2. [AGREEMENT; TEAM.] Before the commissioner may provide a loan under this act, the city must have entered into a use agreement with the major league baseball team that provides:

(1) the major league baseball team is responsible for and must pay for all cost overruns incurred in construction of the baseball park;

(2) the major league baseball team will use the baseball park for all scheduled home preseason, regular season, and postseason games that the major league baseball team is entitled to play at home for not less than 30 years without an escape clause for the major league baseball team;

(3) that transfer of any portion of ownership or equity in the major league baseball team does not change any obligations, responsibilities, or privileges under the agreement or this article;

(4) the major league baseball team will ensure that a portion of the tickets for its games are accessible and affordable;

(5) the major league baseball team will receive all revenue generated at the stadium except as otherwise specifically provided in this act;

(6) a listing of all revenue streams generated from use of the baseball park with a specification of what revenues are available to cover the major league baseball team operations, which accrue to the city and which are available to the team for repayment of the ballpark loan;

(7) the major league baseball team must operate and maintain the stadium in excellent condition during the duration of the agreement. The city must verify that the team complies with this requirement;

(8) delineation of the responsibility for repair, maintenance, and replacement of equipment or property in the baseball park, including inspections by the city and a representative of the state;

(9) the major league baseball team shall provide a letter of credit in an amount that protects the public interest in the event of a default by the major league baseball team or a disruption in the season due to a player strike or lockout;

(10) the agreement must afford to the city the rights and remedies at law and equity that are deemed necessary and appropriate to provide reasonable assurance that the baseball team and the owner will comply with the agreements through the 30-year term. The remedies must include, but not be limited to, specific performance and injunctive relief, and may include any other equitable remedies, and any additional remedies or ownership, voting,

or other security arrangements the city reasonably determines to be effective in ensuring the baseball team will play the required games in the baseball park throughout the 30-year term. The legislature intends that a material breach of an agreement between the city and professional athletic teams that commit to the long-term playing of major league games at public facilities is deemed to cause irreparable harm for which no adequate remedy at law is available and that the grant of equitable relief to remedy the breach is in the public interest and shall be liberally so construed;

(11) that the major league baseball team has the following obligations during the period of construction of a baseball stadium:

(i) the payment of the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;

(ii) the provision to the city of a signed agreement between the major league baseball team and the construction unions that will work on the new stadium that mandates a no-strike and no-lockout period during construction of a baseball park;

(iii) all construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota; and

(12) if there is a sale or transfer of ownership of the major league baseball team, the owner of the team shall pay to the state an amount equal to the state's share of the appreciated value of the team. The state's share must be based on the value of the state investment in the baseball park and must be determined according to a formula included in the use agreement.

Subd. 3. [AMATEUR SPORTS.] Before the commissioner may provide a loan under this act, the city must provide that the baseball park will be available for use by the state high school and amateur sports leagues when practicable.

Subd. 4. [MAJOR LEAGUE BASEBALL GUARANTY.] Before the loan is provided, with the advice of the attorney general, the city must execute an agreement with the major league of which the baseball team is a member and with major league baseball that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years or (ii) the term of the loan provided to finance the baseball park.

#### Sec. 5. [FINANCING; ROOF CONSTRUCTION.]

Subdivision 1. [OWNERSHIP; TAX AUTHORITY.] The city shall own the baseball park and, subject to the restrictions in this section, may impose one or more of the taxes under this section to provide financing for construction of a roof for the stadium, not to exceed \$75,000,000.

Subd. 2. [BASEBALL PARK ADMISSIONS TAX.] Notwithstanding any other law, the city may impose an admissions tax of up to ten percent of the sale price upon the granting, issuance, sales, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the baseball park. No other tax, surcharge, or governmental imposition, except the taxes collected under Minnesota Statutes, chapter 297A, may be levied by any other unit of government upon any such sale or distribution.

The admission tax must be stated and charged separately from the sales price so far as practicable and must be collected by the grantor, seller, or distributor from the person admitted. The admission tax collected must be used for payment of the roof construction. The tax is a debt from that person to the grantor, issuer, seller, or distributor, and the tax required to be collected is a debt owed by the grantor, issuer, seller, or distributor to the local government unit, recoverable at law in the same manner as other debts. Every person granting, issuing, selling, or distributing tickets for admissions to the ballpark may be required to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay the penalties for nonpayment and interest on late payments, as deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Subd. 3. [FOOD AND BEVERAGE TAXES.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter, and in addition to other taxes previously authorized by law, the city may by ordinance impose liquor and food taxes not to exceed five percent at a retail level on any business within the city. The ordinance must provide for dedication of the taxes or fees, after payment of collection and administrative expenses and refunds, to payment of the roof construction cost.

Subd. 4. [LODGING TAX.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter to the contrary, the city may impose, by ordinance, a lodging tax at a rate of no more than five percent on the gross receipts from the furnishing for consideration of lodging as described in Minnesota Statutes, section 469.190, subdivision 1. The city may impose this tax on all or part of the city, as provided in the ordinance and may provide for exempting hotels or motels based on the number of rooms they have available. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the roof construction costs.

Subd. 5. [PARKING TAX, SURCHARGE, OR BOTH.] The city may, by ordinance, impose a parking tax or surcharge or both of not less than \$2 per vehicle per event at the baseball park. The parking tax and surcharge apply to public and privately owned parking facilities in the area that the city determines in its ordinance provide event parking for the baseball park. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the roof construction costs.

Subd. 6. [REFERENDUM.] (a) Before any city imposes a tax under subdivisions 3 to 5, the imposition of the tax must be approved by the voters of the city at an election.

(b) Notwithstanding any statute, charter provision, or other law to the contrary, if the tax is approved in a referendum under this subdivision, an ordinance enacting the tax is not subject to another vote of the electorate by referendum, initiative, charter amendment, or in any other manner.

Subd. 7. [EXPIRATION; LOCAL OPTION TAXES.] When the costs of roof construction have been repaid, subdivisions 3 to 5 and the taxes authorized by them expire.

#### Sec. 6. [OBLIGATIONS; MAJOR LEAGUE PROFESSIONAL BASEBALL TEAM.]

Subdivision 1. [OBLIGATIONS FOR LOAN.] (a) The major league professional baseball team must fully and completely do its part to accomplish the requirements of paragraphs (b), (c), and (d) before the commissioner may provide a ballpark loan to finance the baseball park.

(b) The requirements are that:

(1) a signed lease for not less than 30 years between the city and the major league professional baseball team must be completed with no escape clauses;

(2) the major league professional baseball team has signed an agreement with the city agreeing to allow the baseball park to be available on nongame days for potential use by the University of Minnesota, Minnesota state colleges and universities, private colleges and universities, the state high school league, the city for community events, and the Minnesota amateur sports commission;

(3) the major league of which the baseball team is a member and major league baseball have both executed an agreement with the city that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years from the date of the agreement or (ii) the term of the loan under section 1;

(4) the major league professional baseball team and major league baseball have signed an agreement with the city to cooperate in maintaining the facility as a smoke-free facility; and



(5) the major league professional baseball team has agreed to make all reasonable efforts to ensure that businesses owned by socially disadvantaged persons are awarded contracts for construction and operation of the baseball park in proportion to the number of qualified businesses owned by socially disadvantaged persons in the metropolitan area. In addition, the team has agreed to make all reasonable efforts to ensure that employment of socially disadvantaged persons for the construction or operation of the baseball park will be proportionate to the number of qualified workers who are socially disadvantaged persons in the metropolitan area. For the purposes of this clause, "socially disadvantaged persons" is as defined in Minnesota Rules, part 1230.0150, subpart 24. The city must report to the legislature annually on the implementation of this clause.

(c) The major league baseball team must sign, as a condition of receiving any public assistance, a contract with the city under which the city would obtain from the team the rights to the control and use of the team name and logo in the event that the team relocates to another state. Under such a contract, the team must notify the city within 24 hours of signing an agreement to relocate, and at midnight immediately following notification, all income from existing contracts for the use of the team name and logo and all team property with the team name and logo, other than personal property of team members and principals, will become the property of the city. This agreement and the requirement that it be entered may not be construed as authorizing or permitting the team to relocate before the end of the lease and use agreements with the city.

(d) The team has signed an agreement with the city obligating the team to make payments on the ballpark loan on behalf of the city on the times and in the amounts required, and to provide the city with sufficient guarantees for the team's performance in making ballpark loan payments on behalf of the city.

Subd. 2. [DESIGN AND CONSTRUCTION.] (a) The major league professional baseball team shall design and construct the baseball park. Before the design process is complete and construction begins, the city and the team must hold at least one public hearing on the proposed design. All funds provided to the city under this act must be managed by the city and made available to the team as the team deems necessary for construction purposes.

(b) All construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota. The city shall establish and impose on the major league professional baseball team appropriate compliance procedures.

Subd. 3. [OBLIGATIONS DURING CONSTRUCTION.] The major league professional baseball team during the period of construction of a baseball park must:

(1) pay the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;

(2) provide to the city a signed agreement between the major league professional baseball team and the construction unions that will work on the new baseball park that mandates a no-strike and no-lockout period during construction of the baseball park; and

(3) pay any cost overruns that occur during the construction period.

Sec. 7. [BASEBALL PARK; LIQUOR LICENSE.]

The city in which the baseball park is located may issue an intoxicating liquor license for the premises of the baseball park. This license is in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 8. [CONDOMINIUM.]

The city selected to be the location of the baseball park may, by itself or together with another owner, and any other public or private person or entity, as to real or personal property comprising or appurtenant or ancillary to the baseball park, act as a declarant and establish a condominium or leasehold condominium under Minnesota Statutes, chapter 515A, or as a common interest community or leasehold common interest community under Minnesota

Statutes, chapter 515B, and may grant, establish, create, or join in other or related easements, agreements, and similar benefits and burdens that the city may deem necessary or appropriate, and may exercise any and all rights and privileges, and assume obligations under them as a declarant, unit owner, or otherwise, insofar as practical and consistent with this act. The city may be a member of an association and the chair, any members of its governing body, and any officers and employees of the city may serve on the board of an association under Minnesota Statutes, chapter 515A or 515B.

Sec. 9. [OLYMPIC BID; FACILITY CONSTRUCTION.]

The governor must evaluate: (1) the feasibility of Minnesota preparing a bid to host the 2012 or future summer Olympics; and (2) the possibility that hosting the 2012 or future summer Olympics may result in sources other than the state or a local governmental unit constructing facilities that could be used by Minnesota professional sports teams after completion of the Olympics.

If the governor determines that preparation of a bid to host the 2012 or future Olympics could be cost beneficial to the state, the governor, in consultation with appropriate persons in the public and private sector, must take steps necessary to begin bid preparation.

ARTICLE 2

GAMING LICENSE PROVISIONS

Section 1. [349B.04] [DEFINITIONS.]

Subdivision 1. [CASINO.] "Casino" means a single-site facility where the forms of gambling authorized under section 349B.07, subdivision 2, are conducted.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public safety.

Subd. 3. [GAMING LICENSE COMMISSION.] "Gaming license commission" means the commission established under section 4.

Subd. 4. [GROSS CASINO RECEIPTS.] "Gross casino receipts" means all revenue received by a casino as wagers on gambling activities, or as payment for chips or tokens used in gambling activities at the casino, less amounts paid out by the casino as winnings and for redemption of chips and tokens. "Gross casino receipts" does not include receipts from chips or tokens that have been purchased but have not been redeemed or won back by the casino.

Subd. 5. [PROFESSIONAL BASEBALL.] "Professional baseball" means the Minnesota Twins Baseball Club, its successors and assigns, or any other professional baseball team that holds a Major League Baseball franchise in Minnesota.

Sec. 2. [349B.07] [COMMERCIAL GAMING LICENSE AUTHORIZED.]

The gaming license commission is authorized to issue one commercial gaming license to a qualified applicant meeting the requirements defined by law and rules issued by the commissioner for the ownership and operation of one single-site casino to be located within the seven-county metropolitan area, as defined in section 473.121, subdivision 2. The commercial gaming license to be issued by the gaming license commission shall be for a period of 30 years, and only one commercial gaming license shall be issued at any one time.

Sec. 3. [349B.08] [COMMERCIAL GAMING LICENSE APPLICATION AND SELECTION PROCEDURES.]

Subdivision 1. [APPLICATION.] Within 120 days of the effective date of this chapter, the gaming license commission as provided in section 4 shall adopt rules for the application procedures prescribing the information to be provided by and the requirements necessary for an applicant to qualify for consideration as a potential licensee

under this chapter. The application procedures to be adopted by the gaming license commission shall ensure that an applicant's prior activities, criminal record, if any, or reputation, habits, and associations do not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming.

Subd. 2. [APPLICANT REQUIREMENTS.] No public agency or instrumentality (including state, local, or tribal) may apply to be selected as a licensee under this section unless the public agency or instrumentality first establishes an entity which agrees to be subject to all the laws, rules, and taxing authority of the state of Minnesota and the United States government in the event that entity is selected as the licensee under this section.

Subd. 3. [SELECTION OF LICENSEE.] (a) The gaming license commission shall select the applicant to whom the commercial gaming license will be issued under this chapter pursuant to the provisions of this subdivision.

(b) Within 120 days of the effective date of this chapter, the gaming license commission shall adopt rules for the selection criteria prescribing the qualifications and requirements to be considered for an applicant to be selected as the commercial gaming licensee, and shall adopt rules for procedures for determining whether an applicant has met those selection criteria and which applicant shall be selected as the commercial gaming licensee. The procedures to be adopted by the gaming license commission under this subdivision shall ensure that licensing of the selected applicant will not adversely affect the public health, welfare, and safety of the public; that licensing of the selected applicant will not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming; that the selected applicant has proven qualifications as a gaming developer and operator; and that the selected applicant is financially able to develop and operate one single-site casino and make the licensee fee payment as required by section 16A.88. The gaming license commission, with the assistance of the commissioner, shall conduct a comprehensive background and financial investigation of the applicant and sources of financing. The gaming license commission may charge an applicant a reasonable investigation fee to cover the cost of the investigation. The gaming license commission shall also conduct one or more public hearings in each area where a casino is proposed to be located. The gaming license commission shall also request comments on any application from the city council or town board where a casino is proposed to be located, or from the county board if it is located outside a city or town, and from the metropolitan council.

(c) The gaming license commission shall make its final selection of the applicant to be licensed under this chapter within one year of the effective date of this chapter.

#### Sec. 4. [349B.09] [GAMING LICENSE COMMISSION.]

Subdivision 1. [GENERAL.] A gaming license commission shall be established within 60 days of the effective date of this chapter and shall be organized, structured, and administered as provided in this section.

Subd. 2. [MEMBERSHIP.] The gaming license commission shall consist of three members, with one member appointed by the speaker of the house of representatives, one member appointed by the subcommittee on committees of the committee on rules and administration of the senate, and one member appointed by the governor. The governor's appointee shall be chair of the gaming license commission and shall preside at all meetings of the gaming license commission, if present, and shall perform all other duties and functions assigned by the gaming license commission or by law.

Subd. 3. [TERMS.] The terms of the members shall be for a period of two years.

Subd. 4. [POWERS.] The gaming license commission shall have all powers necessary or convenient to discharge of the duties imposed by law, including but not limited to those specified in this chapter. The commission may organize itself pursuant to its adopted rules with assistance from the department of public safety.

## Sec. 5. [349B.10] [GAMING REGULATION AND ENFORCEMENT.]

The commissioner is authorized to promulgate such rules necessary to ensure the integrity of the gaming to be conducted by the licensee under this chapter; and to ensure that such gaming does not adversely affect the public health, welfare, and safety, and does not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming. The commissioner is authorized to enforce by administrative action such rules necessary to ensure the integrity of the gaming to be conducted by the licensee under this chapter. The commissioner shall establish by rule a schedule of reasonable fees for investigations and licensing associated with the regulation of gaming to be conducted at the casinos operated by the licensee under this chapter; provided that the only fee charged to the licensee under this chapter for a license permitting the ownership and operation of one single-site casino shall be a onetime license fee payment of \$330,000,000. The license fee shall be a onetime payment made by the licensee within 180 days after receiving its license. This license fee payment shall be paid to the commissioner of public safety and may not be prorated or paid in installments. Any license granted under this chapter shall be revoked if the license fee is not timely paid. The commissioner of public safety shall transfer the payment to the commissioner of finance for deposit in the stadium construction fund. No part of the license fee payment may be refunded to the licensee unless the provisions of this chapter authorizing operating of a casino are repealed by law during the 30 years immediately following commencement of casino operations, in which case the licensee is entitled to a refund of the payment at the rate of \$15,000,000 for each year during that 30-year period in which such repeal is in effect.

## Sec. 6. [349B.11] [GAMING AUTHORIZED.]

The gaming to be conducted by the licensee under this chapter may include only the following forms of gambling:

- (1) card games, including blackjack; and
- (2) gambling on video gambling devices and slot machines.

## Sec. 7. [349B.12] [TAX.]

Subdivision 1. [TAX IMPOSED.] Casino operations under this chapter shall be taxed at the rate of ten percent of gross casino receipts.

Subd. 2. [PAYMENT.] The licensee must remit the tax to the commissioner within seven days of the day on which it was collected. The payments must be accompanied by a detailed statement of the remittance on a form the commissioner prescribes. The commissioner may by rule provide for the direct deposit of required payments in the commissioner's account in a financial institution within the state.

Subd. 3. [DEPOSIT OF RECEIPTS AND USE.] The commissioner shall deposit two-fifths of all payments received under this section in the general fund. From these receipts, \$500,000 is appropriated annually to the commissioner of human services for the compulsive gambling program under section 245.98, \$250,000 is appropriated annually to each city wherein a casino operated by a licensee is located, \$500,000 is appropriated annually to the commissioner for costs related to the implementation of this chapter. These appropriations are available until spent. The commissioner shall deposit two-fifths of all payments received under this section in the general fund to be dedicated for appropriation for education and transportation purposes. These appropriations are available until spent. The commissioner shall deposit one-fifth of all payments received under this section in a special revenue fund in the state treasury, which funds shall be distributed annually to any Minnesota tribal government where the majority of the geographical area of the reservation of the tribe is located within development region 2 as defined in section 462.385, subdivision 1; provided such distribution is based on tribal enrollment. These distributions are available until spent.

## Sec. 8. [349B.13] [COMPULSIVE GAMBLING HOTLINE POSTING.]

The licensee under this chapter must post prominently at locations throughout the casinos, in a manner approved by the commissioner of human services, the toll-free telephone number established by the commissioner of human services in connection with the compulsive gambling program established under section 245.98.

## Sec. 9. [349B.14] [LOCAL LICENSES.]

No political subdivision may require a local license, restrict or regulate the operation, or impose a tax or fee on the operation of a casino authorized by this chapter.

## Sec. 10. [349B.15] [LOCAL RESOLUTION OF DISAPPROVAL.]

The governing body of a home rule charter or statutory city may by resolution disapprove the location of a casino within the city. The gaming license commission must not license the operation of a casino that is or would be located in a city in which the governing body has passed a resolution of disapproval.

## ARTICLE 3

## CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2000, section 299L.07, subdivision 2a, is amended to read:

Subd. 2a. [RESTRICTIONS.] (a) A manufacturer licensed under this section may sell, offer to sell, lease, or rent, in whole or in part, a gambling device only to a distributor licensed under this section.

(b) A distributor licensed under this section may sell, offer to sell, market, rent, lease, or otherwise provide, in whole or in part, a gambling device only to:

(1) the governing body of a federally recognized Indian tribe that is authorized to operate the gambling device under a tribal state compact under the Indian Gaming Regulatory Act, Public Law Number 100-497, and future amendments to it;

(2) a person for use in the person's dwelling for display or amusement purposes in a manner that does not afford players an opportunity to obtain anything of value;

(3) another distributor licensed under this section; ~~or~~

(4) a person in another state who is authorized under the laws of that state to possess the gambling device; or

(5) a casino licensee under chapter 349B.

Sec. 2. Minnesota Statutes 2001 Supplement, section 349.12, subdivision 25, is amended to read:

Subd. 25. [LAWFUL PURPOSE.] (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) or festival organization, as defined in subdivision 15a, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154, which standards must apply to both types of organizations in the same manner and to the same extent;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a program recognized by the Minnesota department of human services for the education, prevention, or treatment of compulsive gambling;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, subject to rules of the board, provided that the rules must not include mileage reimbursements in the computation of the per occasion reimbursement limit and must impose no aggregate annual limit on the amount of reasonable and necessary expenditures made to support:

(i) members of a military marching or color guard unit for activities conducted within the state;

(ii) members of an organization solely for services performed by the members at funeral services; or

(iii) members of military marching, color guard, or honor guard units may be reimbursed for participating in color guard, honor guard, or marching unit events within the state or states contiguous to Minnesota at a per participant rate of up to \$35 per occasion;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender and the organization complies with section 349.154;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, the taxes imposed by section 297E.02, subdivisions 1, 4, and 5, ~~and 6~~; and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on permitted gambling premises wholly owned by the licensed organization paying the taxes, not to exceed:

(i) for premises used for bingo, the amount that an organization may expend under board rules on rent for bingo; and

(ii) \$35,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization which is a church or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances;

(12) payment of the reasonable costs of an audit required in section 297E.06, subdivision 4, provided the annual audit is filed in a timely manner with the department of revenue;

(13) a contribution to or expenditure on a wildlife management project that benefits the public at-large, provided that the state agency with authority over that wildlife management project approves the project before the contribution or expenditure is made;

(14) expenditures, approved by the commissioner of natural resources, by an organization for grooming and maintaining snowmobile trails and all-terrain vehicle trails that are (1) grant-in-aid trails established under section 85.019, or (2) other trails open to public use, including purchase or lease of equipment for this purpose; or

(15) conducting nutritional programs, food shelves, and congregate dining programs primarily for persons who are age 62 or older or disabled; or

(16) a contribution to a community arts organization, or an expenditure to sponsor arts programs in the community, including but not limited to visual, literary, performing, or musical arts.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced; or (v) with respect to an expenditure to bring an existing building into compliance with the Americans with Disabilities Act under item (ii), an organization has the option to apply the amount of the board-approved expenditure to the erection or acquisition of a replacement building that is in compliance with the Americans with Disabilities Act;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a); or

(6) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 3. Minnesota Statutes 2000, section 541.20, is amended to read:

541.20 [RECOVERY OF MONEY LOST.]

Every person who, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gambling, shall lose to any person so playing or betting any sum of money or any goods, and pays or delivers the same, or any part thereof, to the winner, may sue for and recover such money by a civil action, before any court of

competent jurisdiction. For purposes of this section, gambling shall not include pari-mutuel wagering conducted under a license issued pursuant to chapter 240, purchase or sale of tickets in the state lottery, or gambling authorized under ~~chapters~~ chapter 349 and 349A, or 349B.

Sec. 4. Minnesota Statutes 2000, section 541.21, is amended to read:

541.21 [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. The provisions of this section shall not apply to: (1) pari-mutuel wagering conducted under a license issued pursuant to chapter 240; (2) purchase of tickets in the state lottery under chapter 349A; (3) gaming activities conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.; ~~or~~ (4) lawful gambling activities permitted under chapter 349; or (5) gambling licensed under chapter 349B.

Sec. 5. Minnesota Statutes 2000, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) The operation of equipment or the conduct of a raffle under sections 349.11 to 349.22, by an organization licensed by the gambling control board or an organization exempt from licensing under section 349.166.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

(8) The purchase and sale of state lottery tickets under chapter 349A.

(9) Gambling activities under chapter 349B.

Sec. 6. Minnesota Statutes 2000, section 609.761, is amended by adding a subdivision to read:

Subd. 2a. [LICENSED CASINO.] Sections 609.755 and 609.76 do not prohibit the operation of a casino licensed under chapter 349B.

Sec. 7. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 297E.02, subdivision 6, is repealed.



ARTICLE 4

CONSTITUTIONAL AMENDMENT

Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article XIII to read:

Sec. 13. The legislature may authorize by law the licensing of one privately operated casino within the seven-county metropolitan area and may impose a tax on gross casino receipts, as defined by law. Not more than one such license shall be issued at any one time.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment in section 1 shall be submitted to the people at the 2002 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to permit the legislature to authorize by law the licensing of one privately operated casino within the seven-county metropolitan area to facilitate financing construction of one professional baseball stadium?"

Yes .....  
No ....."

Sec. 3. [EFFECTIVE DATE.]

Articles 1 to 3 are effective November 15, 2002, except that if the constitutional amendment proposed in section 1 is not adopted at the 2002 general election, then articles 1 to 3 shall not take effect."

Amend the title accordingly

A roll call was requested and properly seconded.

Anderson, B., moved to amend the Hackbarth amendment to H. F. No. 2214, the second engrossment, as amended, as follows:

Page 18, after line 24, insert:

"Sec. 7. [349B.115] [MINIMUM AGE.]

(a) A person under the age of 21 may not participate in lawful gambling under this chapter. Violation of this paragraph is a misdemeanor.

(b) A licensee may not permit a person under the age of 21 to participate in lawful gambling under this chapter. Violation of this paragraph is a misdemeanor.

(c) It is an affirmative defense to a charge under paragraph (b) for the licensee to prove by a preponderance of the evidence that the licensee, reasonably and in good faith, relied upon representation of proof of age described in section 340A.503, subdivision 6, in permitting the person to participate in the lawful gambling under this chapter."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 110 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Davnie	Huntley	Larson	Paymar	Solberg
Dawkins	Jaros	Leighton	Pugh	Stang
Dempsey	Kahn	Milbert	Rukavina	Swapinski
Holsten	Kelliher	Mullery	Sertich	

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

#### POINT OF ORDER

Pugh raised a point of order pursuant to rule 3.21 that the Hackbarth amendment, as amended, was not in order. The Speaker ruled the point of order not well taken and the Hackbarth amendment, as amended, in order.

The question recurred on the Hackbarth amendment, as amended, and the roll was called. There were 7 yeas and 125 nays as follows:

Those who voted in the affirmative were:

Boudreau	Erickson	Kielkucki	Spk. Sviggum
Buesgens	Hackbarth	Milbert	

Those who voted in the negative were:

Abeler	Anderson, I.	Biernat	Bradley	Clark, J.	Davids
Abrams	Bakk	Bishop	Carlson	Clark, K.	Dawkins
Anderson, B.	Bernardy	Blaine	Cassell	Daggett	

Dehler	Gunther	Kalis	Marquart	Pelowski	Swapinski
Dempsey	Haas	Kelliher	McElroy	Penas	Swenson
Dibble	Harder	Knoblach	McGuire	Peterson	Sykora
Dorman	Hausman	Koskinen	Molnau	Pugh	Thompson
Dorn	Hilstrom	Krinkie	Mulder	Rhodes	Tingelstad
Eastlund	Hilty	Kubly	Mullery	Rifenberg	Tuma
Entenza	Holberg	Kuisle	Murphy	Rukavina	Vandever
Erhardt	Holsten	Larson	Ness	Ruth	Wagenius
Evans	Howes	Leighton	Nornes	Schumacher	Walker
Finseth	Huntley	Lenczewski	Olson	Seagren	Walz
Folliard	Jacobson	Leppik	Opatz	Seifert	Wasiluk
Fuller	Jaros	Lieder	Osskopp	Sertich	Westerberg
Gerlach	Johnson, J.	Lindner	Osthoff	Skoe	Westrom
Gleason	Johnson, R.	Lipman	Otremba	Skoglund	Wilkin
Goodno	Johnson, S.	Mahoney	Ozment	Slawik	Winter
Goodwin	Jordan	Mares	Paulsen	Smith	Wolf
Gray	Juhnke	Mariani	Pawlenty	Solberg	Workman
Greiling	Kahn	Marko	Paymar	Stang	

The motion did not prevail and the amendment, as amended, was not adopted.

Abrams moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 2, line 4, after the period, insert "On June 30, 2003, the commissioner shall transfer from the sports facilities fund to the general fund an amount equal to the loss in net general fund tax revenues during fiscal years 2002 and 2003 as a result of the sales tax exemption under section 297A.71, subdivision 28."

The motion prevailed and the amendment was adopted.

Abrams moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 6, line 16, after the period, insert "Payment of the bonds is limited to the revenues explicitly authorized to be pledged under this act and the legislature intends that no state money will be used to pay the bonds. The state neither makes nor has a moral obligation to pay the bonds, if the pledged revenues and other legal security for them is insufficient."

The motion prevailed and the amendment was adopted.

Mullery moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 4, delete lines 18 to 21

Page 4, line 22, delete "(4)" and insert "(3)"

Page 4, line 23, delete "(5)" and insert "(4)"

A roll call was requested and properly seconded.

The question was taken on the Mullery amendment and the roll was called. There were 13 yeas and 116 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark, K.	Lieder	Sertich	Wagenius
Biernat	Kahn	Mullery	Skoglund	
Carlson	Kalis	Rukavina	Solberg	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Lipman moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 12, after line 32, insert:

"Subd. 9. [CONDEMNATION COSTS.] If the local government unit selected to own the baseball park uses its power of eminent domain to acquire property for the baseball park site, the local government unit must pay the entire costs of the proceedings associated with acquiring the property, including the costs of the owner of the property."

The motion did not prevail and the amendment was not adopted.

Erhardt moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 10, line 28, after the period, insert "The city may repay the state ballpark loan using only revenues from the ballpark and the taxes imposed under this section. The city may not use property taxes or other moneys, other than ballpark revenues and taxes imposed under this section, to pay for cost of acquiring, improving, or operating the ballpark or to pay for the city's cost of public infrastructure improvements on the ballpark site."

The motion prevailed and the amendment was adopted.

## CALL OF THE HOUSE

On the motion of Folliard and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Entenza; Krinkie; Folliard; Gerlach; Mulder; Buesgens; Blaine; Vandever; Wilkin; Molnau; Thompson; Osskopp; Holberg; Koskinen; Kielkucki; Pugh; McGuire; Bernardy; Paymar; Kahn; Anderson, B.; Dibble; Evans; Goodwin; Biernat; Mariani; Johnson, J.; Westrom and Tuma moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 6, line 34, after "under" insert "subdivision 9 and"

Page 10, after line 22 insert:

"Subd. 9. [BASEBALL ECONOMIC REFORM.] (a) The governor shall appoint a special panel consisting of three retired state court judges. The special panel shall review information from major league baseball to determine if major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interest of teams with below average revenues, and enhances the viability of any new baseball park. The special panel shall provide its determination to the legislative commission on planning and fiscal policy.

(b) The panel may not make the findings under paragraph (a), unless the agreement between major league baseball and the major league baseball players' association is estimated to result in an increase in revenue sharing among major league baseball teams that is estimated, after full implementation of the agreement, which may be no later than five years after the date of enactment of this act, to reduce the disparity in team revenues from all services so that the revenues of the team with the highest revenue may be no more than 35 percent higher than the revenues of the team with the lowest revenue. The estimates under this paragraph must be made by either the commissioner of finance or an independent consultant retained by the commissioner of finance.

(c) The legislative commission on planning and fiscal policy shall review the determination and make its recommendation to the commissioner on whether to authorize the commissioner to issue bonds under this act. The commissioner may issue bonds under this act only after receiving a positive recommendation from the legislative commission on planning and fiscal policy with the determination that major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interests of teams with below average revenues, and enhances the viability of any new baseball park."

A roll call was requested and properly seconded.

McElroy moved to amend the Entenza et al amendment to H. F. No. 2214, the second engrossment, as amended, as follows:

Page 1, delete lines 16 to 24

Page 2, delete lines 1 to 4

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 49 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haas	Lipman	Paymar	Swenson
Abrams	Dehler	Harder	Mahoney	Penas	Sykora
Anderson, I.	Dorman	Hilstrom	Mares	Rukavina	Wasiluk
Bakk	Dorn	Holsten	Marquart	Ruth	Wolf
Bishop	Erhardt	Jordan	McElroy	Seagren	
Boudreau	Finseth	Juhnke	Milbert	Sertich	
Bradley	Fuller	Kuistle	Ness	Skoe	
Cassell	Goodno	Leppik	Nornes	Solberg	
Daggett	Gunther	Lieder	Osthoff	Stang	

Those who voted in the negative were:

Anderson, B.	Erickson	Jacobson	Leighton	Ozment	Thompson
Bernardy	Evans	Jaros	Lenczewski	Paulsen	Tingelstad
Biernat	Folliard	Johnson, J.	Lindner	Pawlenty	Tuma
Blaine	Gerlach	Johnson, R.	Mariani	Pelowski	Vandever
Buesgens	Gleason	Johnson, S.	Marko	Peterson	Wagenius
Carlson	Goodwin	Kahn	McGuire	Pugh	Walker
Clark, J.	Gray	Kalis	Molnau	Rhodes	Walz
Clark, K.	Greiling	Kelliher	Mulder	Rifenberg	Westerberg
Davids	Hackbarth	Kielkucki	Mullery	Schumacher	Westrom
Davnie	Hausman	Knoblach	Murphy	Seifert	Wilkin
Dempsey	Hilty	Koskinen	Olson	Skoglund	Winter
Dibble	Holberg	Krinkie	Opatz	Slawik	Workman
Eastlund	Howes	Kubly	Osskopp	Smith	Spk. Sviggum
Entenza	Huntley	Larson	Otremba	Swapinski	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Entenza et al amendment and the roll was called. There were 104 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lenczewski	Ozment	Solberg
Abrams	Eastlund	Howes	Leppik	Paulsen	Thompson
Anderson, B.	Entenza	Jacobson	Lieder	Pawlenty	Tingelstad
Bakk	Erickson	Jaros	Lindner	Pelowski	Tuma
Bernardy	Evans	Johnson, J.	Mariani	Penas	Vandever
Biernat	Finseth	Johnson, R.	Marko	Peterson	Wagenius
Blaine	Folliard	Johnson, S.	Marquart	Pugh	Walker
Boudreau	Gerlach	Kahn	McGuire	Rhodes	Walz
Bradley	Gleason	Kalis	Molnau	Rifenberg	Westerberg
Buesgens	Goodwin	Kelliher	Mulder	Rukavina	Westrom
Carlson	Gray	Kielkucki	Mullery	Ruth	Wilkin
Clark, J.	Greiling	Knobloch	Murphy	Schumacher	Winter
Clark, K.	Gunther	Koskinen	Ness	Seifert	Workman
Daggett	Haas	Krinkie	Nornes	Sertich	Spk. Sviggum
Davids	Hackbarth	Kubly	Olson	Skoe	
Davnie	Hausman	Kuisle	Opatz	Skoglund	
Dempsey	Hilty	Larson	Osskopp	Slawik	
Dibble	Holberg	Leighton	Otremba	Smith	

Those who voted in the negative were:

Anderson, I.	Dorn	Hilstrom	Mahoney	Paymar	Sykora
Bishop	Erhardt	Huntley	Mares	Seagren	Wasiluk
Cassell	Fuller	Jordan	McElroy	Stang	Wolf
Dawkins	Goodno	Juhnke	Milbert	Swapinski	
Dehler	Harder	Lipman	Osthoff	Swenson	

The motion prevailed and the amendment was adopted.

Tuma moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 16, delete lines 12 to 13, and insert:

"Except as otherwise specifically provided, this act is effective the later of the day following final enactment or the disclosure to the metropolitan sports facilities commission by the Minnesota Twins and the office of the commissioner of Major League Baseball of all documents relating to the Twins' finances, including tax records of the team and its owners, deals between the commissioner and the Twins' owner, contraction plans developed by team owners, and all other documents covered by the order issued by the Hennepin county district court on February 15, 2002."

The motion prevailed and the amendment was adopted.

Tuma moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 12, after line 12, insert:

"Subd. 6. [MEDIA OUTLET FEES.] The city must reserve for payment of bonds issued under this act a fee of \$125 per home game charged to broadcast and other media for access to the facility to report on or broadcast professional games."

Renumber the subdivisions in sequence and correct internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

The Speaker called Abrams to the Chair.

Mulder moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 16, after line 10, insert:

"Sec. 11. [COMMISSIONER OF TRADE AND ECONOMIC DEVELOPMENT TO MEET WITH PROFESSIONAL SPORTS TEAM REPRESENTATIVES.]

The commissioner of trade and economic development shall contact and make efforts to meet with representatives of professional sports teams located in Minnesota that are part of national leagues or systems, including the Minnesota Vikings, Minnesota Timberwolves, and Minnesota Wild. The commissioner shall attempt to negotiate with team representatives to produce a proposal for an agreement between the state of Minnesota and each team in which the state of Minnesota would compensate the team and obtain the rights to the control and use of the team name in the event that the team relocates to another state. By June 1, 2003, the commissioner shall report to the legislature regarding:

- (1) the likelihood of reaching an agreement with each existing team;
- (2) the terms of any proposed contract the commissioner has been able to negotiate with any team;
- (3) any appropriation of funds that would be necessary for the state to enter into any proposed contracts; and
- (4) any other information the commissioner believes would be useful to the legislature.

Nothing in this section authorizes the commissioner to enter into any binding contract on behalf of the state with respect to the purchase of any team name."

Page 16, line 12, delete "10" and insert "11"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.



The question was taken on the Mulder amendment and the roll was called. There were 28 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Entenza	Goodwin	Johnson, J.	Olson	Vandev eer
Buesgens	Erickson	Hackbarth	Johnson, S.	Rukavina	Walker
Clark, K.	Evans	Hilty	Krinkie	Seifert	Wilkin
Dibble	Gerlach	Jacobson	Kubly	Thompson	
Eastlund	Gleason	Jaros	Mulder	Tingelstad	

Those who voted in the negative were:

Abeler	Dempsey	Huntley	Mahoney	Paulsen	Stang
Abrams	Dorman	Johnson, R.	Mares	Pawlenty	Swapinski
Anderson, I.	Dorn	Jordan	Mariani	Paymar	Swenson
Bakk	Erhardt	Juhnke	Marko	Pelowski	Sykora
Bernardy	Finseth	Kahn	Marquart	Penas	Tuma
Biernat	Folliard	Kalis	McElroy	Peterson	Wagenius
Bishop	Fuller	Kelliher	McGuire	Pugh	Walz
Blaine	Goodno	Kielkucki	Milbert	Rhodes	Wasiluk
Boudreau	Gray	Knoblach	Molnau	Rifenberg	Westerberg
Bradley	Greiling	Koskinen	Mullery	Ruth	Westrom
Carlson	Gunther	Kuisle	Murphy	Schumacher	Winter
Cassell	Haas	Larson	Ness	Seagren	Wolf
Clark, J.	Harder	Leighton	Nornes	Sertich	Workman
Daggett	Hausman	Lenczewski	Opatz	Skoe	Spk. Sviggum
Dauids	Hilstrom	Leppik	Osskopp	Skoglund	
Davnie	Holberg	Lieder	Osthoff	Slawik	
Dawkins	Holsten	Lindner	Otremba	Smith	
Dehler	Howes	Lipman	Ozment	Solberg	

The motion did not prevail and the amendment was not adopted.

Mulder moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 16, after line 10, insert:

"Sec. 11. [NEW BUSINESS TO GET SAME BENEFITS OR STATE SUPPORT AS PRO TEAMS.]

Every new or expanded business, of whatever size, in the state must receive the same financial benefit package from the state offered under this act to a major league sports team adjusted proportionately based on the size of the business, or the same percentage of state support for the new or expanded business as the average annual percent of state support of the four major league sports teams. This section applies only to a new or expanded business that demonstrates that the financial package or state support is reasonably necessary for the future success of the business. A city that includes within its boundaries a business that is receiving benefits or support under this section may impose one or more of the taxes described under section 6 to provide the benefits or support to the business."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Mulder amendment and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Abrams requested Representative Murphy to state her reasons for not voting on the Mulder amendment to H. F. No. 2214, the second engrossment, as amended. Representative Murphy stated her reasons. Speaker pro tempore Abrams submitted to the House the question, "Shall the member, for the reasons stated, be excused from voting?" The House excused Representative Murphy from voting on the Mulder amendment to H. F. No. 2214, the second engrossment, as amended.

There were 46 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Gerlach	Johnson, J.	Marquart	Seifert	Vandev eer
Anderson, I.	Greiling	Johnson, R.	Mulder	Sertich	Walz
Bakk	Hackbarth	Juhnke	Olson	Smith	Westrom
Buesgens	Harder	Kalis	Osskopp	Solberg	Wilkin
Clark, J.	Holberg	Kielkucki	Otremba	Swapinski	Winter
Dorn	Howes	Krinkie	Peterson	Swenson	Workman
Finseth	Jacobson	Kubly	Rukavina	Tingelstad	
Fuller	Jaros	Lindner	Schumacher	Tuma	

Those who voted in the negative were:

Abeler	Dehler	Haas	Lenczewski	Opatz	Slawik
Abrams	Dempsey	Hausman	Leppik	Osthoff	Stang
Bernardy	Dibble	Hilstrom	Lieder	Ozment	Sykora
Biernat	Dorman	Hilty	Lipman	Paulsen	Thompson
Bishop	Eastlund	Holsten	Mahoney	Pawlenty	Wagenius
Blaine	Entenza	Huntley	Mares	Paymar	Walker
Boudreau	Erhardt	Johnson, S.	Mariani	Pelowski	Wasiluk
Bradley	Erickson	Jordan	Marko	Penas	Westerberg
Carlson	Evans	Kahn	McElroy	Pugh	Wolf
Cassell	Folliard	Kelliher	McGuire	Rhodes	Spk. Sviggum
Clark, K.	Gleason	Knoblach	Milbert	Rifenberg	
Daggett	Goodno	Koskinen	Molnau	Ruth	
Davids	Goodwin	Kuisle	Mullery	Seagren	
Davnie	Gray	Larson	Ness	Skoe	
Dawkins	Gunther	Leighton	Nornes	Skoglund	

The motion did not prevail and the amendment was not adopted.

Dibble moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 8, line 2, delete "\$330,000,000, and that requires" and insert "\$375,000,000. Project costs include related public infrastructure and other public improvements acquired or constructed to serve demands created or increased by the baseball park and paid by the city or any other governmental entity. The agreements must require"

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Dibble moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 12, line 23, delete "a special election held on the"

Page 12, line 24, delete everything before the period and insert "the general election in November 2002"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dibble amendment and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Hilty	Kielkucki	Molnau	Smith
Bernardy	Folliard	Holberg	Krinkie	Mulder	Tingelstad
Biernat	Gerlach	Howes	Kubly	Olson	Vandever
Buesgens	Gleason	Jacobson	Lenczewski	Paulsen	Wagenius
Clark, J.	Goodwin	Jaros	Lindner	Pawlenty	Walker
Clark, K.	Gray	Johnson, J.	Lipman	Peterson	Wilkin
Davnie	Greiling	Johnson, S.	Mariani	Schumacher	Workman
Dibble	Hackbarth	Kahn	Marquart	Seifert	
Entenza	Hausman	Kelliher	McGuire	Skoglund	

Those who voted in the negative were:

Abeler	Dempsey	Huntley	Marko	Penas	Sykora
Abrams	Dorman	Johnson, R.	McElroy	Pugh	Thompson
Anderson, I.	Dorn	Jordan	Milbert	Rhodes	Tuma
Bakk	Eastlund	Juhnke	Mullery	Rifenberg	Walz
Bishop	Erhardt	Kalis	Murphy	Rukavina	Wasiluk
Blaine	Erickson	Knoblach	Ness	Ruth	Westerberg
Boudreau	Finseth	Koskinen	Nornes	Seagren	Westrom
Bradley	Fuller	Kuisle	Opatz	Sertich	Winter
Carlson	Goodno	Larson	Osskopp	Skoe	Wolf
Cassell	Gunther	Leighton	Osthoff	Slawik	Spk. Sviggum
Daggett	Haas	Leppik	Otremba	Solberg	
Davids	Harder	Lieder	Ozment	Stang	
Dawkins	Hilstrom	Mahoney	Paymar	Swapinski	
Dehler	Holsten	Mares	Pelowski	Swenson	

The motion did not prevail and the amendment was not adopted.

Knoblach and Mares moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 1, line 8 of the first Abrams amendment adopted earlier today, before the period, insert ", with the remainder to be allocated to the baseball park gift fund in section 5, subdivision 3, to be used for debt service"

The motion prevailed and the amendment was adopted.

Clark, K.; Gray; Mariani; Davnie; Hilty; Dibble; Leighton; Osskopp and Entenza moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 10, after line 22, insert:

"Subd. 9. [EMPLOYEE COMPENSATION.] The local unit of government must provide that employees hired to work at the ballpark receive compensation that on an annualized basis is equal to at least the Minnesota investment fund programs wage threshold set by the department of trade and economic development."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Dibble moved to amend H. F. No. 2214, the second engrossment, as amended, as follows:

Page 10, line 28, after the period, insert "Additionally, the team or other private sources must contribute revenues to repay the state ballpark loan."

Pages 11 and 12, delete subdivisions 3 and 4, and renumber the remaining subdivisions in sequence

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Greiling and McGuire offered an amendment to H. F. No. 2214, the second engrossment, as amended.

#### POINT OF ORDER

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

Dawkins offered an amendment to H. F. No. 2214, the second engrossment, as amended.

#### POINT OF ORDER

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

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

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

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

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Hilstrom	Larson	Opatz	Slawik
Abrams	Dehler	Hilty	Leighton	Osthoff	Solberg
Anderson, I.	Dempsey	Holsten	Lenczewski	Ozment	Stang
Bakk	Dorman	Huntley	Leppik	Paulsen	Swenson
Bernardy	Dorn	Jaros	Lieder	Paymar	Sykora
Bishop	Erhardt	Jennings	Lipman	Penas	Wasiluk
Blaine	Finseth	Johnson, R.	Mahoney	Peterson	Westerberg
Boudreau	Fuller	Jordan	Mares	Pugh	Winter
Bradley	Goodno	Juhnke	Marko	Rukavina	Wolf
Carlson	Gray	Kahn	Marquart	Ruth	Spk. Sviggum
Cassell	Gunther	Kelliher	McElroy	Seagren	
Clark, J.	Haas	Knoblach	Milbert	Sertich	
Daggett	Harder	Koskinen	Ness	Skoe	
Davnie	Hausman	Kubly	Nornes	Skoglund	

Those who voted in the negative were:

Anderson, B.	Folliard	Johnson, J.	Molnau	Rhodes	Vandever
Biernat	Gerlach	Johnson, S.	Mulder	Rifenberg	Wagenius
Buesgens	Gleason	Kalis	Mullery	Schumacher	Walker
Clark, K.	Goodwin	Kielkucki	Murphy	Seifert	Walz
Dibble	Greiling	Krinkie	Olson	Smith	Westrom
Eastlund	Hackbarth	Kuisle	Osskopp	Swapinski	Wilkin
Entenza	Holberg	Lindner	Otremba	Thompson	Workman
Erickson	Howes	Mariani	Pawlenty	Tingelstad	
Evans	Jacobson	McGuire	Pelowski	Tuma	

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

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, March 25, 2002:

H. F. Nos. 3163 and 2973; S. F. Nos. 2569, 2881 and 2678; H. F. No. 3690; S. F. Nos. 3172, 2592, 3134 and 3352; H. F. No. 3073; and S. F. Nos. 2540, 3380 and 3246.

**CALENDAR FOR THE DAY**

S. F. No. 3145 was reported to the House.

Koskinen withdrew her pending amendment to S. F. No. 3145, offered on Friday, March 22, 2002.

S. F. No. 3145, A bill for an act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Eastlund	Gray	Huntley	Kielkucki
Abrams	Cassell	Entenza	Greiling	Jacobson	Knoblach
Anderson, B.	Clark, J.	Erhardt	Gunther	Jaros	Koskinen
Anderson, I.	Clark, K.	Erickson	Haas	Jennings	Krinkie
Bakk	Daggett	Evans	Hackbarth	Johnson, J.	Kubly
Bernardy	Davnie	Finseth	Harder	Johnson, R.	Kuisle
Biernat	Dawkins	Folliard	Hausman	Johnson, S.	Larson
Bishop	Dehler	Fuller	Hilstrom	Jordan	Leighton
Blaine	Dempsey	Gerlach	Hilty	Juhnke	Lenczewski
Boudreau	Dibble	Gleason	Holberg	Kahn	Leppik
Bradley	Dorman	Goodno	Holsten	Kalis	Lieder
Buesgens	Dorn	Goodwin	Howes	Kelliher	Lindner

Lipman	Mulder	Ozment	Rukavina	Solberg	Walker
Mahoney	Mullery	Paulsen	Ruth	Stang	Walz
Mares	Murphy	Pawlenty	Schumacher	Swapinski	Wasiluk
Mariani	Ness	Paymar	Seagren	Swenson	Westerberg
Marko	Nornes	Pelowski	Seifert	Sykora	Westrom
Marquart	Olson	Penas	Sertich	Thompson	Wilkin
McElroy	Opatz	Peterson	Skoe	Tingelstad	Winter
McGuire	Osskopp	Pugh	Skoglund	Tuma	Wolf
Milbert	Osthoff	Rhodes	Slawik	Vandever	Workman
Molnau	Otremba	Rifenberg	Smith	Wagenius	Spk. Sviggum

The bill was passed and its title agreed to.

S. F. No. 2908 was reported to the House.

Pawlenty moved to amend S. F. No. 2908 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3625, the first engrossment:

#### "ARTICLE 1

#### INTERNET PRIVACY

Section 1. [325M.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in this chapter have the meanings given them in this section.

Subd. 2. [CONSUMER.] "Consumer" means a person who agrees to pay a fee for access to an interactive services provider for personal, family, or household purposes.

Subd. 3. [INTERACTIVE SERVICES PROVIDER.] "Interactive services provider" means a person in the primary business of offering access to online or Internet information directly to or for a consumer via telecommunications. "Interactive services" includes electronic publishing but does not include:

(1) service provided to business, professional, or commercial users;

(2) use of the capability for managing, controlling, or operating a telecommunications system or managing a telecommunications service; or

(3) service provided by a governmental entity.

Subd. 4. [ORDINARY COURSE OF BUSINESS.] "Ordinary course of business" means debt-collection activities, order fulfillment, request processing, or the transfer of ownership.

Subd. 5. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies:

(1) a person by physical or electronic address or telephone number;

(2) a person as having requested or obtained specific materials or services from an interactive services provider;

(3) Internet or online sites visited by a person; or

(4) any of the contents of a person's data-storage devices.

Subd. 6. [TELECOMMUNICATIONS SERVICE.] "Telecommunications service" means the offering, on a common carrier basis, of telecommunications facilities or of telecommunications by means of these facilities. It does not include services offered by an interactive services provider.

Sec. 2. [325M.02] [WHEN DISCLOSURE OF PERSONAL INFORMATION PROHIBITED.]

Except as provided in sections 325M.03 and 325M.04, an interactive services provider may not knowingly disclose personally identifiable information concerning a consumer of the interactive services provider.

Sec. 3. [325M.03] [WHEN DISCLOSURE OF PERSONAL INFORMATION REQUIRED.]

An interactive services provider shall disclose personally identifiable information concerning a consumer:

(1) to a grand jury pursuant to a grand jury subpoena;

(2) to an investigative or law enforcement officer as defined in section 626A.01, subdivision 7, while carrying out conduct authorized by chapter 626A or United States Code, title 18, sections 2510 to 2521;

(3) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means;

(4) to a court in a civil action for conversion commenced by the interactive services provider or in a civil action to enforce collection of unpaid subscription fees or purchase amounts, and then only to the extent necessary to establish the fact of the subscription delinquency or purchase agreement, and with appropriate safeguards against unauthorized disclosure; or

(5) to the consumer who is the subject of the information, upon written request.

Sec. 4. [325M.04] [WHEN DISCLOSURE OF PERSONAL INFORMATION PERMITTED; AUTHORIZATION.]

Subdivision 1. [CONDITIONS OF DISCLOSURE.] An interactive services provider may disclose personally identifiable information concerning a consumer to:

(1) any person if the disclosure is incident to the ordinary course of business of the interactive services provider; or

(2) any person with the authorization of the consumer.

Subd. 2. [AUTHORIZATION.] The interactive services provider may obtain the consumer's authorization of the disclosure of personally identifiable information in writing or by electronic means. The request for authorization must reasonably describe the types of persons to whom personally identifiable information may be disclosed and the anticipated uses of the information and must notify the consumer that failure to object to disclosure constitutes an authorization of disclosure. An authorization may be obtained in a manner consistent with self-regulating guidelines issued by representatives of the interactive services provider industry or other representatives of the marketing or online industries, or in any other manner reasonably designed to comply with this subdivision.



## Sec. 5. [325M.05] [SECURED ACCOUNT.]

The interactive services provider shall provide the consumer with a secured, verifiable account. The interactive services provider shall maintain the security and privacy of a consumer's personally identifiable information concerning this account. The interactive services provider is not liable for actions that would constitute a violation of section 609.87, 609.89, or 609.891, if the interactive services provider does not participate in, authorize, or approve such actions.

## Sec. 6. [325M.06] [EXCLUSION FROM EVIDENCE.]

Personally identifiable information obtained in any manner other than as provided in this chapter may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

## Sec. 7. [325M.07] [ENFORCEMENT; CIVIL LIABILITY.]

A consumer who prevails or substantially prevails in an action brought under sections 325M.01 to 325M.08 is entitled to the greater of \$500 or actual damages, plus costs, disbursements, and reasonable attorney fees.

## Sec. 8. [325M.08] [OTHER LAW.]

This chapter does not limit any greater protection of the privacy of information under other law.

## Sec. 9. [325M.09] [APPLICATION.]

This chapter applies to interactive services providers in the provision of services to consumers in this state.

## ARTICLE 2

## COMMERCIAL ELECTRONIC MAIL SOLICITATION

## Section 1. [325F.694] [FALSE OR MISLEADING COMMERCIAL ELECTRONIC MAIL MESSAGES.]

Subdivision 1. [DEFINITIONS.] (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Commercial electronic mail message" means an electronic mail (e-mail) message sent through an interactive computer service provider's facilities located in this state to a resident of this state for promoting goods or services for sale or lease.

(c) "Electronic mail address" or "e-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(d) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by an intervening interactive computer service that may handle or retransmit the message.

(e) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and these systems operated or services offered by libraries or educational institutions.

(f) "Internet domain name" refers to a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, comprising a series of character strings separated by periods, with the rightmost string specifying the top of the hierarchy.

Subd. 2. [FALSE OR MISLEADING MESSAGES PROHIBITED.] No person may initiate the transmission of a commercial electronic mail message that:

(1) uses a third party's Internet domain name without permission of the third party, or otherwise misrepresents any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(2) contains false or misleading information in the subject line.

Subd. 3. [SUBJECT DISCLOSURE.] The subject line of a commercial electronic mail message must include "ADV" as the first characters. If the message contains information that consists of material that may only be viewed by an individual 18 years of age and older, the subject line of the message must include "ADV-ADULT" as the first characters. This subdivision applies to messages to a recipient who did not request the document or with whom the initiator did not have a prior or current business or personal relationship.

Subd. 4. [TOLL-FREE NUMBER.] (a) A sender initiating the transmission of a commercial electronic mail message must establish a toll-free telephone number or valid sender-operated return e-mail address that the recipient of the documents may call or access by e-mail to notify the sender not to transmit by e-mail any further unsolicited documents.

(b) A commercial electronic mail message must include a statement informing the recipient of the toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or access by e-mail, notifying the sender not to transmit to the recipient by e-mail any further unsolicited documents to the e-mail address, or addresses, specified by the recipient.

Subd. 5. [BLOCKING RECEIPT OR TRANSMISSION.] (a) An interactive computer service, upon its own initiative, may block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

(b) No interactive computer service may be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

Subd. 6. [DAMAGES.] In addition to remedies available under section 8.31, 325F.70, or other law:

(1) a recipient of a commercial electronic mail message sent in violation of this section is entitled to damages of \$500, or actual damages, whichever is greater; and

(2) an interactive computer service that is injured by a violation of this section is entitled to damages of \$1,000, or actual damages, whichever is greater."

Delete the title and insert:

"A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325F; proposing coding for new law as Minnesota Statutes, chapter 325M."

The motion prevailed and the amendment was adopted.

Pawlenty moved to amend S. F. No. 2908, as amended, as follows:

Page 2, line 32, after "or" insert "to an investigative or law enforcement officer as defined in United States Code, title 18, section 2510, while carrying out conduct authorized by"

Page 3, line 32, delete "SECURED ACCOUNT" and insert "SECURITY OF INFORMATION"

Page 3, delete line 33

Page 3, line 34, delete everything before "The"

Page 3, line 35, after "shall" insert "take reasonable steps to"

Page 4, line 15, delete the second comma and insert "and"

Page 4, line 16, delete everything after "disbursements" and insert ". A court may award reasonable attorney fees to a consumer who prevails in an action brought under sections 325M.01 to 325M.08 and who demonstrates that the violation of those sections was knowing and deliberate."

The motion prevailed and the amendment was adopted.

Pawlenty moved that S. F. No. 2908, as amended, be continued on the Calendar for the Day. The motion prevailed.

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2486:

Goodno, Bradley and Huntley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2909:

Penas, Bradley and Skoe.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3288:

Rhodes, Hackbarth and Pelowski.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3293:

Clark, J.; Abeler and Marko.

**MOTIONS AND RESOLUTIONS**

Entenza moved that the name of Pawlenty be added as an author on H. F. No. 2710. The motion prevailed.

Clark, J., moved that the name of Kelliher be added as an author on H. F. No. 3067. The motion prevailed.

Abrams moved that H. F. No. 1296 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

**FISCAL CALENDAR ANNOUNCEMENT**

Pursuant to rule 1.22, Bishop announced his intention to place H. F. No. 3364 on the Fiscal Calendar for Tuesday, March 26, 2002.

**ADJOURNMENT**

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, March 26, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, March 26, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives