

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 FORTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 26, 2001

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

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Marquart was excused.

Jennings was excused until 11:40 a.m. Wenzel was excused until 12:00 noon. Schumacher was excused until 12:20 p.m. Solberg was excused until 3:20 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 665 and H. F. No. 1857, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Smith moved that S. F. No. 665 be substituted for H. F. No. 1857 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 912 and H. F. No. 950, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, I., moved that the rules be so far suspended that S. F. No. 912 be substituted for H. F. No. 950 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1043 and H. F. No. 570, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hilstrom moved that the rules be so far suspended that S. F. No. 1043 be substituted for H. F. No. 570 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1295 and H. F. No. 2414, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Otremba moved that the rules be so far suspended that S. F. No. 1295 be substituted for H. F. No. 2414 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1344 and H. F. No. 1893, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sertich moved that the rules be so far suspended that S. F. No. 1344 be substituted for H. F. No. 1893 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1429 and H. F. No. 1169, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dorman moved that the rules be so far suspended that S. F. No. 1429 be substituted for H. F. No. 1169 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1430 and H. F. No. 1819, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nornes moved that the rules be so far suspended that S. F. No. 1430 be substituted for H. F. No. 1819 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1434 and H. F. No. 1612, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelliher moved that the rules be so far suspended that S. F. No. 1434 be substituted for H. F. No. 1612 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1437 and H. F. No. 1742, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mares moved that S. F. No. 1437 be substituted for H. F. No. 1742 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1464 and H. F. No. 1304, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nornes moved that the rules be so far suspended that S. F. No. 1464 be substituted for H. F. No. 1304 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1475 and H. F. No. 1583, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Biernat moved that S. F. No. 1475 be substituted for H. F. No. 1583 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1507 and H. F. No. 1379, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Krinkie moved that the rules be so far suspended that S. F. No. 1507 be substituted for H. F. No. 1379 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1528 and H. F. No. 1526, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Erhardt moved that the rules be so far suspended that S. F. No. 1528 be substituted for H. F. No. 1526 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1613 and H. F. No. 1827, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swenson moved that the rules be so far suspended that S. F. No. 1613 be substituted for H. F. No. 1827 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1772 and H. F. No. 1549, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wenzel moved that S. F. No. 1772 be substituted for H. F. No. 1549 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1855 and H. F. No. 1936, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Seagren moved that S. F. No. 1855 be substituted for H. F. No. 1936 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1968 and H. F. No. 1276, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 1968 be substituted for H. F. No. 1276 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 218, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions relating to state government operations; amending Minnesota Statutes 2000, sections 3.305, by adding subdivisions; and 16A.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2000, sections 16B.37; 16B.88; 240A.08; 394.232; 462.3535; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 473.1455; 572A.01; and 572A.03, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

APPROPRIATIONS

Section 1. [STATE GOVERNMENT APPROPRIATIONS.]

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

APPROPRIATIONS	
Available for the Year	
Ending June 30	
2002	2003

Sec. 2. LEGISLATURE

Subdivision 1. Total Appropriation	57,938,000	60,602,000
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Summary by Fund

General	57,788,000	60,452,000
Health Care Access	150,000	150,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Senate

16,602,000	16,602,000
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Subd. 3. House of Representatives

26,843,000	29,497,000
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Of amounts previously appropriated to the house and carried forward into the biennium beginning July 1, 2001, \$1,000,000 is canceled to the general fund.

Subd. 4. Legislative Coordinating Commission

Summary by Fund

General	14,343,000	14,353,000
Health Care Access	150,000	150,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Effective January 1, 2002, the house of representatives public information office and the senate publications office are combined, under the jurisdiction of the legislative coordinating commission.

Effective January 1, 2002, the house of representatives television services office and the senate media services offices are combined, under the jurisdiction of the legislative coordinating commission.

During the interim between the 2001 and 2002 legislative sessions, legislative appointing authorities may work with the department of employee relations to place legislative staff on temporary assignments in state agencies. The legislature is responsible for salary and benefits of employees who choose these temporary assignments. Work assignments and hours must be negotiated by legislative appointing authorities and the state agencies getting interim use of legislative staff. Refusal of a commissioner to find a suitable work assignment for interested and qualified legislative staff must be reported to the budget committee chairs of the house and senate that have jurisdiction over that agency's budget.

This appropriation may not be used to pay for an international affairs coordinator.

Sec. 3. GOVERNOR AND LIEUTENANT GOVERNOR	4,508,000	4,519,000
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\$19,000 the first year and \$19,000 the second year are for necessary expenses in the normal performance of the governor's and lieutenant governor's duties for which no other reimbursement is provided.

By September 1 each year, the commissioner of finance shall report to the chairs of the senate governmental operations budget division and the house state government finance division any personnel costs incurred by the office of the governor and lieutenant governor that were supported by appropriations to other agencies during the previous fiscal year. The office of the governor shall inform the chairs of the divisions before initiating any interagency agreements.

Sec. 4. STATE AUDITOR	9,777,000	-0-
Sec. 5. STATE TREASURER	2,328,000	2,284,000
Sec. 6. ATTORNEY GENERAL	28,680,000	29,368,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

General	26,227,000	26,863,000
State Government		
Special Revenue	1,834,000	1,876,000
Environmental	619,000	629,000

In budget proposals for the biennium beginning July 1, 2003, the attorney general must include amounts to provide legal services for all agencies served by the attorney general.

Sec. 7. SECRETARY OF STATE	9,578,000	821,000
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\$2,000,000 the first year is for transfer to the voting equipment grant account established in Minnesota Statutes, section 204B.48.

Sec. 8. CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD	658,000	671,000
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For 2001 - \$35,000

\$35,000 is appropriated in fiscal year 2001 and is effective immediately.

Sec. 9. INVESTMENT BOARD	2,376,000	2,376,000
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Sec. 10. ADMINISTRATIVE HEARINGS	6,966,000	7,169,000
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This appropriation is from the workers' compensation fund.

Sec. 11. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING	5,323,000	5,008,000
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The base budget for the critical issues activity is reduced by \$810,000 each year.

\$250,000 each year is for one-time grants of \$50,000 each to regional development commissions or, in regions not served by regional development commissions, to regional organizations selected by the director, to support planning work on behalf of local units of government. The planning work must take into consideration any impacts on private property rights and must include at least one of the following: (1) development of local zoning ordinances; (2) land use plans; (3) community or economic development plans; (4) transportation and transit plans; (5) solid waste management plans; (6) wastewater management plans;

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(7) workforce development plans; (8) housing development plans and market analyses; (9) rural health service and senior nutrition plans; (10) natural resources management plans; or (11) development of a geographical information systems database to serve a region's needs, including hardware and software purchases and related labor costs. State grant funds must be matched on a dollar-for-dollar basis by nonstate funds. Copies of all planning documents developed as a result of the grants must be compiled by the office of strategic and long-range planning and made available for public inspection. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

\$25,000 the first year is for preparation of urban river development guidelines under article 2, section 127.

\$100,000 the first year is for a grant to support subregional comprehensive planning by the N.M. I-35W Corridor Coalition. The appropriation is available until June 30, 2003. The subregional work must include the following components leading to a coordinated subregional comprehensive plan submission to the metropolitan council in 2003: (1) coordinated land use plans; (2) coordinated economic development and redevelopment strategies focused on redefining metropolitan competitiveness with linkage to creating local job opportunities and integrated housing, transportation, and transit systems; (3) coordinated transportation and transit plans; (4) coordinated workforce development plans; (5) coordinated subregional housing development plans and market analyses ensuring healthy neighborhoods and increased choice in lifecycle housing; (6) coordinated natural resources management plans; (7) expanded GIS database management system focused on improving subregional decision making through access to better data and tools for analysis as well as being exportable to other regional and subregional collaborative efforts; and (8) establishment of a coalition institute structured to utilize livable community principles to address issues of growth and infill, to support standards for quality development, and to create direct benefit for learning experience and sharing with other regional and subregional organizations and agencies. State grant funds must be matched on a dollar-for-dollar basis from nonstate funds. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

The director must submit a plan to the legislature by January 30, 2002, for creation of a competition council. The competition council would make recommendations to the executive and legislative branches on opportunities, strategies, and

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

best practices for competitive delivery of services or goods currently delivered by government. The plan for creation of a council must include the authority of the commission, its mission and objectives, and a proposed structure.

\$200,000 the first year is for a grant to the Northern Counties Land Use Coordinating Board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government regarding land use management issues. The board shall also solicit cooperation with Canadian officials who represent areas contiguous to the region and with local organizations representing recreational, agricultural, mining, forestry, and tourism interests. The objectives of the pilot project are to document instances of incompatible or conflicting land use policies and regulations and to identify and promote a means of resolving such differences that may provide a national model for management through intergovernmental cooperation. The board must report to the legislature by January 15, 2003, on the results of the pilot project. State grant funds must be matched on a dollar-for-dollar basis by nonstate funds. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

\$200,000 each year is for the director to study matters relating to the economic status of women in Minnesota, including: (1) economic security of homemakers and women in the labor force; (2) opportunities for education and vocational training; (3) employment opportunities; (4) the contributions of women to the economy; (5) women's access to benefits and services provided to citizens of the state; (6) laws and business practices constituting barriers to the full participation by women in the economy; and (7) adequacy of programs and services relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family. The director may appoint an advisory group to advise the director on these matters. Employees of the legislative commission on the economic status of women are transferred to the office of strategic and long-range planning.

Sec. 12. ADMINISTRATION

Subdivision 1. Total Appropriation		73,729,000	45,401,000
Summary by Fund			
General	52,869,000	45,401,000	
Special Revenue	20,860,000	-0-	

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Operations Management

3,683,000	3,694,000
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Subd. 3. Intertechnologies Group

17,596,000	18,868,000
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\$6,693,000 the first year and \$6,842,000 the second year are for 911 operations.

\$6,251,000 the first year and \$7,174,000 the second year are for enhanced 911.

\$50,000 each year is for a grant to the poison control center.

\$3,743,000 the first year and \$3,943,000 the second year are for wireless 911.

Subd. 4. Facilities Management

15,577,000	16,009,000
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The balance in the state building code account in the state government special revenue fund as of July 1, 2001, is canceled to the general fund.

The senate must transfer control of the G2 office suite in the capitol to the governor's office. The department of administration must transfer control of the B46 office suite to the senate.

Eighty covered spaces and 105 roof spaces in the State Office Building parking ramp must be assigned to house of representatives staff. To make the required assignment of spaces to house staff, the number of spaces assigned to staff from other entities must be reduced proportionately. However, no spaces in the ramp may be taken from elected officials.

In lieu of receiving the rent deficiency for ceremonial space, the department of administration must locate the State Bookstore in room 230 of the capitol.

Subd. 5. Management Services

3,427,000	3,238,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 6. Fiscal Agent

	2,000	2,000
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This appropriation is for the state band.

Subd. 7. Public Broadcasting

Summary by Fund

General	848,000	848,000
Special Revenue	20,860,000	-0-

\$441,000 the first year and \$441,000 the second year are for grants and for contracts with the senate and house of representatives for public information television, Internet, Intranet, and other transmission of legislative activities. At least one-half must go for programming to be broadcast and transmitted to rural Minnesota.

\$20,860,000 the first year is appropriated from the contingency account in the special revenue fund for grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In order to qualify for these grants, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2. A station using money from this appropriation for construction of a transmission tower must consult with public radio stations and must build the tower with sufficient capacity to provide space on the tower to interested public radio stations. Such space must be provided at no cost to public radio stations.

\$407,000 the first year and \$407,000 the second year are for grants to public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations under Minnesota Statutes, section 129D.14.

Subd. 8. Office of Technology

	11,736,000	2,742,000
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(a) The commissioner of administration must contract with an entity outside of state government to prepare a supplemental evaluation, risk assessment, and risk mitigation plan for the CriMNet system. The entity performing this work must not have any other direct or indirect financial interest in the project.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(b) Before January 1, 2002, each recipient of an appropriation for the CrimNet system must, in consultation with the commissioner of administration, submit to the entity selected under paragraph (a):

(1) a list of objectives the entity expects to achieve with the money appropriated to it; and

(2) a list of performance measures that can be used to determine the extent to which these objectives are being met.

(c) The evaluation, risk assessment, and risk mitigation plan must separately consider each component of the project, including: suspense files, the integration backbone, the Minnesota court information system, photo imaging, livescan cardhandler, predatory offender registration, CJDN upgrade, statewide supervision, and county planning and implementation grants. For each component, the evaluation may also consider:

(1) the likelihood that each entity will achieve its objectives within the limits of the money appropriated; and

(2) the appropriateness of the performance measures suggested by each entity receiving an appropriation.

(d) Work on the evaluation, risk assessment, and risk mitigation plan must begin as soon as practicable but no later than November 15, 2001. The results of the evaluation, risk assessment, and risk mitigation plan must be reported to the legislature, the commissioner of administration, and the chief justice of the supreme court by March 15, 2002. The final report must include recommendations on changes or improvements needed for each component of the program and whether or not a component should proceed. A recommendation not to proceed with a component of the project is only advisory. Decisions regarding proceeding with project components will be made by the commissioner of public safety in consultation with the policy group.

The office must establish the state information architecture under Minnesota Statutes, section 16E.04, subdivision 2, by March 1, 2002.

\$9,000,000 is for deposit in the technology enterprise fund.

The commissioner may spend up to \$5,400,000 of the fund for the income tax re-engineering project in revenue, up to \$1,000,000 for the North Star enterprise portal, up to \$1,500,000 for small agency

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

infrastructure, up to \$300,000 for statewide information technology architecture, and up to \$300,000 for an unemployment insurance management project.

Sec. 13. EMPLOYEE RELATIONS

13,025,000

18,048,000

For 2001 - \$2,000,000

\$5,000,000 the first year and \$10,000,000 the second year are to pay costs of compensation and economic benefit increases provided to employees in the executive branch. The appropriation applies only to employees funded from the general fund. The commissioner of finance must transfer to the covered agencies amounts certified as necessary by the chief financial officer of the agency. The commissioner must make pro rata distributions if the amount of this appropriation is insufficient to pay all costs.

\$50,000 each year is for a grant to the Government Training Service.

\$2,000,000 in fiscal year 2001 is for one-time funding to the department of employee relations to be distributed for back-pay liability costs associated with compliance with the Fair Labor Standards Act.

Sec. 14. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

283,000

284,000

During the biennium ending June 30, 2003, money received by the board from public agencies, as provided by Minnesota Statutes, section 15.50, subdivision 3, is appropriated to the board.

Any unencumbered money appropriated for the Hubert H. Humphrey memorial under Laws 1999, chapter 250, article 1, section 13, is canceled.

Sec. 15. FINANCE

Subdivision 1. Total Appropriation

17,942,000

17,961,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. State Financial Management

7,993,000

7,993,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 3. Information and Management Services

	9,949,000	9,968,000
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Subd. 4. Technology Budget Book

The department shall prepare a separate budget book for the biennium beginning July 1, 2003, containing all of the administration's technology initiatives. The book shall also include a complete inventory of state-owned and leased technology, along with a projected replacement schedule. The inventory shall include information on how the technology fits into the state's master plan. The book must be in the same format as other biennial budget books.

Sec. 16. REVENUE

Subdivision 1. Total Appropriation	89,322,000	89,453,000
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Summary by Fund

General	85,146,000	85,195,000
Health Care Access	1,731,000	1,764,000
Highway User Tax Distribution	2,191,000	2,237,000
Environmental	307,000	310,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Tax System Management

	86,765,000	86,896,000
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Summary by Fund

General	82,589,000	82,638,000
Health Care Access	1,678,000	1,711,000
Highway User Tax Distribution	2,191,000	2,237,000
Environmental	307,000	310,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 3. Accounts Receivable Management

Summary by Fund

General	2,557,000	2,557,000
Health Care Access	53,000	53,000

Sec. 17. MILITARY AFFAIRS

Subdivision 1. Total Appropriation	13,409,000	13,446,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Maintenance of Training Facilities

	6,938,000	6,938,000
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Subd. 3. General Support

	1,791,000	1,828,000
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\$50,000 the first year and \$50,000 the second year are to assist in the operation and staffing of the Minnesota national guard youth camp at Camp Ripley. This appropriation is contingent on its being matched by money from other sources.

The department may not sell or lease land in Ramsey county to the department of transportation, nor may the department locate a joint or shared facility with the department of transportation within the county.

Subd. 4. Enlistment Incentives

	4,605,000	4,605,000
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Subd. 5. Emergency Services

	75,000	75,000
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Sec. 18. VETERANS AFFAIRS	4,515,000	4,374,000
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\$150,000 is for a grant to the St. Louis county historical society in Duluth, Minnesota, to be used to complete the Veterans Memorial Hall physical exhibit and displays. This appropriation is available until June 30, 2002.

	APPROPRIATIONS Available for the Year Ending June 30	
	2002	2003
Sec. 19. VETERANS OF FOREIGN WARS	55,000	55,000
For carrying out the provisions of Laws 1945, chapter 455.		
Sec. 20. MILITARY ORDER OF THE PURPLE HEART	20,000	20,000
Sec. 21. DISABLED AMERICAN VETERANS	13,000	13,000
For carrying out the provisions of Laws 1941, chapter 425.		
Sec. 22. GAMBLING CONTROL	2,410,000	2,453,000
Sec. 23. RACING COMMISSION	406,000	410,000
Sec. 24. STATE LOTTERY	750,000	-0-
<p>\$750,000 is from the lottery prize fund to the commissioner of human services for a grant to reconstruct Project Turnabout in Granite Falls destroyed by the Granite Falls tornado. This appropriation is available until June 30, 2003, and does not become part of the base.</p>		
Sec. 25. AMATEUR SPORTS COMMISSION	2,866,000	1,394,000
<p>The commission must develop a plan for becoming self-sufficient. The timeline for self-sufficiency must not exceed five years. The commission must report the plan to the chairs of the budget committees in the house and the senate by February 1, 2002.</p> <p>\$2,000,000 in fiscal year 2002 and \$750,000 in fiscal year 2003 are for making matching grants for soccer field development as provided under Minnesota Statutes, section 240A.13.</p> <p>\$200,000 in fiscal year 2002 is for a one-time grant to a nonprofit corporation for operation of a shooting sports program at a state-owned facility. The program funded through this grant must be designed to train participants and coaches in shooting sports that are Olympic events. This appropriation is available until June 30, 2003.</p> <p>\$25,000 is for a grant to the Range Recreation Civic Center for bleacher purchase.</p>		
Sec. 26. BOARD OF THE ARTS		
Subdivision 1. Total Appropriation	8,103,000	8,111,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 2. Operations and Services

	1,028,000	1,036,000
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By February 15, 2002, the board must compile, report to the legislature, and make readily available a listing of grants awarded with funds appropriated for fiscal years 2000 and 2001 by type and dollar amount, along with a measurement of impact for each grant. Impact measurements include, but are not limited to: (1) the number of patrons served; (2) a determination if the grant allowed the grantee to go forward; and (3) the extent the grantee was able to expand or otherwise improve the artistic experience offered the public.

The board must also compile and make available a historical record for every grantee that has received funds from the board. The list must be by grantee and identify all types of grants received each year.

Subd. 3. Grants Program

	3,540,000	3,540,000
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The board must not grant more than \$100,000 per year to any grantee.

Subd. 4. Regional Arts Councils

	3,535,000	3,535,000
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Sec. 27. MINNESOTA HUMANITIES COMMISSION	909,000	909,000
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The humanities commission must develop a plan for the selection of a Minnesota poet laureate. The commission must report the plan to the legislature by February 1, 2002.

Sec. 28. GENERAL CONTINGENT ACCOUNTS	600,000	600,000
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Summary by Fund

General	100,000	100,000
State Government		
Special Revenue	400,000	400,000
Workers'		
Compensation	100,000	100,000

	APPROPRIATIONS	
	Available for the Year	
	Ending June 30	
	2002	2003
Sec. 29. TORT CLAIMS	275,000	275,000
To be spent by the commissioner of finance.		
If the appropriation for either year is insufficient, the appropriation for the other year is available for it.		
Sec. 30. MINNESOTA STATE RETIREMENT SYSTEM	9,299,000	9,856,000
The amounts estimated to be needed for each program are as follows:		
(a) Legislators		
	6,821,000	7,230,000
Under Minnesota Statutes, sections 3A.03, subdivision 2; 3A.04, subdivisions 3 and 4; and 3A.11.		
(b) Constitutional Officers		
	355,000	376,000
Under Minnesota Statutes, sections 352C.031, subdivision 5; 352C.04, subdivision 3; and 352C.09, subdivision 2.		
(c) Judges		
	2,123,000	2,250,000
If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.		
Sec. 31. MINNEAPOLIS EMPLOYEES RETIREMENT FUND	3,232,000	3,232,000
Sec. 32. POLICE AND FIRE AMORTIZATION AID	6,345,000	6,345,000
Sec. 33. COMPENSATION COUNCIL		

The compensation council recommendation of 2001 may not take effect unless approved by law.

ARTICLE 2

STATE GOVERNMENT OPERATIONS

Section 1. Minnesota Statutes 2000, section 3.012, is amended to read:

3.012 [LEGISLATIVE DAY.]

A legislative day is a day when either house or a committee of either house of the legislature is called to order. A legislative day begins at seven o'clock a.m. and continues until seven o'clock a.m. of the following calendar day.

Sec. 2. Minnesota Statutes 2000, section 3.3005, subdivision 2, is amended to read:

Subd. 2. [GOVERNOR'S REQUEST TO LEGISLATURE.] A state agency shall not expend money received by it under federal law for any purpose unless a request to spend federal money from that source for that purpose in that fiscal year has been submitted by the governor to the legislature as a part of a budget request submitted during or within ten days before the start of a regular legislative session, or unless specifically authorized by law or as provided by this section. A budget request submitted to the legislature according to this subdivision must be submitted at least 20 days before the deadline set by the legislature for legislative budget committees to act on finance bills.

Sec. 3. Minnesota Statutes 2000, section 3.3005, subdivision 3, is amended to read:

Subd. 3. [STATE MATCH.] If a request to spend federal money is included in the governor's budget or spending the money is authorized by law but the amount of federal money received requires a state match greater than that included in the budget request or authorized by law, the amount that requires an additional state match may be allotted for expenditure after the requirements of subdivision 5 or 6 are met.

Sec. 4. Minnesota Statutes 2000, section 3.3005, subdivision 3a, is amended to read:

Subd. 3a. [CHANGE IN PURPOSE.] If a request to spend federal money is included in a governor's budget request and approved according to subdivision 2a, but the purpose for which the money is to be used changes from the time of the request and approval, the amount may be allotted for expenditure after a revised request is submitted according to subdivision 2 or the requirements of subdivision 5 or 6 are met.

Sec. 5. Minnesota Statutes 2000, section 3.3005, is amended by adding a subdivision to read:

Subd. 3b. [INCREASE IN AMOUNT.] If a request to spend federal money is included in a governor's budget request and approved according to subdivision 2 or subdivision 5 and the amount of money available increases after the request is made and authorized, the additional amount may be allotted for expenditure after a revised request is submitted according to subdivision 2, or the requirements of subdivision 5 or 6 are met.

Sec. 6. Minnesota Statutes 2000, section 3.3005, subdivision 4, is amended to read:

Subd. 4. [INTERIM PROCEDURES; URGENCIES.] If federal money becomes available to the state for expenditure after the deadline in subdivision 2 or while the legislature is not in session, and the availability of money from that source or for that purpose or in that fiscal year could not reasonably have been anticipated and included in the governor's budget request, and an urgency requires that all or part of the money be allotted before the legislature reconvenes or prior to the end of the 20 day period specified in subdivision 2, it may be allotted to a state agency after the requirements of subdivision 5 are met.

Sec. 7. Minnesota Statutes 2000, section 3.3005, subdivision 5, is amended to read:

Subd. 5. [LEGISLATIVE ADVISORY COMMISSION REVIEW.] Federal money that becomes available under subdivisions 3 ~~and 3a, 3b,~~ or 4 may be allotted after the commissioner of finance has submitted the request to the members of the legislative advisory commission for their review and recommendation for further review. If a

recommendation is not made within ten days, no further review by the legislative advisory commission is required, and the commissioner shall approve or disapprove the request. If a recommendation by any member is for further review the governor shall submit the request to the legislative advisory commission for its review and recommendation. Failure or refusal of the commission to make a recommendation promptly is a negative recommendation.

Sec. 8. Minnesota Statutes 2000, section 3.3005, is amended by adding a subdivision to read:

Subd. 6. [INTERIM PROCEDURES; NONURGENCIES.] If federal money becomes available to the state for expenditure after the deadline in subdivision 2 or while the legislature is not in session, and subdivision 4 does not apply, a request to expend the federal money may be submitted by the commissioner of finance to members of the legislative advisory commission for their review and recommendation. This request must be submitted by October 1 of any year. If any member of the commission makes a negative recommendation or a recommendation for further review on a request by October 20 of the same year, the commissioner shall not approve expenditure of that federal money. If a request to expend federal money submitted under this subdivision receives a negative recommendation or a recommendation for further review, the request may be submitted again under subdivision 2. If the members of the commission make a positive recommendation or no recommendation, the commissioner shall approve or disapprove the request and the federal money may be allotted for expenditure.

Sec. 9. Minnesota Statutes 2000, section 3.305, is amended by adding a subdivision to read:

Subd. 9. [PUBLIC INFORMATION.] The legislative coordinating commission shall establish an office to provide information to the public about the legislature, including legislative process and legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 10. Minnesota Statutes 2000, section 3.305, is amended by adding a subdivision to read:

Subd. 10. [TELEVISION.] The legislative coordinating commission shall establish an office to provide for television production and transmission of legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 11. [3.306] [MEETING TIMES.]

The house of representatives and the senate must adopt rules that set one time as the regular hour of convening daily sessions in both houses.

Sec. 12. [3.3061] [JOINT STANDING COMMITTEES.]

The house of representatives and the senate must adopt rules that establish a system of joint standing committees to consider and report on legislation and conduct other legislative business, except that each house may establish separately a committee on rules and administration and a committee on ethics.

Sec. 13. Minnesota Statutes 2000, section 3.85, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] The commission consists of five members of the senate and two public members appointed by the subcommittee on committees of the committee on rules and administration and five members of the house of representatives and two public members appointed by the speaker. Public members must have expertise in pension issues. Members shall must be appointed at the commencement of each regular session of the legislature for a two-year term beginning January 16 of the first year of the regular session. Members continue to serve until their successors are appointed. Vacancies that occur while the legislature is in session shall must be filled like regular appointments. If the legislature is not in session, senate vacancies shall must be filled by the last subcommittee on committees of the senate committee on rules and administration or other appointing authority designated by the senate rules, and house vacancies shall must be filled by the last speaker of the house, or if the speaker is not available, by the last chair of the house rules committee. A legislator may not serve on the commission if the legislator has a financial interest in a public pension fund, other than a pension fund for legislators.

Sec. 14. Minnesota Statutes 2000, section 3.97, subdivision 3a, is amended to read:

Subd. 3a. [EVALUATION TOPICS.] (a) The commission shall periodically select topics for the legislative auditor to evaluate. Topics may include any agency, program, or activity established by law to achieve a state purpose, or any topic that affects the operation of state government, but the commission shall give primary consideration to topics that are likely, upon examination, to produce recommendations for cost savings, increased productivity, or the elimination of duplication among public agencies. Legislators and legislative committees may suggest topics for evaluation, but the legislative auditor shall only conduct evaluations approved by the commission.

(b) In selecting program evaluation topics for the auditor, the commission must consider directing the auditor to conduct limited topic scoping reviews at the request of individual legislators. Upon completion of the limited review, the commission may direct the auditor to conduct a more complete evaluation.

Sec. 15. Minnesota Statutes 2000, section 3.979, is amended by adding a subdivision to read:

Subd. 5. [COMMISSIONER'S OPINION; LEGISLATIVE AUDITOR ACCESS TO DATA.] If, after the commissioner of administration issues an opinion under section 13.072 that a person requesting access to data held by a state agency is entitled to that access, the state agency continues to refuse to provide the data or the person making the request is told that the data sought does not exist, the legislative audit commission may instruct the legislative auditor to review all state agency data related to the request. Following the review, the legislative auditor shall provide all public data obtained, if any, to the legislative audit commission.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to commissioner's opinions issued after that date.

Sec. 16. Minnesota Statutes 2000, section 3.98, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] (a) The fiscal note, where possible, shall: (1) cite the effect in dollar amounts; (2) cite the statutory provisions affected; (3) estimate the increase or decrease in revenues or expenditures; (4) include the costs which may be absorbed without additional funds; ~~and~~ (5) include the assumptions used in determining the cost estimates; and (6) specify any long-range implication.

(b) The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

Sec. 17. [3.99] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNMENT.]

Subdivision 1. [ESTABLISHED.] The legislative commission on metropolitan government is established to oversee the metropolitan council's operating and capital budgets, work program, and capital improvement program.

Subd. 2. [MEMBERSHIP.] The commission consists of four senators appointed by the senate subcommittee on committees of the committee on rules and administration, three senators appointed by the senate minority leader, four state representatives appointed by the speaker of the house, and three state representatives appointed by the house minority leader. All members must reside in or represent a portion of the seven-county metropolitan area. The appointing authorities must insure balanced geographic representation. Each appointing authority must make appointments as soon as possible after the opening of the next regular session of the legislature in each odd-numbered year.

Subd. 3. [TERMS; VACANCIES.] Members of the commission serve for a two-year term beginning upon appointment and expiring upon appointment of a successor after the opening of the next regular session of the legislature in the odd-numbered year. A vacancy in the membership of the commission must be filled for the unexpired term in a manner that will preserve the representation established by this section.

Subd. 4. [CHAIR.] The commission must meet as soon as practicable after members are appointed in each odd-numbered year to elect its chair and other officers as it may determine necessary. A chair serves a two-year term, expiring in the odd-numbered year after a successor is elected. The chair must alternate biennially between the senate and the house.

Subd. 5. [COMPENSATION.] Members serve without compensation but may be reimbursed for their reasonable expenses as members of the legislature.

Subd. 6. [STAFF.] Legislative staff must provide administrative and research assistance to the commission.

Subd. 7. [MEETINGS; PROCEDURES.] The commission meets at the call of the chair. If there is a quorum, the commission may take action by a simple majority vote of commission members present.

Subd. 8. [POWERS; DUTIES; METROPOLITAN COUNCIL LEVY, BUDGET OVERSIGHT.] The commission must monitor, review, and make recommendations to the metropolitan council and to the legislature for the following calendar year on:

(1) the tax rate and dollar amount of the metropolitan council's property tax levies and any proposed increases in the rate or dollar amount of tax;

(2) any request for an increase in the debt of the metropolitan council;

(3) the overall work and role of the metropolitan council;

(4) the metropolitan council's proposed operating and capital budgets, work program, and capital improvement program; and

(5) the metropolitan council's implementation of the operating and capital budgets, work program, and capital improvement program.

Subd. 9. [POWERS; DUTIES; METROPOLITAN COUNCIL APPOINTMENTS OVERSIGHT.] The commission must monitor appointments to the metropolitan council and may make recommendations on appointments to the nominating committee under section 473.123, subdivision 3, or to the governor before the governor makes the appointments. The commission may also make recommendations to the senate before appointments are presented to the senate for its advice and consent.

Sec. 18. Minnesota Statutes 2000, section 4A.05, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] The purpose of the land management information center is to foster integration of land use and environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development. The director, through the center, shall periodically study land use and natural resources on the basis of county, regional, and other political subdivisions.

Sec. 19. Minnesota Statutes 2000, section 4A.07, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) "Local unit of government" means a county, statutory or home rule charter city, town, or watershed district.

(b) "Sustainable development" means development that maintains or enhances economic opportunity and community well-being promotes and enhances the dynamic and adaptive nature of communities while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present and recognizes that adaptation in response to economic changes can be achieved without compromising the ability of future generations to meet their own needs.

Sec. 20. Minnesota Statutes 2000, section 4A.07, subdivision 2, is amended to read:

Subd. 2. [PLANNING GUIDE.] The office of strategic and long-range planning must develop and publish a planning guide for local units of government to plan for sustainable development, based on the principles of sustainable development adopted by the environmental quality board with advice of the governor's round table on sustainable development land use planning as stated in this section. The office must make the planning guide available to members of the public and to local units of government within the state.

Sec. 21. Minnesota Statutes 2000, section 4A.07, subdivision 4, is amended to read:

Subd. 4. [SPECIFICITY AND DISTRIBUTION.] The ~~model ordinance~~ planning guide must specify the technical and administrative procedures to ~~guide sustainable development. When adopted by a local unit of government, the model ordinance is the minimum regulation to guide sustainable development that may be adopted~~ local units may use when developing land use ordinances and controls. Upon completion, the office of strategic and long-range planning must notify local units of government that the ~~model ordinance~~ planning guide is available, and must distribute it to interested local units. The director must also make an electronic version of the planning guide available on the Internet free of charge through the North Star information service.

Sec. 22. Minnesota Statutes 2000, section 4A.07, subdivision 5, is amended to read:

Subd. 5. [PERIODIC REVIEW.] At least once every five years, the planning office must review the ~~model ordinance~~ planning guide and its use with local units of government to ensure its continued applicability and relevance.

Sec. 23. Minnesota Statutes 2000, section 4A.08, is amended to read:

4A.08 ~~[COMMUNITY-BASED SUSTAINABLE LAND USE PLANNING GOALS.]~~

Subdivision 1. [GOALS.] The goals of ~~community-based~~ sustainable land use planning are:

(1) ~~[CITIZEN RESIDENT PARTICIPATION.]~~ To develop a ~~community-based~~ local planning process ~~with broad citizen participation in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents built upon input from members of the community. The plans should ensure that land use controls remain flexible in order to accommodate consumer-driven changes in land use. The process must should include at least one citizen from local residents and area businesses, including land development professionals, and representatives from~~ each affected unit of local government;

(2) ~~[COOPERATION.]~~ To promote cooperation among communities to work towards ~~the most efficient, planned, and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities and to coordinate planning to ensure compatibility of one community's development with development of neighboring communities;~~

(3) ~~[ECONOMIC DEVELOPMENT.]~~ To create sustainable economic development strategies and provide economic opportunities throughout the state that will achieve a balanced distribution of growth statewide;

(4) ~~[CONSERVATION.]~~ To protect, preserve, and enhance ~~the state's~~ natural resources, including agricultural land, forests, surface water and groundwater, recreation and open space, scenic areas, and significant historic and archaeological sites;

(5) ~~[LIVABLE COMMUNITY DESIGN.]~~ To strengthen communities by following the principles of livable community design in development and redevelopment, including integration of all income and age groups, mixed land uses and compact development, affordable and life-cycle housing, green spaces, access to public transit, bicycle and pedestrian ways, and enhanced aesthetics and beauty in public spaces;

~~(6) [HOUSING.] To provide and preserve an adequate supply of affordable and life-cycle housing throughout the state;~~

~~(7) [TRANSPORTATION.] To focus on the movement of people and goods, rather than on the movement of automobiles, in transportation planning, and to maximize the efficient use of the transportation infrastructure by increasing the availability and use of appropriate public transit throughout the state through land-use planning and design that makes public transit economically viable and desirable;~~

~~(8) [LAND-USE PLANNING.] To establish a community-based framework as a basis for all decisions and actions related to land use;~~

~~(9) [PUBLIC INVESTMENTS.] To account for the full environmental, social, and economic costs of new development, including infrastructure costs such as transportation, sewers and wastewater treatment, water, schools, recreation, and open space, and plan the funding mechanisms necessary to cover the costs of the infrastructure;~~

~~(10) [PUBLIC EDUCATION.] To support research and public education on a community's and the state's finite capacity to accommodate growth, and the need for planning and resource management that will sustain growth; and~~

~~(11) [SUSTAINABLE DEVELOPMENT.] To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency, and developing local resources to revitalize the local economy.~~

(4) [PRESERVE LOCAL AUTONOMY.] To avoid prescriptive, centralized plans that attempt to determine the detailed outcome of community form and function. Such "comprehensive" plans interfere with the dynamic and adaptive nature of communities;

(5) [ACCOMMODATE RESIDENT CHOICES.] To allow population densities and land uses that are community driven and avoid inflexible, centrally directed land use decisions that may result in unforeseen consequences;

(6) [PRESERVE PROPERTY RIGHTS.] To incorporate private property rights in local planning procedures as a fundamental element of both economic development and environmental protection. Problems of incompatible or conflicting land uses are better resolved through the common law principles of nuisance than through zoning regulations which tend to be rigid and inefficient;

(7) [PAY AS YOU GROW.] To evaluate sustainable land use plans and other local growth management policies according to their cost of living and burden-shifting effects. Urban growth boundaries, minimum lot sizes, population density ratios, restrictions on housing development, restrictions on commercial development, and other limits on freely functioning land markets increase burdens on lower income groups and should be avoided; and

(8) [DIVERSE PERSPECTIVES.] To develop sustainable land use plans that are based on comprehensive research as well as citizen preferences is crucial to the continued progress of local communities.

Subd. 2. [CONSISTENCY WITH GOALS.] State agencies must ensure to the greatest extent possible that their objectives, plans, and programs are not in conflict with the sustainable land use planning goals in subdivision 1.

Sec. 24. Minnesota Statutes 2000, section 4A.09, is amended to read:

4A.09 [TECHNICAL ASSISTANCE.]

The office shall provide local governments technical and financial assistance in preparing ~~their comprehensive sustainable land use plans to that~~ meet the ~~community-based planning~~ goals in section 4A.08.

Sec. 25. Minnesota Statutes 2000, section 4A.10, is amended to read:

4A.10 [PLAN REVIEW AND COMMENT.]

The office of strategic and long-range planning shall, over time, compile and review and comment on community-based comprehensive all local land use plans prepared by being developed or currently in effect for counties, including the community-based comprehensive plans of municipalities, and towns that are incorporated into a county's plan, as required in section 394.232, subdivision 3. The purpose of this review is to determine the extent to which local land use plans conform with section 4A.08. Local units must provide copies of their completed plans or draft plans to the office as requested. The director must insure that this review does not interfere with the office's responsibility to provide planning assistance.

Sec. 26. [4A.11] [PLANNING ASSISTANCE.]

Subdivision 1. [DEFINITION.] "Planning assistance" means but is not limited to: guidance documents to aid local units of government in compiling agreements, ordinances, and organizational structures for the planning process, capital improvement planning, housing, economic development, and public participation; coordination of state agency involvement in local sustainable planning, including identification of regional areas that are owned, leased or otherwise controlled by the state; application of geographical information systems and other technology; and population projections, estimates, and other available data including soils, geology, natural areas, and other physical data.

Subd. 2. [MINNESOTA PLANNING TO PROVIDE ASSISTANCE.] The office of strategic and long-range planning shall provide planning assistance to local units of government, including assistance to meet the planning goals in section 4A.08. The office shall provide technical assistance and review and comment on land use plans prepared by counties, municipalities, and towns, and it may not withhold assistance from local governments that chose to deviate from recommendations offered by the office. The office shall place a priority on requests for assistance from townships and small cities.

Sec. 27. [5.075] [SECRETARY OF STATE REVOLVING FUND.]

Notwithstanding other law to the contrary, all fees and other revenue received by the secretary of state, other than fees related to election duties, must be deposited in a secretary of state revolving fund. Money in the fund is continuously appropriated to the secretary of state.

Sec. 28. [6.025] [STATE AUDITOR REVOLVING FUND.]

All revenue from billings and other fees received by the state auditor must be deposited in a state auditor revolving fund. Money in the fund is continuously appropriated to the state auditor.

Sec. 29. Minnesota Statutes 2000, section 6.48, is amended to read:

6.48 [EXAMINATION OF COUNTIES; COST, FEES.]

All the powers and duties conferred and imposed upon the state auditor shall be exercised and performed by the state auditor in respect to the offices, institutions, public property, and improvements of several counties of the state. At least once in each year, if funds and personnel permit, the state auditor shall visit, without previous notice, each county and make a thorough examination of all accounts and records relating to the receipt and disbursement of the public funds and the custody of the public funds, including the game and fish funds, and other property. The state auditor shall prescribe and install systems of accounts and financial reports that shall be uniform, so far as practicable, for the same class of offices. A copy of the report of such examination shall be filed and be subject to public inspection in the office of the state auditor and another copy in the office of the auditor of the county thus examined. The state auditor may accept the records and audit, or any part thereof, of the department of human services in lieu of examination of the county social welfare funds, if such audit has been made within any period

covered by the state auditor's audit of the other records of the county. If any such examination shall disclose malfeasance, misfeasance, or nonfeasance in any office of such county, such report shall be filed with the county attorney of the county, and the county attorney shall institute such civil and criminal proceedings as the law and the protection of the public interests shall require.

The county receiving such examination, and the division of game and fish of the department of natural resources of the state of Minnesota, in the case of the examination of the game and fish funds, shall pay to the state ~~general auditor revolving~~ fund, notwithstanding the provisions of section 16A.125, the total cost and expenses of such examinations, including the salaries paid to the examiners while actually engaged in making such examination. The state auditor on deeming it advisable may bill counties, having a population of 200,000 or over, monthly for services rendered and the officials responsible for approving and paying claims shall cause said bill to be promptly paid. The ~~general state auditor revolving~~ fund shall be credited with all collections made for any such examinations.

Sec. 30. Minnesota Statutes 2000, section 6.56, subdivision 2, is amended to read:

Subd. 2. [BILLINGS BY STATE AUDITOR.] Upon the examination of the books, records, accounts, and affairs of any political subdivision, as provided by law, such political subdivision shall be liable to the state for the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The state auditor may bill such political subdivision monthly for service rendered and the officials responsible for approving and paying claims are authorized to pay said bill promptly. Said payments shall be without prejudice to any defense against said claims that may exist or be asserted. The ~~general state auditor revolving~~ fund shall be credited with all collections made for any such examinations, including interest payments made pursuant to subdivision 3.

Sec. 31. Minnesota Statutes 2000, section 6.58, is amended to read:

6.58 [GENERAL FUND.]

The ~~general state auditor revolving~~ fund shall be used to provide personnel, pay other expenses, and for the acquisition of equipment used in connection with reimbursable examinations and other duties pursuant to law. When full-time personnel are not available, the state auditor may contract with private persons, firms, or corporations for accounting and other technical services. Notwithstanding any law to the contrary, the acquisition of equipment may include duplicating equipment to be used in producing the reports issued by the department. All receipts from such reimbursable examinations shall be deposited in the general fund. The state auditor is directed to adjust the schedule of charges for such examinations to provide that such charges shall be sufficient to cover all costs of such examinations and that the aggregate charges collected shall be sufficient to pay all salaries and other expenses including charges for the use of the equipment used in connection with such reimbursable examinations and including the cost of contracting for accounting and other technical services. The schedule of charges shall be based upon an estimate of the cost of performing reimbursable examinations including, but not limited to, salaries, office overhead, equipment, authorized contracts, and other expenses. The state auditor may allocate a proportionate part of the total costs to an hourly or daily charge for each person or class of persons engaged in the performance of an examination. The schedule of charges shall reflect an equitable charge for the expenses incurred in the performance of any given examination. The state auditor shall review and adjust the schedule of charges for such examinations at least annually and have all schedules of charges approved by the commissioner of finance before they are adopted so as to ensure that the amount collected shall be sufficient to pay all the costs connected with such examinations during the fiscal year.

Sec. 32. Minnesota Statutes 2000, section 7.09, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] The state treasurer is authorized to receive and accept, on behalf of the state, any gift, bequest, devise, or endowment which may be made by any person, by will, deed, gift, or otherwise, to or for the benefit of the state, or any of its departments or agencies, or to or in aid, or for the benefit, support, or maintenance of any educational, charitable, or other institution maintained in whole or in part by the state, or for the benefit of students, employees, or inmates thereof, or for any proper state purpose or function, and the money, property, or

funds constituting such gift, bequest, devise, or endowment. No such gift, bequest, devise, or endowment whose value is equal to or exceeds \$10,000 shall be so accepted unless the commissioner of finance and the state treasurer determine determines that it is for the interest of the state to accept it, and approve of and direct the acceptance. If the value is less than \$10,000, only the state treasurer need determine that it is for the interest of the state to accept it, and approve of and direct the acceptance. If a gift, bequest, devise, or endowment is money or other negotiable instruments, then the deposit of it does not constitute acceptance. In the event that the money or other negotiable instruments are deposited but not approved, the amount deposited must be refunded. When, in order to effect the purpose for which any gift, bequest, devise, or endowment has been accepted, it is necessary to sell property so received, the state treasurer, upon request of the authority in charge of the agency, department, or institution concerned, may sell it at a price which shall be fixed by the state board of investment.

Sec. 33. Minnesota Statutes 2000, section 8.15, subdivision 1, is amended to read:

Subdivision 1. [FEE SCHEDULES PROHIBITED.] ~~The attorney general in consultation with the commissioner of finance shall develop a fee schedule to be used by the attorney general in developing the agreements authorized in subdivision 3. The attorney general must submit a billing rate for the next biennium to the commissioner of finance by August 1 of each even-numbered year.~~

The attorney general may not assess a county any fee for legal services rendered in connection with a commitment proceeding under section 253B.185 for which the attorney general assumes responsibility under section 8.01.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 34. Minnesota Statutes 2000, section 8.15, subdivision 2, is amended to read:

Subd. 2. [BIENNIAL BUDGET REQUEST.] ~~(a) The attorney general in consultation with the commissioner of finance shall designate which All agencies will served by the attorney general must have their legal service requests included in the services funded through the budget request of the attorney general.~~

~~(b) All other agencies, in consultation with the attorney general and the commissioner of finance, shall include a request for legal services in their biennial budget requests.~~

~~(c) The budget request of the attorney general must include a consolidated listing that shows on one page all the appropriations that will be used to support the office of the attorney general and the finance division from which they will be requested.~~

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 35. Minnesota Statutes 2000, section 8.15, subdivision 3, is amended to read:

Subd. 3. [AGREEMENTS.] ~~(a) To facilitate the delivery of legal services,~~ The attorney general may:

(1) enter into agreements with ~~executive branch agencies,~~ political subdivisions; or quasi-state agencies to provide legal services for the benefit of the citizens of Minnesota; and

(2) in addition to funds otherwise appropriated by the legislature, accept and spend funds received under any agreement authorized in clause (1) for the purpose set forth in clause (1), subject to a report of receipts to the chairs of the senate finance committee and the house ways and means committee by October 15 each year.

(b) When entering into an agreement for legal services, the attorney general must notify the committees responsible for funding the office of the attorney general. When the attorney general enters into an agreement with a state agency, the attorney general must also notify the committees responsible for funding that agency.

Funds received under this subdivision must be deposited in the general fund and are appropriated to the attorney general for the purposes set forth in this subdivision.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 36. Minnesota Statutes 2000, section 10A.01, subdivision 21, is amended to read:

Subd. 21. [LOBBYIST.] (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than ~~50~~ five hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

(5) a party or the party's representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony; or

(9) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 37. Minnesota Statutes 2000, section 11A.075, is amended to read:

11A.075 [~~DISCLOSURE OF EXPENSE REIMBURSEMENT.~~]

(a) A member or employee of the state board must annually disclose expenses paid for or reimbursed by: (1) each investment advisor, consultant, or outside money manager under contract to the state board; (2) each investment advisor, consultant, or outside money manager that has bid on a contract offered by the state board during that year; and (3) each business, including officers or employees of the business, in which the state board has invested money under the board's control during the annual reporting period. The disclosure requirement of this paragraph does not apply to expenses or reimbursements from an investment advisor, consultant, money manager or business if the board member or employee received less than \$50 during the annual reporting period from that person or entity.

(b) For purposes of this section, expenses include payments or reimbursements for meals, entertainment, transportation, lodging, and seminars.

(c) A member of the state board must disclose any contract or other arrangement under which the member will perform services for compensation as a consultant, employee, or independent contractor for a person or entity other than the state. The disclosure must include the person or entity for whom services will be performed, the duration of the arrangement, and the compensation that the member of the state board will receive under the arrangement. The disclosure must be made to the campaign finance and public disclosure board on a form provided by the board. Disclosure must be made before the member begins to perform the services, or within 30 days after the member agrees to perform the services, whichever is sooner.

(d) The disclosure required by ~~this section~~ paragraph (a) must be filed with the campaign finance and public disclosure board by April 15 each year. Each disclosure report must cover the previous calendar year. The statement must be on a form provided by the campaign finance and public disclosure board. An individual who fails to file the form required by this section or who files false information, is subject to penalties specified in sections 10A.09 and 10A.025, subdivision 2.

Sec. 38. Minnesota Statutes 2000, section 15.059, subdivision 5a, is amended to read:

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

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

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

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

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

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

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

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

Minnesota organic advisory task force, created in section 31.95;

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

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

Youth corps advisory committee, created in section 84.0887;

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

Mineral coordinating committee, created in section 93.002;

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

Wetland heritage advisory committee, created in section 103G.2242;

Wastewater treatment technical advisory committee, created in section 115.54;

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

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

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

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

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

Chemical abuse and violence prevention council, created in section 119A.293;

Youth neighborhood centers advisory board, created in section 119A.295;

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

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

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

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

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

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

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

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

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

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

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

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

Cancer surveillance advisory committee, created in section 144.672;

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

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

~~Mississippi River Parkway commission, created in section 161.1419;~~

School bus safety advisory committee, created in section 169.435;

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

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

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

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

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

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

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

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

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

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

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

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

Juvenile justice advisory committee, created in section 268.29;

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

Iron range higher education committee, created in section 298.2214;

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

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

Sec. 39. Minnesota Statutes 2000, section 15.50, subdivision 2, is amended to read:

Subd. 2. [CAPITOL AREA PLAN.] (a) The board shall prepare, prescribe, and from time to time, after a public hearing, amend a comprehensive use plan for the capitol area, called the area in this subdivision, which consists of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of

intersection of the center line of the Arch-Pennsylvania freeway and the center line of Marion Street, thence southerly along the center line of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the center line of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the center line of Summit Avenue to the center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the center line of West Seventh Street, thence northeasterly along the center line of West Seventh Street to the center line of the Fifth Street ramp, thence northwesterly along the center line of the Fifth Street ramp to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Exchange Street, thence easterly along the south line of Exchange Street to the west line of Cedar Street, thence northerly along the west line of Cedar Street to the center line of Tenth Street, thence northeasterly along the center line of Tenth Street to the center line of Minnesota Street, thence northwesterly along the center line of Minnesota Street to the center line of Eleventh Street, thence northeasterly along the center line of Eleventh Street to the center line of Jackson Street, thence northwesterly along the center line of Jackson Street to the center line of the Arch-Pennsylvania freeway extended, thence westerly along the center line of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin.

Under the comprehensive plan, or a portion of it, the board may regulate, by means of zoning rules adopted under the Administrative Procedure Act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of Saint Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when it requests reports for its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction may be built or altered on any public lands within the area unless the plans for the project conform to the comprehensive use plan as specified in paragraph (d) and to the requirement for competitive plans as specified in paragraph (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under paragraph (e) may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas, open spaces, monuments, and other memorials; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement may be made to public lands or buildings in the area without the written approval of the board.

(e) The board shall secure by competitions plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition that may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. A competition must be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected become the property of the state of Minnesota, and the board may award one or more premiums in each competition and may pay the costs and fees that may be required for its conduct. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided the plans have been considered by the advisory committee described in paragraph (h). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) Notwithstanding paragraph (e), an architectural competition is not required for the design of any light rail transit station and alignment within the capitol area. The board and its advisory committee shall select a preliminary design for any transit station in the capitol area. Each stage of any station's design through working drawings must be reviewed by the board's advisory committee and approved by the board to ensure that the station's design is compatible with the comprehensive plan for the capitol area and the board's design criteria. The guideway and track design of any light rail transit alignment within the capitol area must also be reviewed by the board's advisory committee and approved by the board.

(g) Of the amount available for the light rail transit design, adequate funds must be available to the board for design framework studies and review of preliminary plans for light rail transit alignment and stations in the capitol area.

(h) The board may not adopt any plan under paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee may not be contestants under paragraph (e). The comments and criticism must be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose, the committee must be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the data are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any data prepared by any public employee or agency must be filed with the board promptly upon completion.

The board may employ stenographic or technical help that may be reasonable to assist the committee to perform its duties.

When so directed by the board, the committee may serve as, and any member or members of the committee may serve on, the jury or as professional advisor for any architectural competition, and the board shall select the architectural advisor and jurors for any competition with the advice of the committee.

The city of Saint Paul shall advise the board.

(i) The comprehensive plan for the area must be developed and maintained in close cooperation with the commissioner of trade and economic development, the planning department and the council for the city of Saint Paul, and the board of the arts, and no plan or amendment of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts and without a public hearing with opportunity for public testimony.

(j) The board and the commissioner of administration, jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance, and cleanliness of the public and ceremonial areas of the state capitol building. The board shall consult with and receive advice from the director

of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed under this paragraph are binding upon the commissioner of administration. The provisions of chapter 14, including section 14.386, do not apply to this paragraph.

(k) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program. The board shall report any changes to the comprehensive plan adopted by the board to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate and upon request shall provide testimony concerning the changes. The board shall also provide testimony to the legislature on proposals for memorials in the capitol area as to their compatibility with the standards, policies, and objectives of the comprehensive plan.

(l) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase, or eminent domain proceedings any real property situated in the area described in this section, and it may also acquire an interest less than a fee simple interest in the property, if it finds that the property is needed for future expansion or beautification of the area.

(m) The board is the successor of the state veterans service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and amendments to it.

(n) The board shall meet at the call of the chair and at such other times as it may prescribe.

(o) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which a part that the commissioner of administration and commissioner of veterans affairs may mutually determine must be on the first floor above the ground, and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available, to other state departments and agencies as the commissioner may deem desirable.

Sec. 40. Minnesota Statutes 2000, section 15.50, is amended by adding a subdivision to read:

Subd. 2b. [COMPUTER SYSTEMS.] The commissioner of administration must provide, at no charge, the board's connections to state computer networks and other support for the board's computer systems.

Sec. 41. Minnesota Statutes 2000, section 16A.06, is amended by adding a subdivision to read:

Subd. 10. [TECHNOLOGY BUDGET BOOK.] The department shall prepare a separate budget book for each biennium beginning July 1, 2003, containing all of the administration's technology initiatives. The book shall also include a complete inventory of state-owned and leased technology, along with a projected replacement schedule. The inventory shall include information on how the technology fits into the state's master plan.

Sec. 42. Minnesota Statutes 2000, section 16A.10, is amended by adding a subdivision to read:

Subd. 1c. [PERFORMANCE MEASURES FOR CHANGE ITEMS.] For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals.

Sec. 43. Minnesota Statutes 2000, section 16A.103, subdivision 1, is amended to read:

Subdivision 1. [STATE REVENUE AND EXPENDITURES.] In February and November each year, the commissioner shall prepare a forecast of state revenue and expenditures. The November forecast must be delivered to the legislature and governor no later than the end of the first week of December. The February forecast must be

delivered to the legislature and governor by the end of February. Forecasts must be delivered to the legislature and governor on the same day. ~~If requested by the legislative commission on planning and fiscal policy, delivery to the legislature must include a presentation to the commission.~~

Sec. 44. Minnesota Statutes 2000, section 16A.11, subdivision 6, is amended to read:

Subd. 6. [BUILDING MAINTENANCE.] The detailed operating budget must include amounts necessary to maintain state buildings. The commissioner of finance, in consultation with the commissioner of administration, the board of trustees of the Minnesota state colleges and universities, and the regents of the University of Minnesota, shall establish budget guidelines for building maintenance appropriations. ~~Unless otherwise provided by the commissioner of finance, the amount to be budgeted each year for building maintenance is two percent of the cost of the building, adjusted up or down depending on the age and condition of the building.~~

Sec. 45. [16A.1286] [STATEWIDE SYSTEMS ACCOUNT.]

Subdivision 1. [CONTINUATION.] The statewide systems account is a separate account in the general fund. All money resulting from billings for statewide systems services must be deposited in the account. For the purposes of this section, statewide systems includes the state accounting system, payroll system, human resources systems, procurement system, and related information access systems.

Subd. 2. [BILLING PROCEDURES.] The commissioner may bill up to \$7,520,000 in each fiscal year for statewide systems services provided to state agencies, judicial branch agencies, the University of Minnesota, the Minnesota state colleges and universities, and other entities. Billing must be based only on usage of services relating to statewide systems provided by the intertechnologies division. Each agency shall transfer from agency operating appropriations to the statewide systems account the amount billed by the commissioner. Billing policies and procedures related to statewide systems services must be developed by the commissioner in consultation with the commissioners of employee relations and administration, the University of Minnesota, and the Minnesota state colleges and universities.

Subd. 3. [APPROPRIATION.] Money transferred into the account is appropriated to the commissioner to pay for statewide systems services during the biennium in which it is appropriated.

Sec. 46. [16A.151] [PROCEEDS OF LITIGATION OR SETTLEMENT.]

Subdivision 1. [STATE FUNDS; GENERAL FUND.] (a) This subdivision applies, notwithstanding any law to the contrary, except as provided in subdivision 2.

(b) A state official may not commence, pursue, or settle litigation, or settle a matter that could have resulted in litigation, in a manner that would result in money being distributed to a person or entity other than the state.

(c) Money recovered by a state official in litigation or in settlement of a matter that could have resulted in litigation is state money and must be deposited in the general fund.

Subd. 2. [EXCEPTIONS.] (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

Subd. 3. [DEFINITIONS.] For purposes of this section:

(1) "litigation" includes civil, criminal, and administrative actions;

(2) "money recovered" includes actual damages, punitive or exemplary damages, statutory damages, and civil and criminal penalties; and

(3) "state official" means the attorney general, another constitutional officer, an agency, or an agency employee, acting in official capacity.

Sec. 47. Minnesota Statutes 2000, section 16A.152, subdivision 4, is amended to read:

Subd. 4. [REDUCTION DEFICIT REMEDIES.] (a) If the commissioner determines that probable receipts for the general fund will be less than anticipated, and that the amount available for the remainder of the biennium will be less than needed, the commissioner shall, with the approval of the governor, and after consulting the legislative advisory commission, reduce the amount in the budget reserve account as needed to balance expenditures with revenue.

(b) An additional deficit shall, with the approval of the governor, and after consulting the legislative advisory commission, be made up by reducing unexpended allotments of any prior appropriation or transfer. Notwithstanding any other law to the contrary, the commissioner is empowered to defer or suspend prior statutorily created obligations which would prevent effecting such reductions.

(c) If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

(d) In reducing allotments, the commissioner may consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(e) In like manner, the commissioner shall reduce allotments to an agency by the amount of any saving that can be made over previous spending plans through a reduction in prices or other cause proceed, in alphabetical order to the extent necessary, with the remedies in the paragraphs in this subdivision.

(a) [USE SAVINGS.] The commissioner shall first reduce allotments to an agency by the amount of any savings that can be made over previous spending plans through a reduction in prices or other cause.

(b) [USE OTHER SOURCES.] The commissioner shall next consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(c) [REDUCE BUDGET RESERVE ACCOUNT; GENERAL FUND.] With the approval of the governor, and after consulting with the legislative advisory commission, the commissioner may reduce the amount in the budget reserve account as needed to balance expenditures with revenue.

(d) [TEN PERCENT ALLOTMENT REDUCTION.] The commissioner shall, with the approval of the governor, reduce state agencies' allotments for unencumbered, unobligated operating expenditures and discretionary grants up to ten percent of total authorized spending for the biennium.

(e) [NEW, EXPANDED, OR FUTURE PROGRAMS.] The commissioner may, with the approval of the governor, reduce or delay unencumbered and unobligated allotments for appropriations for spending authorizations that represent new or expanded programs or program eligibility that have future implementation dates.

(f) [REDUCE UNEXPENDED ALLOTMENTS; OTHER FUNDS.] If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

Sec. 48. Minnesota Statutes 2000, section 16A.152, subdivision 7, is amended to read:

Subd. 7. [DELAY; REDUCTION.] The commissioner may delay paying up to 15 percent of an appropriation to a special taxing district or a system of higher education in that entity's fiscal year for up to 60 days after the start of its next fiscal year. The delayed amount is subject to allotment reduction under subdivision ~~4~~.

Sec. 49. Minnesota Statutes 2000, section 16B.58, is amended by adding a subdivision to read:

Subd. 6a. [PARKING RESTRICTIONS.] Notwithstanding subdivision 6:

(1) parking is prohibited on the terraces adjacent to the carriage entrance on the south side of the capitol building;

(2) the ten parking spaces on Aurora Avenue closest to the main entrance of the capitol building must be reserved for parking by physically disabled persons displaying a certificate issued under section 169.345; and

(3) the remainder of the parking spaces on Aurora Avenue must be reserved for the general public during legislative sessions.

Sec. 50. Minnesota Statutes 2000, section 16B.60, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means a city, county, or town ~~meeting the requirements of section 368.01, subdivision 1~~, the University of Minnesota, or the state for public buildings and state licensed facilities.

Sec. 51. Minnesota Statutes 2000, section 16B.60, is amended by adding a subdivision to read:

Subd. 12. [DESIGNATE.] "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Sec. 52. Minnesota Statutes 2000, section 16B.60, is amended by adding a subdivision to read:

Subd. 13. [ADMINISTRATIVE AUTHORITY.] "Administrative authority" means a municipality's governing body or their assigned administrative authority.

Sec. 53. Minnesota Statutes 2000, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION OF CODE.] Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To

the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

Sec. 54. Minnesota Statutes 2000, section 16B.65, is amended to read:

16B.65 [BUILDING OFFICIALS.]

Subdivision 1. [~~APPOINTMENTS DESIGNATION.~~] ~~The governing body of~~ By January 1, 2002, each municipality shall, ~~unless other means are already provided, appoint designate~~ a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the ~~appointment designation of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed designated,~~ the state building official, ~~with the approval of the commissioner, may appoint building officials to serve until the municipalities have made an appointment. If unable to make an appointment, the state building official may use~~ whichever state employees or state agencies are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of ~~an appointment by the state building official or these services rendered by state employees must be borne by the involved municipality; and receipts arising from the appointment these services must be paid into the state treasury and credited to the special revenue general~~ fund.

Subd. 2. [QUALIFICATIONS.] A building official, to be eligible for ~~appointment designation,~~ must be certified ~~and~~ have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. ~~Each building official must be certified under this section, except that the qualifications outlined in this section are not mandatory regarding any building official in any municipality engaged in the administration of a building code on May 27, 1971, and continuing that function through July 1, 1972. No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.~~

Subd. 3. [CERTIFICATION.] The commissioner shall:

- (1) prepare and conduct written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;
- (2) accept documentation of successful completion of testing programs developed by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or
- (3) determine qualifications by both clauses (1) and (2).

Upon a determination of qualification under clause (1), (2), or both of them, the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish ~~classes~~ categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. ~~Except as provided by subdivision 2, no person may act as a building official for a municipality unless the commissioner determines that the official is qualified.~~ The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

The department of employee relations may, at the request of the commissioner, provide statewide testing services.

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are appointed designated, attend ~~to be responsible for~~ all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

Subd. 5. [~~REMOVAL FROM OFFICE OVERSIGHT COMMITTEE.~~] ~~Except as otherwise provided for by law the commissioner may, upon notice and hearing, direct the dismissal of a building official when it appears to the commissioner by competent evidence that the building official has consistently failed to act in the public interest in the performance of duties. Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.~~ (a) The commissioner shall establish a code administration oversight committee to evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce. The committee consists of five certified building officials, at least two of whom must be from nonmetropolitan counties. Committee members must be compensated according to section 15.059, subdivision 3. The commissioner's designee shall act as an ex-officio member of the oversight committee.

(b) If the commissioner has a reasonable basis to believe that a person has engaged in an act or practice constituting the unauthorized performance of official duties, the unauthorized use of the title certified building official, or a violation of a statute, rule, or order that the commissioner has issued or is empowered to enforce, the commissioner may proceed with administrative actions or penalties as described in subdivision 6 or suspension or revocation as described in subdivision 7.

Subd. 6. [ADMINISTRATIVE ACTION AND PENALTIES.] The commissioner shall, by rule, establish a graduated schedule of administrative actions for violations of sections 16B.59 to 16B.75 and rules adopted under those sections. The schedule must be based on and reflect the culpability, frequency, and severity of the violator's actions. The commissioner may impose a penalty from the schedule on a certification holder for a violation of sections 16B.59 to 16B.75 and rules adopted under those sections. The penalty is in addition to any criminal penalty imposed for the same violation. Administrative monetary penalties imposed by the commissioner must be paid to the general fund.

Subd. 7. [SUSPENSION; REVOCATION.] Except as otherwise provided for by law, the commissioner may, upon notice and hearing, revoke or suspend or refuse to issue or reissue a building official certification if the applicant, building official, or certification holder:

- (a) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections;
- (b) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official;
- (c) makes a false statement in an application submitted to the commissioner or in a document required to be submitted to the commissioner; or
- (d) violates an order of the commissioner.

Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 68. [VACANCIES.] In the event that a ~~certified designated~~ building official ~~vacates that position is vacant~~ within a municipality, that municipality shall ~~appoint designate~~ a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to ~~appoint designate~~ a certified building official within ~~90 15~~ days of the occurrence of the vacancy, the state building official may ~~make the appointment or~~ provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 79. [CONTINUING EDUCATION.] Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for municipal building officials dealing with matters of building code administration, inspection, and enforcement.

~~Effective January 1, 1985,~~ Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner every three calendar years to retain certification.

Each person certified as a building official must submit in writing to the commissioner an application for renewal of certification within 60 days of the last day of the third calendar year following the last certificate issued. Each application for renewal must be accompanied by proof of satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner.

~~For persons certified prior to January 1, 1985, the first three-year period commences January 1, 1985.~~

Sec. 55. Minnesota Statutes 2000, section 16B.70, subdivision 2, is amended to read:

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. All money collected by the commissioner through surcharges and other fees prescribed by sections 16B.59 to 16B.75 shall be deposited in the ~~state government special revenue fund and is appropriated to the commissioner for the purpose of administering and enforcing the State Building Code under sections 16B.59 to 16B.75~~ general fund.

Sec. 56. Minnesota Statutes 2000, section 16B.76, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) The construction codes advisory council consists of the following members:

(1) the commissioner of administration or the commissioner's designee representing the department's building codes and standards division;

(2) the commissioner of health or the commissioner's designee representing an environmental health section of the department;

(3) the commissioner of public safety or the commissioner's designee representing the department's state fire marshal division;

(4) the commissioner of public service or the commissioner's designee representing the department's energy regulation and resource management division; and

(5) one member representing each of the following occupations or entities, appointed by the commissioner of administration:

- (i) a certified building official;
- (ii) a fire service representative;
- (iii) a licensed architect;
- (iv) a licensed engineer;
- (v) a building owners and managers representative;
- (vi) a licensed residential building contractor;
- (vii) a commercial building contractor;
- (viii) a heating and ventilation contractor;
- (ix) a plumbing contractor;
- (x) a representative of a construction and building trades union; and
- (xi) a local unit of government representative.

(b) For members who are not state officials or employees, terms, compensation, removal, and the filling of vacancies are governed by section 15.059. The council shall select one of its members to serve as chair.

(c) The council expires June 30, ~~2001~~ 2003.

Sec. 57. Minnesota Statutes 2000, section 16B.88, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION CENTER FOR VOLUNTEER PROGRAMS.] (a) The office of citizenship and volunteer services is under the supervision and administration of a director appointed by the ~~commissioner~~ governor. The office shall: (1) operate as a state information, technical assistance, and promotion center for volunteer programs; and (2) promote and facilitate citizen participation in local governance and public problem solving.

(b) In furtherance of the mission in paragraph (a), clause (2), the office shall:

(1) engage in education and other activities designed to enhance the capacity of citizens to solve problems affecting their communities;

(2) promote and support efforts by citizens, community-based organizations, nonprofits, churches, and local governments to collaborate in solving community problems;

(3) encourage local governments to provide increased opportunities for citizen involvement in public decision making and public problem solving;

(4) refer innovative approaches to encourage greater public access to and involvement in state and local government decisions to appropriate state and local government officials;

- (5) encourage units of state and local government to respond to citizen initiatives and ideas;
- (6) promote processes for involving citizens in government decisions; and
- (7) recognize and publicize models of effective public problem solving by citizens.

Sec. 58. Minnesota Statutes 2000, section 16C.03, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION AUTHORITY.] The commissioner shall acquire all goods, services, and utilities needed by agencies. The commissioner shall acquire goods, services, and utilities by requests for bids, requests for proposals, reverse auctions as provided in section 16C.10, subdivision 7, or other methods provided by law, unless a section of law requires a particular method of acquisition to be used. The commissioner shall make all decisions regarding acquisition activities. The determination of the acquisition method and all decisions involved in the acquisition process, unless otherwise provided for by law, shall be based on best value which includes an evaluation of price and may include other considerations including, but not limited to, environmental considerations, quality, and vendor performance. A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. Unless it is determined by the commissioner that an alternative solicitation method provided by law should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and ~~may~~ must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.

Sec. 59. [16C.055] [BARTER ARRANGEMENTS PROHIBITED.]

An agency may not contract or otherwise agree with a person or entity outside of state government to receive nonmonetary consideration in exchange for the agency providing nonmonetary consideration, unless such an agreement is specifically authorized by law. This section shall not apply to contracts or agreements entered into by the director of the state lottery under chapter 349A.

Sec. 60. [16C.066] [COST-BENEFIT ANALYSIS.]

(a) The commissioner or an agency official to whom the commissioner has delegated duties under section 16C.03, subdivision 16, may not approve a contract or purchase of goods or services for transit or other transportation purposes in an amount greater than \$5,000,000 unless a cost-benefit analysis has been completed and shows a positive benefit to the public. The management analysis division must perform or direct the performance of the analysis. A cost-benefit analysis must be performed for a project if an aggregation of contracts or purchases for a project exceeds \$5,000,000.

(b) All cost-benefit analysis documents under this section, including preliminary drafts and notes, are public data.

(c) If a cost-benefit analysis does not show a positive benefit to the public, the governor may approve a contract or purchase of goods or services if a cost-effectiveness study had been done that shows the proposed project is the most effective way to provide a necessary public good.

(d) This section applies to contracts for goods or services that are expected to have a useful life of more than three years. This section does not apply for purchase of goods or services for response to a natural disaster if an emergency has been declared by the governor.

(e) This section expires June 30, 2003.

Sec. 61. Minnesota Statutes 2000, section 16C.25, is amended to read:

16C.25 [BUILDING AND CONSTRUCTION CONTRACTS.]

(a) Notwithstanding any contrary law, and except as provided in paragraph (b), the provisions of Minnesota Statutes 1996, section 16B.07, 16B.08, 16B.09, and all other laws applicable to competitive bidding for building and construction contracts on June 30, 1998, apply to building and construction contracts entered into on or after July 1, 1998.

(b) Notwithstanding Minnesota Statutes 1996, section 16C.28, the commissioner must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid.

Sec. 62. [16E.0465] [TECHNOLOGY APPROVAL.]

Subdivision 1. [APPLICATION.] This section applies to an appropriation of more than \$1,000,000 of state or federal funds to a state agency for any information and communications technology project or data processing device or system or for any phase of such a project, device, or system. For purposes of this section, an appropriation of state or federal funds to a state agency includes an appropriation: (1) to the Minnesota state colleges and universities; (2) to a constitutional officer; (3) for a project that includes both a state agency and units of local government; and (4) to a state agency for grants to be made to other entities.

Subd. 2. [REQUIRED REVIEW AND APPROVAL.] (a) A state agency receiving an appropriation for an information and communications technology project or data processing device or system subject to this section must divide the project into phases.

(b) The commissioner of finance may not authorize the encumbrance or expenditure of an appropriation of state funds to a state agency for any phase of a project, device, or system subject to this section unless the office of technology has reviewed each phase of the project, device, or system, and based on this review, the commissioner of administration has determined for each phase that:

(1) the project is compatible with the state information architecture and other policies and standards established by the commissioner of administration; and

(2) the agency is able to accomplish the goals of the project with the funds appropriated.

Subd. 3. [ROLE OF COMMISSIONER.] Unless money is appropriated directly to the commissioner of administration, the role of the commissioner and the office of technology is to review and approve projects under this section, and not to design or implement the projects.

Sec. 63. [16E.055] [COMMON WEB FORMAT.]

A state agency that implements electronic government services for fees, licenses, sales, or other purposes must use a common Web page format approved by the commissioner of administration for those electronic government services. The commissioner may create a single entry site for all agencies to use for electronic government services.

Sec. 64. [16E.075] [SALARY WEB ACCESS.]

A government unit, as defined under section 16E.07, that receives state funds, including those through the department of revenue or finance, must post on its Web site, if any, the individual salaries and benefits of all the employees of the government unit.

Sec. 65. [16E.09] [TECHNOLOGY ENTERPRISE FUND.]

Subdivision 1. [TECHNOLOGY ENTERPRISE FUND.] A technology enterprise fund is established. Money deposited in the fund is appropriated to the commissioner of administration for the purpose of funding technology projects among government entities that promote cooperation, innovation, and shared use of technology and technology standards, and electronic government services. A portion of revenues from the sale of information technology surplus equipment or data, a portion of funds collected from rental of communication tower space, and a portion of refunds from information technology services or purchases and from savings generated by information technology and telecommunications projects may be deposited into the fund upon agreement by the commissioner of administration and the executive of the government entity generating those funds. The commissioner of administration may accept contributions from other entities or other gifts and grants into the fund. The transfer of funds between state agencies is subject to the approval of the commissioner of finance. The commissioner of finance shall notify the chairs of the committees funding the affected state agencies of such transfers. Funds are available until June 30, 2005.

Subd. 2. [TECHNOLOGY ENTERPRISE BOARD.] A technology enterprise board is established to advise the state chief information officer, the office of technology, the governor, the executive branch, and the legislature regarding information technology funding and expenditures from the technology enterprise fund. The board shall consist of up to 18 members representing public and private entities with general expertise in information technology and telecommunications initiatives and planning. The state chief information officer shall act as chair and the office of technology shall provide necessary staff support. Nonlegislator members shall be appointed by the governor, including one nominee representing the state executive council, one nominee representing the supreme court, and one nominee representing the higher education advisory council; and seven at-large members representing the private sector with experience in business. The speaker of the house of representatives and the senate subcommittee on committees shall each appoint two legislators to the board. Legislator members serve at the pleasure of the appointing authority. Membership terms, compensation, and removal of nonlegislator board members are governed by section 15.059, except that terms are three years and the board expires on June 30, 2005.

Subd. 3. [REPORT TO LEGISLATURE.] By February 1 each year, the commissioner of administration shall report to the chairs of the finance committees in the senate and house of representatives with jurisdiction over governmental operations on expenditures and activities under this section.

Subd. 4. [EXPIRATION.] This section expires June 30, 2005.

Sec. 66. Minnesota Statutes 2000, section 43A.04, is amended by adding a subdivision to read:

Subd. 12. [TOTAL COMPENSATION REPORTING.] (a) The commissioner, in consultation with the commissioner of finance, shall report to the governor and the legislature by January 15 each year on executive branch employee salary and benefits. The purpose of the report is to assist in effective long-range planning and to provide data necessary to compute annual and biennial costs related to the state workforce. The report must use data available in the biennial budget system and other necessary sources. The report also must be made available to the public in an electronic format.

(b) The report must be organized by agency. For each employee during the previous fiscal year the report must:

- (1) list each employee by position number, but not by name;
- (2) list the total amount the state spent, by fund, for the employee's salary and total compensation, including social security contributions, insurance, and all other benefits and related costs;
- (3) list the employee's length of state service; and
- (4) list the total estimated compensation for the employee's career, assuming the employee works until the normal retirement age.

Sec. 67. Minnesota Statutes 2000, section 43A.04, is amended by adding a subdivision to read:

Subd. 13. [COMBINED CHARITIES CAMPAIGN.] (a) The commissioner shall administer the state employee combined charities campaign. This duty includes registration of combined charitable organizations under section 309.501, and coordination and administration of the process under which state employees contribute to combined charitable organizations.

(b) The commissioner, in consultation with other commissioners, shall appoint a voluntary board of state employees to oversee the conduct of an annual combined charities campaign. The board must, to the extent possible, represent a cross-section of state employee groups and geographic areas where state employees are located. The board shall provide direction to the commissioner's employee assigned to administer the annual campaign and shall approve any expenditure of state funds appropriated for purposes of this subdivision.

Sec. 68. [43A.235] [CO-PAYMENT REQUIRED.]

A collective bargaining agreement or compensation plan providing state employee medical and dental insurance or benefits must require a system of co-payments, including, but not limited to, office visits and emergency or urgent care visits, by the employee or a covered dependent.

Sec. 69. Minnesota Statutes 2000, section 43A.38, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of this section the following definitions shall apply:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in nonsummary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

(c) "Employee" has the meaning given in section 43A.02, subdivision 21, and includes an executive officer listed in Minnesota Constitution, article V, section 1.

(d) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Sec. 70. Minnesota Statutes 2000, section 43A.38, subdivision 6, is amended to read:

Subd. 6. [DETERMINATION OF CONFLICTS OF INTEREST.] (a) When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

~~(a)~~ (1) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

~~(b)~~ (2) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;

~~(c)~~ (3) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee; or

(4) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

(b) The chief administrative law judge, appointed under section 14.48, instead of the commissioner, shall make determinations concerning potential conflicts of interest for an executive officer listed in Minnesota Constitution, article V, section 1. If the chief administrative law judge has a conflict of interest in a determination under this section, the chief may assign another administrative law judge to make the determination.

Sec. 71. Minnesota Statutes 2000, section 43A.38, subdivision 7, is amended to read:

Subd. 7. [RESOLUTION OF CONFLICT OF INTEREST.] (a) This paragraph applies to an employee other than an executive officer listed in Minnesota Constitution, article V, section 1. If the employee, appointing authority or commissioner determine that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

(b) An executive officer listed in Minnesota Constitution, article V, section 1, must attempt to avoid or mitigate a potential conflict of interest to the greatest extent practicable. Any person may request the chief administrative law judge to determine if a conflict of interest exists for an executive officer listed in Minnesota Constitution, article V, section 1. If the chief administrative law judge determines that a conflict of interest exists, any person may bring an action in the district court in Ramsey county to enjoin an executive officer listed in Minnesota Constitution, article V, section 1, from engaging in activity that the chief administrative law judge has determined to constitute a conflict of interest under this section.

Sec. 72. Minnesota Statutes 2000, section 62E.10, is amended by adding a subdivision to read:

Subd. 11. [DISCOUNTED PRESCRIPTION DRUGS.] The board must develop a program to encourage public hospitals and clinics in Minnesota to establish resident use requirements, policies, and guidelines; to assist senior citizens eligible under criteria determined by the board and the public hospitals or clinic; and to take advantage of any discount pricing offered through the Minnesota multistate contracting alliance for pharmacy or any other group purchasing cooperative.

Sec. 73. Minnesota Statutes 2000, section 116R.02, subdivision 3, is amended to read:

Subd. 3. [REVIEW PROCEDURE; DATA PRACTICES.] (a) Before issuing the bonds for a project, approving financial assistance, or entering into loan, lease, or other revenue agreements for the project described in subdivisions 5 and 6, the commissioner of finance shall review the financial condition of the proposed lessee or lessees of the project or projects, and any related person. The commissioner shall exercise due diligence in the review. The commissioner shall engage an independent, nationally recognized consultant having special expertise with the airline industry and its financing to prepare a written report on the financial condition of the lessee or lessees and any related person. A lessee and any related person shall provide all information required for the commissioner's review and the consultant's report, including information substantially equivalent to that required by an investment bank or other financial institution considering a project for debt financing.

(b) Except as otherwise provided in this subdivision, business plans, financial statements, customer lists, and market and feasibility studies required under sections 116R.01 to 116R.16 or submitted in connection with the provision of financial assistance or any agreement authorized under Laws 1991, chapter 350, are nonpublic data, as defined in section 13.02, subdivision 9. The commissioner or the commissioner of trade and economic development may make the data accessible to any person, agency, or public entity if the commissioner or the commissioner of trade and economic development determines that access is required under state or federal securities law or is necessary for the person, agency, or public entity to perform due diligence in connection with the provision of financial assistance to the projects described in subdivisions 5 and 6. ~~The data may also be made available as requested by the legislative commission on planning and fiscal policy.~~

(c) Before the commissioner issues bonds for a project, approves financial assistance, or enters into loan, lease, or other revenue agreements for the project, the commissioner shall submit a report on the proposed transaction to the governor. The report must describe: all proposed state, metropolitan, and local government financial commitments; the financial assistance proposed to be provided; the proposed loan, lease, and revenue agreements; any other arrangements related to state and local debt, taxes, financing, and debt service; and the estimates of economic activity, air traffic, and other factors that have been used in assessing the prospective financial condition of the lessee or lessees and any related person. The report must contain the following findings:

(1) that the commissioners of trade and economic development and finance and, for purposes of a project described in subdivision 5, the metropolitan airports commission have reviewed the current and prospective financial condition of each proposed lessee of the project or projects and any related person; and

(2) that, on the basis of their review, the commissioners and, for purposes of the project described in subdivision 5, the commission have determined that the revenues estimated to be available to the lessee or lessees for payments under the loan, lease, or other revenue agreements are at least sufficient during each year of the term of the proposed bonds to pay when due all financial obligations of the lessee or lessees under the terms of the proposed loan, lease, or other revenue agreements. Copies of the report must be filed at the legislature as provided in section 3.195 when the report is submitted to the governor.

Sec. 74. [116T.01] [DEFINITIONS.]

For purposes of this chapter:

(1) "board" means the board of directors of Northern Technology Initiative, Inc.; and

(2) "corporation" means Northern Technology Initiative, Inc.

Sec. 75. [116T.02] [CORPORATION; MEMBERS; BOARD OF DIRECTORS; POWERS.]

Subdivision 1. [PUBLIC CORPORATION.] Northern Technology Initiative, Inc. is a public corporation of the state and is not subject to the laws governing a state agency except as provided in this chapter. The business of the corporation must be conducted under the name "Northern Technology Initiative, Inc."

Subd. 2. [PURPOSE.] Northern Technology Initiative, Inc. is a regional economic initiative of Minnesota counties, townships, home rule charter or statutory cities within participating counties, economic development groups, state and federal agencies, public and private post-secondary institutions, and businesses. The project area includes, at a minimum, the counties of Carlton, Chisago, Isanti, Kanabec, and Pine, but may be expanded as other contiguous counties elect to participate. The purpose of the corporation is to engage in an integrated, jointly planned economic development effort with a focus on encouraging growth among existing businesses and attracting technology companies to the region served by the corporation. A home rule charter city, statutory city, county, township, or other public entity participating in the initiative may budget public funds for the initiative.

Subd. 3. [BOARD OF DIRECTORS.] The corporation is governed by a board of directors consisting of:

(1) a member of the governing body of each participating county, appointed by the governing body;

(2) a member of the governing body of each participating home rule charter or statutory city, appointed by the governing body;

(3) the president of each participating post-secondary institution;

(4) the commissioner of the department of trade and economic development or an employee of the department designated by the commissioner; and

(5) other members as may be provided by the bylaws adopted and amended in accordance with subdivision 4.

The membership terms, compensation, removal, and filling of vacancies of members of the board are governed by the bylaws of the corporation.

Subd. 4. [BYLAWS.] The board of directors shall adopt bylaws and publish the bylaws and amendments to the bylaws in the State Register. The bylaws must provide for financial and other contributions by participating entities to cover the operation of the corporation.

Subd. 5. [PLACES OF BUSINESS.] The board shall locate and maintain the corporation's places of business within Carlton, Chisago, Isanti, Kanabec, or Pine county.

Subd. 6. [MEETINGS AND ACTIONS OF BOARD.] (a) The board must meet at least twice a year and may hold additional meetings upon giving notice in accordance with the bylaws of the corporation. Except as provided in subdivision 7, board meetings are subject to chapter 13D.

(b) A conference among directors by any means of communication through which the directors may simultaneously hear each other during the conference constitutes a board meeting if the number of directors participating in the conference is sufficient to constitute a quorum for the meeting. Participation in a meeting by that means constitutes presence in person at the meeting.

Subd. 7. [CLOSED MEETINGS; RECORDING.] The board of directors may, by a majority vote in a public meeting, decide to hold a closed meeting for purposes of discussing data described in subdivision 8 or security information, trade secret information, or labor relations information, as defined in section 13.37, subdivision 1. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded. The data on the tape are nonpublic data or private data on individuals as defined in section 13.02, subdivision 9 or 12, whichever is applicable.

Subd. 8. [APPLICATION AND INVESTIGATIVE DATA.] Financial data, statistics, and information furnished to the corporation in connection with assistance or proposed assistance, including credit reports; financial statements; statements of net worth; income tax returns, either personal or corporate; and any other business and personal financial records, are private data with regard to data on individuals under section 13.02, subdivision 12, or nonpublic data with regard to data not on individuals under section 13.02, subdivision 9.

Subd. 9. [CONFLICT OF INTEREST.] A director, employee, or officer of the corporation may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest or a conflict of interest as described in section 10A.07.

Subd. 10. [TORT CLAIMS.] The corporation is a state agency for purposes of section 3.736, except the corporation, not the state, is responsible for paying for any tort liability.

Subd. 11. [DATA PRACTICES AND RECORDS MANAGEMENT.] The corporation is subject to chapter 13 and sections 15.17 and 138.163 to 138.226.

Sec. 76. [116T.03] [CORPORATE PERSONNEL.]

Subdivision 1. [GENERALLY.] The board shall appoint and set the compensation for the executive director who serves as chief executive officer of the corporation. The compensation of the executive director may not exceed 85 percent of the governor's salary. The board may designate the executive director as its general agent. Subject to the approval of the board, the executive director shall employ staff consultants and other agents necessary to carry out the mission of the corporation.

Subd. 2. [STATUS OF EMPLOYEES.] Employees, officers, and directors of the corporation are not state employees, but are covered by section 3.736 and, at the option of the board, employees may participate in the state retirement plan for employees in the unclassified service, the state deferred compensation plan, and an insurance plan administered by the commissioner of employee relations.

Sec. 77. [116T.04] [POWERS AND DUTIES OF CORPORATION.]

Subdivision 1. [GENERAL POWERS AND DUTIES.] (a) The corporation has the powers granted to a nonprofit corporation by section 317A.161, except as otherwise provided in this chapter.

(b) Except as specified in section 116T.02, subdivision 10, the state is not liable for the obligations of the corporation.

(c) Section 317A.161 applies to this chapter and the corporation in the same manner that it applies to business corporations established under chapter 317A.

Subd. 2. [RULES.] The corporation must publish in the State Register any guidelines, policies, or eligibility criteria prepared or adopted by the corporation for its programs.

Sec. 78. [116T.05] [AUDITS.]

The corporation is subject to the auditing requirements of sections 3.971 and 3.972.

Sec. 79. [116T.06] [DISSOLUTION.]

In the event of dissolution of the corporation for any reason, the bylaws must provide for return of the proceeds of that liquidation and any wholly owned assets of the corporation to the entities participating in Northern Technology Initiative, Inc. in exchange for the assumption of all outstanding obligations of the corporation.

Sec. 80. Minnesota Statutes 2000, section 138.35, is amended by adding a subdivision to read:

Subd. 3. [FEE.] The commissioner of administration may charge state agencies, political subdivisions, and businesses a fee for the cost of providing archaeological services as prescribed in sections 138.31 to 138.41 and 307.08. Fees collected by the commissioner of administration must be deposited in the state treasury and are appropriated to the commissioner of administration to pay the cost of operating the office of the state archaeologist. The proposed fee rate must be submitted to the commissioner of finance by August 1 of each even-numbered year. The commissioner of finance must approve the fee rate.

Sec. 81. Minnesota Statutes 2000, section 138.39, is amended to read:

138.39 [RULES.]

The ~~director of the historical society~~ commissioner of administration, in consultation with the state archaeologist, may make and issue such ~~adopt~~ rules, not inconsistent with law, as may be required to carry out the provisions of sections 138.31 to 138.42, and to carry out the state archaeologist's duties under chapter 307. In making such rules, ~~they shall~~ the commissioner must consult with other agencies of the state whose activities may be affected thereby.

Sec. 82. Minnesota Statutes 2000, section 161.1419, subdivision 8, is amended to read:

Subd. 8. [EXPIRATION.] Notwithstanding section 15.059, the commission shall expire on June 30, ~~2004~~ 2005.

Sec. 83. Minnesota Statutes 2000, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. [LOWEST RESPONSIBLE BIDDER.] Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and ~~may~~ must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. Any or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 84. Minnesota Statutes 2000, section 190.06, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] The militia shall consist of:

(1) all able-bodied citizens of the state and other able-bodied persons; residing in the state who have or shall have declared their intention to become citizens of the United States, when so authorized by federal law, who comply with the minimum age requirements for federal regular military service under United States Code, title 10, section 505, and who are not more than 45 years of age; provided, that the governor may, when the governor deems it necessary for the defense of the state, extend the maximum age for militia service to not more than 64 years; and

(2) persons who enlist in, are commissioned in, or are otherwise appointed to the Minnesota national guard in accordance with applicable federal law and regulation, including enlisted members, warrant officers, and commissioned officers.

Sec. 85. Minnesota Statutes 2000, section 190.07, is amended to read:

190.07 [APPOINTMENT; QUALIFICATIONS; RANK.]

There shall be an adjutant general of the state who shall be appointed by the governor. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the national guard of this state, with not less than ten years military service in the ~~armed forces~~ national guard of this state or the armed forces of the United States, at least three of which shall have been commissioned and who shall have reached the grade of a field officer.

The adjutant general shall hold at least the rank of major general and may be promoted to and including the highest rank authorized under federal law. However, the adjutant general ~~shall~~ may not be appointed promoted to the rank of major general without having at least 20 years service in the Minnesota national guard, at least one of which ~~one year~~ has been in the rank of brigadier general.

The term of the adjutant general is seven years from the date of appointment. Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies in the office of adjutant general. The adjutant general shall not be removed from office during a term except upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Sec. 86. Minnesota Statutes 2000, section 193.144, subdivision 6, is amended to read:

Subd. 6. [DISPOSAL OF UNUSED SITE.] In case any land acquired for armory site purposes hereunder has been donated to such corporation or to the state of Minnesota by such county or municipality or by other governmental agency except the state, and in case such land or any part thereof shall thereafter not be used for armory purposes for a continuous period of more than ten years, not including the period of any war or other emergency in which the armed forces of the state may be engaged, the county or municipality may provide written notice to the adjutant general and, if the property is not used for armory purposes within one year from the notice, the adjutant general shall reconvey the property to the donor county or municipality. The adjutant general may reconvey the property in less than ten years, if the adjutant general determines that the corporation or the state has no further interest in the property.

Sec. 87. Minnesota Statutes 2000, section 193.145, subdivision 4, is amended to read:

Subd. 4. [PAYMENTS BY ADJUTANT GENERAL.] Whether or not bonds are issued, the adjutant general is hereby authorized to pay to such corporation, out of any moneys which may from time to time be appropriated to and for the military department and not appropriated or set apart for any other specific purpose, the sum of not less than \$3,000 per year for each unit of the national guard quartered in such armory when only one such unit is so quartered, and the sum of not less than \$2,000 per year for each additional unit when more than one such unit is so quartered, and may bind the office of the adjutant general, both currently and in the future, by agreement to such corporation to make such payments in a specific amount or amounts out of such appropriations for a period of not more than 40 years.

Sec. 88. Minnesota Statutes 2000, section 193.148, is amended to read:

193.148 [CONVEYANCE TO STATE.]

When payment has been made of all indebtedness incurred by such corporation or of all funds spent by the corporation incident to the procurement, erection, equipment, and operation of any armory built under the provisions of sections 193.141 to 193.149, including the payment in full of the principal and interest of all bonds issued by such corporation to cover the cost of such armory or the full repayment of any commission funds expended for the construction of such armory, such corporation shall transfer and convey such armory building and the site thereof to the state of Minnesota, for military purposes, to be administered as are other state-owned armories.

Any unencumbered balance then held by the commission accruing to such armory shall be retained to be applied to the future maintenance, repair, and equipment of armories.

Sec. 89. Minnesota Statutes 2000, section 197.75, subdivision 1, is amended to read:

Subdivision 1. [BENEFITS; ELIGIBILITY.] The commissioner of veterans affairs shall spend a biennial appropriation for tuition of veterans, and for tuition, fees, board, room, books and supplies of the children of veterans who have died as a result of their service in the armed forces of the United States as determined by the United States Veterans Administration or other instrumentality of the United States, in the University of Minnesota, a state university, a community college, a technical college, or any other university of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the supreme court, a nursing school approved by the state board of nursing, or in a trade, business, or vocational school in the state approved by the state department of children, families, and learning, or in a theological seminary, for any course which such veteran or child may elect. Not more than ~~\$350~~ \$750 shall be expended for the benefit of any individual veteran, and not more than ~~\$350~~ \$750 in any fiscal year shall be expended for the benefit of any child under this section, and the need for the benefit shall be established and determined by the commissioner of veterans affairs. No child of any veteran shall make application for the benefits provided in this section unless the child resided in Minnesota for at least two years immediately prior to the date of the application. Children of veterans eligible for benefits according to this section shall be admitted to state institutions of university grade free of tuition until they receive a bachelors or equivalent degree. Payments of benefits shall be made directly to the institution in which the course of instruction is given or to the individual on forms prescribed by the commissioner.

Sec. 90. Minnesota Statutes 2000, section 197.75, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS.] The benefits in subdivision 1 are not available to a veteran who is entitled to the same or similar benefits under a law or regulation of the United States, ~~with the exceptions in paragraphs (a) and (b):~~

~~(a) except that~~ a veteran who has been eligible for and has used up the benefits the veteran is entitled to under the laws of the United States is entitled to the benefits provided for by subdivision 1.

~~(b) A veteran who has had less than ten years of eligibility for educational assistance under federal law because of the December 31, 1989, delimiting date and who has lost more than four months of that eligibility is entitled to the benefits provided for by subdivision 1.~~

Sec. 91. Minnesota Statutes 2000, section 240A.08, is amended to read:

240A.08 [APPROPRIATION.]

~~(a) \$750,000 is appropriated annually from the general fund to the Minnesota amateur sports commission for the purpose of entering into long-term leases, use, or other agreements with the metropolitan sports facilities commission for the conduct of amateur sports activities at the basketball and hockey arena, consistent with the purposes set forth in this chapter, including (1) stimulating and promoting amateur sports, (2) promoting physical fitness by promoting participation in sports, (3) promoting the development of recreational amateur sport opportunities and activities, and (4) promoting local, regional, national, and international amateur sport competitions and events. The amateur sports commission shall determine what constitutes amateur sports activities as provided in this chapter as of March 1, 1995. The metropolitan sports facilities commission may allocate at least 25 but no more than 50 dates a year for the conduct of amateur sports activities at the basketball and hockey arena by the amateur sports commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. The amateur sports commission may sell a date at the arena to another group for any purpose. Revenue from sale of these dates is appropriated to the amateur sports commission for purposes listed in section 240A.04. If any amateur sports activities conducted by the amateur sports commission at the basketball and hockey arena are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year. The legislature reserves the right to repeal or amend this appropriation, and does not intend this appropriation to create public debt.~~

~~(b) The amateur sports commission shall not transmit to the operator of the basketball and hockey arena payment of any event-related costs or expenses, including, but not limited to, personnel, labor, services, equipment, utilities, or supplies attributable to the events unless and until the operator has demonstrated, to the satisfaction of the amateur sports commission, the basis for each specific cost or expense and the means by which the costs and expenses were determined.~~

~~(c) The amateur sports commission may use any ticket system as may be in place from time to time at the basketball and hockey arena, provided that any royalty or rebate fees or charges or surcharges on tickets received by the operator of the arena from third parties must be credited against event-related costs or expenses.~~

~~(d) In the establishment of event-related costs to be imposed upon the amateur sports commission, the operator of the basketball and hockey arena shall provide the amateur sports commission with the maximum discount that the operator has supplied to any other sponsor of a similar amateur sports event in the arena within the 180-day period immediately preceding the date of the amateur sports commission event.~~

~~(e) The amateur sports commission must report by August 1 each year to the chairs of the house and senate state government finance divisions on compliance with this section and on the total value of dates and ancillary services, and revenue derived from resale of dates, during the previous state fiscal year.~~

~~(f) The attorney general, on behalf of the amateur sports commission, must pursue collection of monetary damages from the operator of the arena if the operator fails to comply with the requirements of this section.~~

~~(g) The books, records, documents, accounting procedures, and practices of the metropolitan sports facilities commission, the Minneapolis community development agency, and any corporation with which the Minnesota amateur sports commission may contract for use of the basketball and hockey arena are available for review by the Minnesota amateur sports commission, the legislative auditor, and the chairs of the state government finance divisions of the senate and the house of representatives, subject to chapter 13 and section 473.598, subdivision 4 to provide grants for soccer field development under section 240A.13. This section expires July 1, 2003.~~

Sec. 92. [240A.13] [SOCCER FIELD DEVELOPMENT.]

Subdivision 1. [GRANTS.] The commission may make matching grants to political subdivisions of the state to develop new soccer fields for amateur athletics. In awarding grants, the commission shall give priority to proposals from multiple applicants. To the extent possible, over time, the commission shall disperse grants equally among the state's congressional districts.

Subd. 2. [MATCHING CRITERIA.] Each grant for soccer field development under this section must be matched by recipient communities or institutions in accordance with this subdivision. A matching contribution may include an in-kind contribution of land; access roadways and access roadway improvements; and necessary utility services, landscaping, and parking. The first \$20,000 of a grant must be matched equally by the recipient. The portion of a grant that is more than \$20,000 but not more than \$75,000 must be matched by the recipient at a rate double the amount of that portion of the grant. The portion of a grant that is more than \$75,000 must be matched by the recipient at a rate of three times the amount of that portion of the grant.

Sec. 93. Minnesota Statutes 2000, section 317A.123, subdivision 1, is amended to read:

Subdivision 1. [STATEMENT.] A corporation may change its registered office, designate or change its registered agent, or state a change in the name of its registered agent, by filing with the secretary of state a statement containing:

- (1) the name of the corporation;
- (2) if the address of its registered office is to be changed, the new address of its registered office;
- (3) if its registered agent is to be designated or changed, the name of its new registered agent;
- (4) if the name of its registered agent is to be changed, the name of its registered agent as changed;
- (5) a statement that the address of its registered office and the address of the office of its registered agent, as changed, will be identical; and
- (6) a statement that the change of registered office or registered agent was authorized by resolution approved by the board.

The statement need not be accompanied by a filing fee if the statement is being filed only to change the address of the registered office.

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

Sec. 94. Minnesota Statutes 2000, section 317A.827, subdivision 2, is amended to read:

Subd. 2. [REINSTATEMENT.] A corporation dissolved under section 317A.823 may retroactively reinstate its corporate existence by filing a single annual registration ~~and paying a \$25 fee~~. Filing the annual registration with the secretary of state:

- (1) returns the corporation to active status as of the date of the dissolution;
- (2) validates contracts or other acts within the authority of the articles, and the corporation is liable for those contracts or acts; and
- (3) restores to the corporation all assets and rights of the corporation and its members to the extent they were held by the corporation and its members before the dissolution occurred, except to the extent that assets or rights were affected by acts occurring after the dissolution or sold or otherwise distributed after that time.

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

Sec. 95. Minnesota Statutes 2000, section 394.232, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Each county is encouraged to prepare and implement a ~~community-based comprehensive sustainable land use plan. A community-based comprehensive plan is a comprehensive plan that is consistent with the goals of community-based sustainable land use planning in section 4A.08.~~

Sec. 96. Minnesota Statutes 2000, section 394.232, is amended by adding a subdivision to read:

Subd. 1a. [RESIDENT PARTICIPATION.] Each county is encouraged to develop a planning process with broad resident participation that is early and continuous in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents.

Sec. 97. Minnesota Statutes 2000, section 394.232, subdivision 2, is amended to read:

Subd. 2. [NOTICE AND PARTICIPATION.] Notice must be given at the beginning of the community-based comprehensive sustainable planning process to the office of strategic and long-range planning, the department of natural resources, the department of agriculture, the department of trade and economic development, the board of water and soil resources, the pollution control agency, the department of transportation, local government units, and local citizens to actively participate in the development of the plan. An agency that is invited to participate in the development of a local plan but declines to do so and fails to participate or to provide written comments during the plan development process waives the right during the office's review and comment period to submit comments, except for comments concerning consistency of the plan with laws and rules administered by the agency. In determining the merit of the agency comment, the office shall consider the involvement of the agency in the development of the plan. The office of strategic and long-range planning, after consulting with the county, shall notify other state agencies about the county's planning process and coordinate their participation. Agencies are not required to participate but are expected to provide information as requested by local officials and the office of strategic and long-range planning. Agencies may also comment on the plan as it is being developed.

Sec. 98. Minnesota Statutes 2000, section 394.232, subdivision 3, is amended to read:

Subd. 3. [COORDINATION.] A county that prepares a community-based comprehensive sustainable plan shall coordinate should ensure that its plan is developed in coordination with the plans of its neighbors and its constituent municipalities and towns in order both to prevent its plan from having an adverse impact on other jurisdictions and to complement plans of other jurisdictions. The county's community-based comprehensive plan must should incorporate the community-based comprehensive plan of any municipality or town in the county prepared in accordance with section 462.3535. A county may incorporate a municipal or town community-based comprehensive plan by reference.

Sec. 99. Minnesota Statutes 2000, section 394.232, subdivision 4, is amended to read:

Subd. 4. [LIMITED JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a county may establish a joint planning district with other counties, municipalities, and towns, that are geographically contiguous, to adopt a single community-based comprehensive plan for the purpose of developing and implementing multiple sustainable land use plans for the district. The county may not delegate its authority to adopt official controls under this chapter to the board of the joint planning district.

Sec. 100. Minnesota Statutes 2000, section 394.232, subdivision 5, is amended to read:

Subd. 5. [REVIEW AND COMMENT.] (a) For the purpose of determining whether the plan conflicts with state laws and rules, the county or joint planning district shall submit its community-based comprehensive sustainable land use plan to the office of strategic and long-range planning for review of the extent to which the plan promotes local citizen participation, promotes cooperation among adjacent communities, and and comment. The office shall also comment on the extent to which the plan demonstrates consideration of the community-based planning goals in section 4A.08. The office has 60 days after submittal to comment on the plan.

(b) The office may not disapprove a community-based comprehensive plan if the office determines that the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08.

~~(c) If the office disagrees with a community-based comprehensive finds that the plan or any elements of the plan are in conflict with state laws or rules or the goals in section 4A.08, the office shall notify the county or district of these findings in writing of how the plan specifically fails to address the goals of community-based planning. The findings are advisory only and must not be used as a basis for providing or refusing to provide any state aids. Upon receipt of the office's written comments, the county or district has 120 days to revise amend the community-based comprehensive plan and resubmit it to the office for reconsideration. The county may state in writing any disagreements with the findings.~~

~~(d) If the county or district refuses to revise the plan or the office disagrees with the revised plan, the office shall within 60 days notify the county or district that it wishes to initiate the dispute resolution process in chapter 572A.~~

~~(e) Within 60 days of notice from the office, the county or joint planning district shall notify the office of its intent to enter the dispute resolution process. If the county or district refuses to enter the dispute resolution process, the county or district is ineligible for any future grant disbursements related to community-based planning activities through the office.~~

~~(f) Priority for other state grants, loans, and other discretionary spending must not be given to local units of government based on their participation in community-based planning.~~

Sec. 101. Minnesota Statutes 2000, section 394.232, subdivision 7, is amended to read:

Subd. 7. [NO MANDAMUS PROCEEDING.] A mandamus proceeding may not be instituted against a county under this section to require the county to conform its ~~community-based comprehensive land use~~ plan to be consistent with the ~~community-based planning~~ goals in section 4A.08.

Sec. 102. Minnesota Statutes 2000, section 403.11, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY TELEPHONE SERVICE FEE.] (a) Each customer of a telephone company or communications carrier that provides service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone service for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of administration if the utility is included in an approved 911 plan ~~and~~ the charges have been certified and approved under subdivision 3, ~~and an appropriation has been made to make these payments~~. If money is appropriated for this purpose, the commissioner of administration shall transfer an amount equal to two cents a month from the fee assessed under this section on cellular and other nonwire access services to the commissioner of public safety for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from cellular phones. ~~Money remaining in the 911 emergency telephone service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to~~ Subject to available appropriations, the commissioner of administration ~~to~~ may provide financial assistance to counties for the improvement of local emergency telephone services. The improvements may include providing access to minimum 911 service for telephone service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the department.

(b) The fee ~~may not be less than eight cents nor more than 30~~ is 27 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the ~~state treasury and credited to a 911 emergency telephone service account in the special revenue~~ general fund. ~~The money in the account may only be used for 911 telephone services as provided in paragraph (a).~~

~~(d) The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. Companies and carriers must be given a minimum of 45 days' notice of fee changes.~~

~~(e) This subdivision does not apply to customers of a telecommunications carrier as defined in section 237.01, subdivision 6.~~

Sec. 103. Minnesota Statutes 2000, section 403.11, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION COSTS.] (a) The costs of a public utility incurred in the modification of central office switching equipment for minimum 911 service shall be paid from the general fund of the state treasury by appropriations for that purpose.

(b) The installation and recurring charges for integrating cellular and other wireless access services 911 calls into enhanced 911 systems must be paid by the commissioner if funds are appropriated for this purpose and if the 911 service provider is included in the statewide design plan and the charges have been certified and approved under subdivision 3, or the wireless access service provider has completed a contract for service with the commissioner, and charges are considered reasonable and accurate by the commissioner. Charges payable to wireless access service providers are not subject to the provisions of subdivision 3.

Sec. 104. Minnesota Statutes 2000, section 403.113, subdivision 1, is amended to read:

Subdivision 1. [FEE.] (a) In addition to the actual fee assessed under section 403.11, each customer receiving local telephone service, including cellular or other nonwire service, is assessed a fee to fund implementation and maintenance of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The enhanced fee collected from cellular or other nonwire service customers must be collected effective in July 1997 billings. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (b).

(b) The enhanced 911 service fee must be collected and deposited in the ~~same manner as the fee in section 403.11~~ general fund and, subject to the appropriations, used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of the department of administration, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee and inform telephone companies or communications carriers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Sec. 105. Minnesota Statutes 2000, section 403.113, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION OF MONEY.] (a) After payment of the costs of the department of administration to administer the program, the commissioner shall distribute the money ~~collected under~~ appropriated for purposes of this section as follows:

(1) one-half of the amount equally to all qualified counties, and after October 1, 1997, to all qualified counties, existing ten public safety answering points operated by the Minnesota state patrol, and each governmental entity operating the individual public safety answering points serving the metropolitan airports commission, the Red Lake Indian Reservation, and the University of Minnesota police department; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city or other governmental entity as described in paragraph (a), clause (1), shall deposit money received under this subdivision in an interest-bearing fund or account separate from the governmental entity's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) A county or city or other governmental entity as described in paragraph (a), clause (1), is not qualified to share in the distribution of money for enhanced 911 service if it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Sec. 106. Minnesota Statutes 2000, section 462.351, is amended to read:

462.351 [MUNICIPAL PLANNING AND DEVELOPMENT; STATEMENT OF POLICY.]

The legislature finds that ~~municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities; to preserve are best served when land uses decisions are locally controlled, and when such plans avoid inflexible, centrally directed land use restrictions and mandates that may result in unforeseen consequences. The preservation of agricultural and other open lands, and to promote the is best accomplished by private means. Government ownership should, to the greatest extent possible, be limited to the protection of public health, safety, and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively; remaining flexible and adaptable to freely functioning land markets,~~ will make the provision of public services less costly; and will achieve a more secure tax base. It is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

Sec. 107. Minnesota Statutes 2000, section 462.352, subdivision 5, is amended to read:

Subd. 5. [COMPREHENSIVE MUNICIPAL PLAN.] "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, ~~social and economic development, both private and public,~~ of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141, ~~and. Comprehensive municipal plans may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development,~~ a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Sec. 108. Minnesota Statutes 2000, section 462.352, subdivision 6, is amended to read:

Subd. 6. [LAND USE PLAN.] "Land use plan" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of ~~private and public property.~~ The term ~~includes plan must include clear procedures to allow members of the public to initiate a procedure to amend the plan,~~ a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. ~~A land use plan may also include the proposed densities for development.~~

Sec. 109. Minnesota Statutes 2000, section 462.3535, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Each municipality is encouraged to prepare and implement a ~~community-based comprehensive municipal plan. A community-based comprehensive municipal plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.~~

Sec. 110. Minnesota Statutes 2000, section 462.3535, subdivision 2, is amended to read:

Subd. 2. [COORDINATION.] A municipality that prepares a ~~community-based comprehensive municipal plan that is consistent with the goals in section 4A.08 shall coordinate its plan with the plans, if any, of provide a copy of its plan to the county and the municipality's neighbors both in order to prevent the plan from having an determine if implementation of the plan will result in any clear adverse impact impacts on other jurisdictions and to complement the plans of other jurisdictions. The municipality shall prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and shall otherwise assist and cooperate with the county in its community-based planning.~~

Sec. 111. Minnesota Statutes 2000, section 462.3535, subdivision 3, is amended to read:

Subd. 3. [LIMITED JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a municipality may establish a joint planning district with other municipalities or counties that are geographically contiguous, ~~to adopt a single community-based comprehensive plan for the district for the purpose of jointly developing complementary land use plans that are consistent with section 4A.08. The purpose of joint planning is to develop separate plans that are unique to each municipality, but are not substantially in conflict. A municipality may not delegate its authority to adopt official controls under sections 462.351 to 462.364, to the board of the joint planning district.~~

Sec. 112. Minnesota Statutes 2000, section 462.3535, subdivision 4, is amended to read:

Subd. 4. [CITIES; URBAN GROWTH AREAS.] ~~(a) The community-based comprehensive municipal plan for a statutory or home rule charter city, and official controls to implement the plan, must at a minimum, address any urban growth area identified in a county plan and may establish an urban growth area for the urbanized and urbanizing area. The city plan must establish a staged process for boundary adjustment to include the urbanized or urbanizing area within corporate limits as the urban growth area is developed and provided extending municipal services to surrounding areas.~~

~~(b) Within the urban growth area, the plan must provide for the staged provision of urban services, including, Such services include, but are not limited to, water, wastewater collection and treatment, and transportation.~~

Sec. 113. Minnesota Statutes 2000, section 462.3535, subdivision 10, is amended to read:

Subd. 10. [NO MANDAMUS PROCEEDING.] A mandamus proceeding may not be instituted against a municipality under this section to require the municipality to conform its ~~community-based comprehensive land use plan to be consistent with the community-based planning goals in section 4A.08.~~

Sec. 114. Minnesota Statutes 2000, section 473.13, is amended by adding a subdivision to read:

Subd. 1b. [REPORT ON CONSULTANTS.] The annual budget must list by contract or project, expenditures for consultants and professional, technical, and other similar services for the preceding fiscal year and those proposed or anticipated in the next year. The council shall consult with the state auditor and the legislative auditor on how to coherently and effectively communicate in the budget information on professional services contracts, including a detailed description of the (1) methods the council used to obtain consultant services, (2) criteria used by the council to award the contract, (3) number of consultants who sought the contract, (4) total cost of the contract, (5) duration of the contract, (6) source of the funds used to pay for the contract.

Sec. 115. Minnesota Statutes 2000, section 473.1455, is amended to read:

473.1455 [METROPOLITAN DEVELOPMENT GUIDE GOALS.]

The metropolitan council shall amend the metropolitan development guide, as necessary, to reflect and implement the ~~community-based planning~~ goals in section 4A.08. The office of strategic and long-range planning shall review and comment on the metropolitan development guide. The council may not approve local comprehensive plans or plan amendments after July 1, 1999, until the metropolitan council has received and ~~considered~~ responded in writing to the comments of the office of strategic and long-range planning.

Sec. 116. [473.246] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNMENT; REVIEW.]

The metropolitan council shall submit to the legislative commission on metropolitan government information on the council's tax rates and dollar amounts levied for the current year, proposed property tax rates and levies, operating and capital budgets, work program, capital improvement program, and any other information requested by the commission, for review by the legislative commission, as provided in section 3.99.

Sec. 117. Minnesota Statutes 2000, section 473.901, subdivision 1, is amended to read:

Subdivision 1. [COSTS COVERED BY FEE.] ~~For each fiscal year beginning with the fiscal year commencing July 1, 1997, the amount necessary to pay the following costs is appropriated to the commissioner of administration from the 911 emergency telephone service account established under section 403.11. An appropriation to the radio board may be used for:~~

- (1) debt service costs and reserves for bonds issued pursuant to section 473.898;
- (2) repayment of the right-of-way acquisition loans;
- (3) costs of design, construction, maintenance of, and improvements to those elements of the first phase that support mutual aid communications and emergency medical services; or
- (4) recurring charges for leased sites and equipment for those elements of the first phase that support actual aid and emergency medical communication services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 473.898 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to four cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year.

Sec. 118. Minnesota Statutes 2000, section 473.901, subdivision 2, is amended to read:

Subd. 2. [ANNUAL BUDGET OF RADIO BOARD.] The metropolitan council shall transmit the annual budget of the radio board to the commissioner of administration no later than December 15 of each year. The commissioner of administration shall include eligible costs for the regionwide public safety communication system in its request for legislative appropriations ~~from the 911 emergency telephone service fee account.~~ All eligible costs approved by the radio board shall be included in the commissioner of administration's appropriation request.

Sec. 119. Minnesota Statutes 2000, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE; PREMARITAL EDUCATION.] (a) The court administrator shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the court administrator shall issue the license, containing the full names of the parties before and

after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. Except as provided in paragraph (b), the court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$20. In order to qualify for the reduced fee, the parties must submit a signed and dated statement from the person who provided the premarital education confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(b) (d) If section 259.13 applies to the request for a marriage license, the court administrator shall grant the marriage license without the requested name change. Alternatively, the court administrator may delay the granting of the marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

Sec. 120. Minnesota Statutes 2000, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] (a) Of the marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$15 must be retained by the county. The court administrator shall must pay \$55 to the state treasurer to be deposited as follows:

(1) \$50 in the general fund;

(2) \$3 in the special revenue fund to be appropriated to the commissioner of children, families, and learning for supervised parenting time facilities under section 119A.37; and

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255.

(b) Of the \$20 fee under subdivision 1b, paragraph (b), \$15 must be retained by the county. The state court administrator must pay \$5 to the state treasurer to be distributed as provided in paragraph (a), clauses (2) and (3).

Sec. 121. Minnesota Statutes 2000, section 645.44, is amended by adding a subdivision to read:

Subd. 15a. [MUST.] "Must" is mandatory.

Sec. 122. Laws 1998, chapter 366, section 80, is amended to read:

Sec. 80. [SETTLEMENT DIVISION; TRANSFER OF JUDGES.]

The office of administrative hearings shall establish a settlement division. The workers' compensation judges at the department of labor and industry, together with their support staff, offices, furnishings, equipment, and supplies, are transferred to the settlement division of the office of administrative hearings. Minnesota Statutes, section 15.039, applies to the transfer of employees. ~~The settlement division of the office of administrative hearings shall maintain offices in the cities of St. Paul, Duluth, and Detroit Lakes.~~ The office of a judge in the settlement division of the office of administrative hearings and the support staff of the judge may be located in a building that contains offices of the department of labor and industry. The seniority of a workers' compensation judge at the office of administrative hearings, after the transfer, shall be based on the total length of service as a judge at either agency. For purposes of the commissioner's plan under Minnesota Statutes, section 43A.18, subdivision 2, all compensation judges at the office of administrative hearings shall be considered to be in the same employment condition, the same organizational unit and qualified for work in either division.

Sec. 123. Laws 1999, chapter 250, article 1, section 115, is amended to read:

Sec. 115. [REPEALER.]

(a) Minnesota Rules, part 8275.0045, subpart 2, is repealed.

(b) Minnesota Statutes 1998, sections 15.90; 15.91; 15.92; 16A.103, subdivision 3; 16E.11; 16E.12; and 16E.13, are repealed.

(c) Laws 1991, chapter 235, article 5, section 3, as amended by Laws 1995, chapter 254, article 1, section 91, is repealed.

(d) Minnesota Statutes 1998, section 16A.1285, subdivisions 4 and 5, are repealed.

(e) Minnesota Statutes 1998, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; and 207A.10, are repealed.

(f) S. F. No. 2223 of the 1999 regular session, if enacted, is repealed.

~~(g) Minnesota Statutes 1998, sections 4A.08; 4A.09; and 4A.10, are repealed.~~

Sec. 124. Laws 1999, chapter 250, article 1, section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.]

(a) Section 41 is effective January 1, 2001. Section 43 is effective July 1, 2000, with respect to preparation of the model policies and procedures by the commissioner of administration, and January 1, 2001, with respect to the other provisions of section 43.

(b) Sections 62 to 64 and 93 are effective January 1, 2001.

(c) Sections 94 to 100 are effective the day following final enactment.

(d) Sections 47, 49, 55, and 115, ~~paragraphs~~ paragraph (d) and (g), are effective July 1, 2001.

(e) Section 61 is effective the day following final enactment and applies only to contracts executed on or after that date.

(f) The commissioner of employee relations may not implement the long-term care insurance plan under section 78 until April 1, 2000.

Sec. 125. [APPLICATION.]

Sections 114 and 116 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 126. [REQUEST FOR PROPOSAL; INTERTECHNOLOGIES SERVICES.]

By January 1, 2002, the commissioner of administration must issue one or more requests for proposals covering all services currently provided by the intertechnologies group in the department of administration. Current state employees, as well as outside vendors, may respond to the request for proposals. Based on the requests, the commissioner must enter into a contract to provide services covered by the requests for proposals for the period beginning July 1, 2002.

Sec. 127. [URBAN RIVERS GUIDELINES.]

The office of strategic and long-range planning, in consultation with appropriate and affected parties, must prepare guidelines for sustainable development along the central business districts of rivers in urban areas of the state. The office must:

(1) evaluate existing state and municipal laws;

(2) review federal legislation affecting urban rivers; and

(3) identify the technical and administrative procedures to guide urban river development.

The draft guidelines must be made available to the environmental and economic development policy committees of the legislature, and to interested parties, by January 15, 2002.

Sec. 128. [INITIAL BOARD.]

The initial board of Northern Technology, Inc. consists of the president of Pine Technical College and one member of each of the governing bodies of Carlton, Chisago, Isanti, Kanabec, and Pine counties, appointed by the governing bodies. Members of the initial board must be appointed within 30 days of the effective date of this act and

must adopt bylaws within 30 days of the appointment of the last board member appointed under this section. Any additional board members required under the bylaws or Minnesota Statutes, section 116T.02, subdivision 3, must take office or be appointed within 30 days after the adoption of bylaws under this section.

Sec. 129. [CAPITOL CAFETERIA; WINE AND BEER LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (2), the city of St. Paul may issue an on-sale wine and beer license under Minnesota Statutes, section 340A.404, subdivision 5, for the premises in the state capitol building known as the capitol cafeteria. All provisions of Minnesota Statutes, chapter 340A, not inconsistent herewith, apply to the licenses authorized under this section.

[EFFECTIVE DATE.] This section is effective on approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021.

Sec. 130. [MINNEAPOLIS PARK AND RECREATION BOARD.]

The Minneapolis park and recreation board may solicit bids for and may lease that portion of the property known as the Fuji Ya restaurant that was acquired but not used to construct the Great River Road project for the purpose of operating a commercial food or entertainment facility that is compatible and consistent with a location adjacent to the Mississippi river. If the park board leases the property for such purpose, the park board shall otherwise comply with the provisions of Minnesota Statutes, section 16A.695, and relevant orders of the commissioner of finance. Any funds derived from the state through lease payments will be deposited in the appropriate fund.

Sec. 131. [HIAWATHA AVENUE LIGHT RAIL TRANSIT COST CALCULATION.]

The office of the legislative auditor shall prepare and submit to the legislature by January 1, 2002, a complete accounting of all federal, state, and local costs relating to the Hiawatha avenue light rail transit line. The cost accounting must include:

- (1) planning, environmental studies, and preliminary and final design and engineering for the project;
- (2) construction and other capital costs of the light rail transit line when completed;
- (3) improvements and repairs to and reconstruction of state and local streets and highways incurred and anticipated as a result of the project;
- (4) all costs of utility relocation resulting from the project;
- (5) all costs incurred by the department of transportation with respect to public information and communications about the project;
- (6) construction, acquisition, or lease of park-and-ride facilities that would serve project riders, including costs of relocating other public facilities to make room for those park-and-ride facilities;
- (7) projected costs of connecting the Hiawatha avenue light rail transit line with commuter rail facilities;
- (8) any costs necessitated by the project and included in the project budget for the reconstruction of marked trunk highway No. 55, to the extent not included under clause (3); and
- (9) all public costs relating to the acquisition of real property for the line and for the purchase and development of real property adjacent to the project right-of-way.

Sec. 132. [PAY EQUITY STUDY.]

The commissioner of employee relations shall convene a work group to examine the practices and progress of the local government pay equity act. The commissioner must report the findings of the group to the legislature by January 15, 2002.

Sec. 133. [SHALL/MUST.]

The revisor of statutes, in consultation with the directors of house research and senate counsel and research, must report to the house of representatives and senate rules committees and the legislative coordinating commission by November 1, 2001, on a proposal to change "shall" to "must" in Minnesota Statutes.

Sec. 134. [LOCATING STATE AGENCIES.]

It is the policy of the Minnesota legislature to ensure that state government services are available to all people of our state.

Therefore, the office of strategic and long-range planning, in cooperation with the departments of administration and finance, shall develop criteria for the proper location of state agencies or parts of state agencies. The purpose of these criteria will be to evaluate the advantages and disadvantages of proposals to relocate and decentralize state services and facilities.

The office shall report its recommendations to the senate finance committee, senate capital investment committee, house ways and means committee, and house capital investment committee by January 15, 2002.

Sec. 135. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes, section 16B.88, as Minnesota Statutes, section 4.50.

Sec. 136. [TRANSFERS.]

(a) The management analysis division of the department of administration is transferred to the office of strategic and long-range planning according to Minnesota Statutes, section 15.039.

(b) The office of citizenship and volunteer services is transferred from the department of administration to the office of the governor according to Minnesota Statutes, section 15.039.

Sec. 137. [REPEALER.]

(a) Minnesota Statutes 2000, sections 3.885; 3.9222; 8.31, subdivision 2c; 13.606, subdivision 2; 16A.67; 16A.6701; 16B.37; 16B.58, subdivision 7; 129D.06; 246.18, subdivision 7; 394.232; 473.1455; 572A.01; and 572A.03, subdivision 2, are repealed.

(b) Minnesota Statutes 2000, sections 13.202, subdivision 8; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; and 465.88, are repealed.

(c) Minnesota Statutes 2000, sections 4A.07, subdivision 3; 462.352, subdivision 18; and 462.3535, subdivisions 5, 6, 7, 8, and 9, are repealed.

Sec. 138. [EFFECTIVE DATE.]

Sections 9 and 10 are effective January 1, 2002. Sections 27 to 31 are effective July 1, 2002. Sections 38, 56, 82, 123, and 124 are effective June 30, 2001. Sections 69 to 71 are effective the day following final enactment. Section 69 is a clarification of the law in effect before the effective date of section 69.

ARTICLE 3

ELECTIONS

Section 1. Minnesota Statutes 2000, section 103C.311, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISORS ELECTED AT LARGE.] (a) The district board, after the initial election has been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district. A supervisor must be a resident of the supervisor district to be elected.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Sec. 2. [200.039] [PETITION REQUIREMENTS FOR BALLOT QUESTIONS.]

If a statute:

(1) provides that a ballot question may or must be placed on the ballot when a specified number of individuals have signed a petition, and

(2) specifies the number of individuals required under the statute as a percentage of the individuals who voted in a previous election,

the statute must be construed to mean that the petition must be signed by a number of current voters equal to the required percentage specified in the statute. The statute must not be construed to restrict the eligibility to sign the petition to only those individuals who were eligible to cast ballots or who did cast ballots in the previous election.

Sec. 3. Minnesota Statutes 2000, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. [VIOLATIONS; PENALTY.] (a) The county auditor shall mail a violation notice to any voter who the county auditor can determine has voted in a precinct other than the precinct in which the voter maintains residence. The notice must be in the form provided by the secretary of state. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

(b) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor. ~~Any subsequent violation~~

(c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

(d) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been convicted of a misdemeanor under paragraph (c), is guilty of a gross misdemeanor.

(e) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, a county, or municipality is an affirmative defense to a prosecution under this subdivision.

Sec. 4. Minnesota Statutes 2000, section 201.022, is amended to read:

201.022 [STATEWIDE REGISTRATION SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall ~~develop and implement~~ maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state.

Subd. 2. [RULES.] The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. The rules must at least:

(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the department of public safety;

(2) provide for the establishment and maintenance of a central database for all voter registration information;

(3) provide procedures for entering data into the statewide registration system;

(4) provide for interaction with the computerized driver's license records of the department of public safety;

(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;

(6) allow the offices of all county auditors and the secretary of state's office to have access to the statewide registration system for review and search capabilities;

(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;

(8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and

~~(9) prescribe a procedure for phasing in or converting existing computerized records to the statewide registration system;~~

~~(10) prescribe a procedure for the return of completed voter registration forms from the department of public safety to the secretary of state or the county auditor; and~~

~~(11) provide alternate procedures, effective until December 31, 1990, for updating voter records and producing polling place rosters for counties. The secretary of state shall determine no later than June 1, 1990, whether these alternate procedures will be required.~~

Sec. 5. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of identification and residence.

(b) An individual may prove ~~residence~~ identity for purposes of registering by showing one of the following:

- (1) ~~showing~~ a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) ~~showing any document approved by the secretary of state as proper a United States passport or military identification;~~
- (3) ~~showing one of the following:~~
 - (i) ~~a current valid student identification card from a post-secondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or~~
 - (ii) ~~(4) a current valid employee photo identification card issued by the state or by a political subdivision;~~
 - (5) ~~a current valid photo identification card issued by the health department to recipients of medical assistance;~~
~~or~~
 - (6) ~~an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual.~~
- (c) In addition, an individual may prove residence for purposes of registration if the document shown in compliance with paragraph (b) does not contain the individual's current residence address by providing one of the following:
 - (1) an electric, water, natural gas, garbage, sewer, telephone, or cable television bill that is due within 30 days after election day;
 - (2) a Minnesota driver's license, learner's permit, or identification card, or a receipt for one of these;
 - (3) notice of late voter registration;
 - (4) a student list prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state;
 - (5) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual;
 - (6) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or
- (~~4~~) (7) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.
- (d) A county, school district, or municipality may must require that an election judge responsible for election day registration initial each completed registration card.

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

Sec. 6. Minnesota Statutes 2000, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] A registration card must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; the final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number); date of registration; and voter's signature. The card must also contain a certification of voter eligibility.

The form of the voter registration card and the certification of voter eligibility must be as provided in the rules of the secretary of state. Voter registration forms authorized by the National Voter Registration Act may also be accepted as valid.

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

Sec. 7. Minnesota Statutes 2000, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of birth, the final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A registration card accepted before April 1, 2002, is not deficient for lack of the final four digits of the voter's social security number. A county or municipality may attempt to obtain this information for a registration card accepted before April 1, 2002, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

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

Sec. 8. Minnesota Statutes 2000, section 201.071, is amended by adding a subdivision to read:

Subd. 9. [EXISTING CARDS.] Existing stocks of registration cards printed before April 1, 2002, that do not contain the social security information required under this section may continue to be used until the stock is exhausted. All registration cards printed after March 31, 2002, must conform with this section.

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

Sec. 9. Minnesota Statutes 2000, section 201.071, is amended by adding a subdivision to read:

Subd. 10. [RULES.] The secretary of state shall adopt rules to provide for registration cards that conform with this section.

Sec. 10. Minnesota Statutes 2000, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [MASTER LIST.] Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration card received by the county auditor into the statewide registration system. It must

show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute. If a copy of the master list is provided to a public official for jury selection or in response to a law enforcement inquiry described in this subdivision, the list may not include the final four digits of the social security number of any voter.

Sec. 11. Minnesota Statutes 2000, section 201.091, is amended by adding a subdivision to read:

Subd. 1a. [POLLING PLACE ROSTER.] A polling place roster produced from data maintained in the statewide voter registration file may not include the final four digits of the social security number of any voter.

Sec. 12. Minnesota Statutes 2000, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] (a) The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The list must not contain the final four digits of the social security number of any voter. The county auditor may adopt reasonable rules governing access to the list.

(b) No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

(c) Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

(d) Upon receipt of a written request and a copy of the court order, the secretary of state may withhold from the public information list the name of any registered voter placed under court-ordered protection.

(e) The inspection and copying of a roster signed by voters at a precinct on election day must be conducted in the same manner as the inspection and copying of a public information list under this section.

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

Sec. 13. Minnesota Statutes 2000, section 201.155, is amended to read:

201.155 [REPORT ON FELONY CONVICTIONS.]

The state court administrator shall report at least monthly to the secretary of state the name, address, final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state ~~shall determine if any of the persons in the report is registered to vote and shall prepare forward~~ a list of those

registrants for individuals to each county auditor. The county auditor shall determine if any person identified in the report as a resident of the county is registered to vote in the county and change the status of those registrants each such registrant in the appropriate manner in the statewide registration system.

Sec. 14. [201.163] [DUTIES OF LOCAL JURISDICTIONS.]

(a) If a political subdivision conducts an election at which a vacant office is to be filled or a ballot question is to be voted upon by the voters of the political subdivision, the political subdivision shall file a written notice of the election with the county auditor of each county in which the election is to be conducted. The notice must be filed at least 49 days before the date of the election.

(b) The county auditor must file a notice with the secretary of state immediately after the notice of the election is filed with the auditor under section 205.16, subdivision 4, or 205A.07, subdivision 3, or notice of the election is filed with the county auditor by any political subdivision other than a municipality or school district. The notice must set forth the name of the political subdivision, the date of the election, the vacant offices to be filled, or the text of the ballot question as the question will appear on the ballot.

[EFFECTIVE DATE.] This section is effective July 1, 2001.

Sec. 15. Minnesota Statutes 2000, section 202A.19, subdivision 1, is amended to read:

Subdivision 1. [LIMITS ON LOCAL GOVERNMENT MEETINGS.] No special taxing district governing body, school board, county board of commissioners, township board, or city council may conduct a meeting after 6:00 p.m. on the day of a major political party precinct caucus. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.

Sec. 16. Minnesota Statutes 2000, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) the county auditor of the county where the applicant maintains residence; or
- (b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, at the discretion of the auditor or clerk. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 17. Minnesota Statutes 2000, section 203B.04, subdivision 5, is amended to read:

Subd. 5. [PERMANENT ILLNESS OR DISABILITY.] (a) An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record.

(b) The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 18. Minnesota Statutes 2000, section 203B.06, is amended by adding a subdivision to read:

Subd. 3a. [UNOFFICIAL BALLOTS.] If no official ballots are ready at the time absentee balloting is scheduled to begin or the supply is exhausted before absentee balloting ends, the county auditor or municipal clerk shall prepare unofficial ballots, printed or written as nearly as practicable in the form of the official ballots. These ballots may be used until the official ballots are available.

Sec. 19. Minnesota Statutes 2000, section 203B.07, subdivision 1, is amended to read:

Subdivision 1. [DELIVERY OF ENVELOPES, DIRECTIONS.] The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

When a voter registration card is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration card shall include instructions for registering to vote.

Sec. 20. Minnesota Statutes 2000, section 203B.11, is amended by adding a subdivision to read:

Subd. 5. [STUDY REGARDING VOTER PRIVACY.] The secretary of state shall conduct a study regarding procedures to ensure the privacy of voters in health care facilities while voting. No later than December 31, 2002, the secretary of state shall file a report with the legislature setting forth the findings and recommendations of the secretary.

Sec. 21. Minnesota Statutes 2000, section 203B.16, subdivision 1, is amended to read:

Subdivision 1. [MILITARY SERVICE; TEMPORARY RESIDENCE OUTSIDE UNITED STATES.] Sections 203B.16 to 203B.27 provide alternative voting procedures for eligible voters who are absent from the precinct where they maintain residence because they are:

(a) (1) either in the military or the spouses or dependents of individuals serving in the military; or

(b) (2) temporarily outside the territorial limits of the United States.

Sections 203B.16 to 203B.27 are intended to implement the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

Sec. 22. Minnesota Statutes 2000, section 203B.17, subdivision 1, is amended to read:

Subdivision 1. [SUBMISSION OF APPLICATION.] (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for

absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's social security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

(d) An application for absentee ballots for a primary shall also constitute an application for absentee ballots for the any ensuing general or special election conducted during the same calendar year in which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Sec. 23. Minnesota Statutes 2000, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. [FORM OF AFFIDAVIT.] (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(a) (1) is an eligible voter;

(b) (2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington county, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(c) (3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) This subdivision does not apply to a candidate for president or vice-president of the United States.

Sec. 24. Minnesota Statutes 2000, section 204B.07, subdivision 2, is amended to read:

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.

Sec. 25. Minnesota Statutes 2000, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 26. Minnesota Statutes 2000, section 204B.09, subdivision 3, is amended to read:

Subd. 3. [WRITE-IN CANDIDATES.] (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 27. Minnesota Statutes 2000, section 204B.20, is amended to read:

204B.20 [ELECTION BOARD; ~~CHAIR~~ HEAD ELECTION JUDGE; DUTIES.]

The election judges appointed to serve in an election precinct shall constitute the election board for that precinct. The appointing authority shall designate one of the election judges in each precinct to serve as the ~~chair of the election board~~ head election judge. The chair head election judge shall assign specific duties to the election judges of that precinct as necessary or convenient to complete forms, obtain signatures, and perform all the other duties required of election judges.

Sec. 28. Minnesota Statutes 2000, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM NUMBER REQUIRED.] (a) A minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 29. Minnesota Statutes 2000, section 204B.22, subdivision 3, is amended to read:

Subd. 3. [MINIMUM NUMBER REQUIRED IN CERTAIN PRECINCTS.] At each state primary or state general election in precincts using ~~lever voting machines~~ or an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

Sec. 30. Minnesota Statutes 2000, section 204B.23, is amended to read:

204B.23 [VACANCIES AMONG ELECTION JUDGES.]

A vacancy on an election board occurs when any election judge who is a member of that board:

- (a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;
- (b) Becomes unable to perform the duties of the office after assuming those duties; or
- (c) For any reason fails or refuses to perform the duties of the office as assigned by the ~~chair of the election board~~ head election judge.

When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of section 204B.19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to section 204B.25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy. The municipal clerk may assign election judges to fill vacancies as they occur.

Sec. 31. Minnesota Statutes 2000, section 204B.27, is amended by adding a subdivision to read:

Subd. 11. [TRANSLATION OF VOTING INSTRUCTIONS.] The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The secretary of state shall determine which languages are so common in Minnesota that there is a need for translated voting instructions.

Sec. 32. Minnesota Statutes 2000, section 204B.28, subdivision 1, is amended to read:

Subdivision 1. [MEETING WITH ELECTION OFFICIALS.] At least 12 weeks before each regularly scheduled general election, each county auditor shall conduct a meeting with local election officials to review the procedures for the election. The county auditor may require the ~~chairs of the election boards~~ head election judges in the county to attend this meeting.

Sec. 33. Minnesota Statutes 2000, section 204B.45, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] (a) The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this subdivision.

(b) Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory.

(c) Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B.

(d) Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides.

(e) Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 34. Minnesota Statutes 2000, section 204B.46, is amended to read:

204B.46 [MAIL ELECTIONS; QUESTIONS.]

A county, municipality, or school district submitting questions to the voters at a special election may apply to the county auditor for approval of an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this section. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 or later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B.

Sec. 35. [204B.48] [VOTING EQUIPMENT GRANT ACCOUNT.]

A voting equipment grant fund is created to provide grants to political subdivisions for the purchase of ballot tabulation equipment. Any funds disbursed by the federal government to the state for the improvement of election administration or equipment must be deposited in this account. The secretary of state may make a grant from the fund to a political subdivision, after certifying to the commissioner of finance that:

(1) the grant will be used only for purchase of ballot tabulation equipment, which may include equipment that makes it possible for individuals with disabilities to cast a secret ballot;

(2) the political subdivision to receive the grant has insufficient resources available to purchase the equipment;
and

(3) the recipient of the grant will provide a dollar-for-dollar match, which may not come from state or federal funds.

Sec. 36. Minnesota Statutes 2000, section 204C.03, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL DISTRICTS; COUNTIES; MUNICIPALITIES; SPECIAL TAXING DISTRICTS.] No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.

Sec. 37. Minnesota Statutes 2000, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge ~~may shall~~, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

(1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

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

Sec. 38. Minnesota Statutes 2000, section 204C.35, is amended to read:

204C.35 ~~[LEGISLATIVE AND FEDERAL, STATE, AND JUDICIAL RACES.]~~

Subdivision 1. [AUTOMATIC RECOUNTS.] (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or ~~to a~~ district judicial office ~~is 100 or less, the difference:~~

(1) ~~is less than ten~~ one-half of one percent of the total number of votes counted for that nomination; or

(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or ~~to a~~ district judicial office and the votes of any other candidate for that office:

(1) ~~is 100 or less~~ than one-half of one percent of the total number of votes counted for that office; or

(2) is ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall recount the votes.

(c) A recount ~~shall must~~ not delay any other part of the canvass. The results of the recount ~~shall must~~ be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Subd. 2. [OPTIONAL RECOUNT.] (a) A losing candidate for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or ~~to a district court~~ judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Sec. 39. Minnesota Statutes 2000, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED RECOUNTS.] (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

~~(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;~~

~~(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;~~

~~(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;~~

~~(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or~~

~~(e) One hundred votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more; less than one-half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 40. Minnesota Statutes 2000, section 204C.36, subdivision 3, is amended to read:

Subd. 3. [DISCRETIONARY BALLOT QUESTION RECOUNTS.] A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, ~~clauses (a) to (e)~~. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, ~~clauses (a) to (e)~~, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 41. Minnesota Statutes 2000, section 204D.04, subdivision 2, is amended to read:

Subd. 2. [INSTRUCTIONS TO PRINTER; PRINTER'S BOND.] (a) The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates and for layout of the ballot.

(b) Except as provided in paragraph (c), the instructions shall be approved by the legal advisor of the official before delivery to the printer.

(c) The legal advisor of a town official is only required to approve instructions regarding the rotation of the names of candidates on the ballot.

(d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer shall furnish a sufficient bond, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, conditioned on printing the ballots in conformity with the Minnesota Election Law and the instructions delivered. The official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

Sec. 42. Minnesota Statutes 2000, section 204D.09, is amended to read:

204D.09 [EXAMPLE BALLOTS; SAMPLE PRIMARY BALLOTS.]

Subdivision 1. (a) No later than June 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year.

(b) The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Subd. 2. At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged alphabetically according to the surname. Only one sample state partisan primary ballot and

one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 43. Minnesota Statutes 2000, section 204D.11, subdivision 4, is amended to read:

Subd. 4. [SPECIAL FEDERAL WHITE BALLOT.] (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "special federal white ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the white ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal white ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 44. Minnesota Statutes 2000, section 204D.24, subdivision 2, is amended to read:

Subd. 2. [VOTER REGISTRATION.] An individual may register to vote at a special primary or special election at any time before the day that the polling place rosters for the special primary or special election are prepared by the secretary of state. The secretary of state shall provide the county auditors with notice of this date at least seven days before the printing of the rosters. This subdivision does not apply to a special election held on the same day as the ~~presidential primary~~, state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 45. Minnesota Statutes 2000, section 205.02, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA ELECTION LAW.] Except as provided in this chapter or otherwise expressly provided by law, the provisions of the Minnesota Election Law apply to municipal elections, ~~so far as practicable~~.

Sec. 46. Minnesota Statutes 2000, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] ~~An affidavit of candidacy for a town office to be elected in March must be filed not more than eight weeks nor less than six weeks before the town election.~~ In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 47. Minnesota Statutes 2000, section 205.17, is amended by adding a subdivision to read:

Subd. 7. [EXAMPLE BALLOT.] No later than 30 days before absentee ballots must be prepared and delivered under section 204B.35 for use in a town general election conducted in March, the secretary of state shall supply each town clerk in a town conducting a March general election with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the general election that year.

Sec. 48. Minnesota Statutes 2000, section 205.185, subdivision 2, is amended to read:

Subd. 2. [ELECTION, CONDUCT.] A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, ~~so far as practicable~~ except as otherwise expressly provided by law.

Sec. 49. Minnesota Statutes 2000, section 205.185, subdivision 3, is amended to read:

Subd. 3. [CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.] (a) Within seven days after an election, the governing body of a city conducting any election or the governing body of a town conducting the general election in November shall canvass the returns and declare the results of the election. The governing body of a town conducting the general election in March shall canvass the returns and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the governing body shall determine the result by lot. The clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 50. Minnesota Statutes 2000, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as provided in this chapter or otherwise expressly provided by law, the Minnesota Election Law applies to school district elections, ~~as far as practicable~~. Elections in common school districts shall be governed by section 123B.94.

Sec. 51. Minnesota Statutes 2000, section 205A.11, subdivision 2, is amended to read:

Subd. 2. [COMBINED POLLING PLACE.] When no other election is being held in two or more precincts on the day of a school district election, the school board may designate one or more combined polling places at which the voters in those precincts may vote in the school district election. The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this subdivision.

Sec. 52. Minnesota Statutes 2000, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may license an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must license a touch-sensitive direct recording electronic voting system for experimental use at an election before its approval for general use, and may impose restrictions on its use. A voting system used under this paragraph must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 53. [206.91] [VOTING EQUIPMENT DECENNIAL REPORT.]

By December 31 in each year ending in one, the secretary of state shall file a report with the legislature regarding the voting equipment used in Minnesota. This report must:

(1) identify the voting equipment used in each precinct, as reported to the secretary of state by each county auditor; and

(2) include any recommendations from the secretary regarding improvements in voting system technology that may require the modification or replacement of voting systems currently used in Minnesota.

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

Sec. 54. Minnesota Statutes 2000, section 208.06, is amended to read:

208.06 [ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.]

The presidential electors, ~~before 12:00 M.~~ at 9:00 a.m. on the day ~~before that~~ fixed by Congress for the electors to vote for president and vice-president of the United States, shall assemble in the location designated under section 208.08 and notify the governor that they are at the state capitol and ready ~~at the proper time~~ to fulfill their duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. If any elector named therein fails to appear ~~before~~ by 9:00 a.m. on the day; and at the place; fixed for voting for president and vice-president of the United States, the electors present shall, in the presence of the governor, immediately elect by ballot a person to fill the vacancy. If more than the number of persons required have the highest and an equal number of votes when the electors cast ballots to fill any vacancy, the governor, in the presence of the electors attending, shall decide by lot which of those persons shall be elected ~~as a substituted presidential elector.~~

Sec. 55. Minnesota Statutes 2000, section 208.08, is amended to read:

208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

(a) At least seven days before the date the presidential electors are required to assemble, the secretary of state shall designate the location within the state capitol where the assembly will be conducted and notify the governor and electors of this location.

(b) The original and substituted presidential electors; at 12:00 M., shall meet in the executive chamber at the state capitol and shall, immediately after filling any vacancy among the electors in accordance with section 208.06, perform all the duties imposed upon them as electors by the constitution and laws of the United States and this state. The secretary of state, or an individual designated by the secretary of state, shall preside at this assembly.

(c) The electors shall vote by secret ballot.

(d) The secretary of state shall transmit all certifications by the electors to the individuals required to receive the certifications under the constitution and laws of the United States.

Sec. 56. Minnesota Statutes 2000, section 209.065, is amended to read:

209.065 [PLEADINGS; PROCEDURE.]

The notice of contest and any answer are the pleadings in the case and may be amended in the discretion of the court. The contest proceedings must be brought on for trial by either the contestant or contestee as soon as practicable within 20 days after the filing of the notice of contest. The court shall proceed to the extent possible in the manner provided in the rules for recounts adopted by the secretary of state under section 204C.361. If a court finds that proceeding in accordance with all or part of the rules for recounts is not possible, the court shall proceed in the manner provided for the trial of civil actions so far as practicable.

Sec. 57. Minnesota Statutes 2000, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. [WHEN AND WHERE FILED BY COMMITTEES.] (a) A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make the reports listed in ~~paragraph~~ paragraphs (b) and (c) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed ~~and~~.

(c) In a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

- (1) ten days before the primary or special primary;
- (2) ten days before the general election or special election; and
- (3) 30 days after a general or special election.

Sec. 58. Minnesota Statutes 2000, section 211A.02, subdivision 4, is amended to read:

Subd. 4. [CONGRESSIONAL CANDIDATES.] Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section. A candidate or committee whose report is published on the Federal Election Commission Web site has complied with the filing requirements of this section.

Sec. 59. Minnesota Statutes 2000, section 211B.16, subdivision 1, is amended to read:

Subdivision 1. [COUNTY ATTORNEY INQUIRY.] A county attorney who is notified of an alleged violation of this chapter shall promptly investigate and within 14 days shall determine whether there is probable cause to institute a prosecution. If the county attorney is unable to make this determination within 14 days, the county attorney shall notify the individual who reported the alleged violation when a probable cause determination will be made. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.

Sec. 60. Minnesota Statutes 2000, section 358.10, is amended to read:

358.10 [OFFICIALS MAY ADMINISTER, WHEN.]

(a) All persons holding office under any law of this state, or under the charter or ordinances of any municipal corporation thereof, including judges and clerks of election, and all committee members, commissioners, trustees, referees, appraisers, assessors, and all others authorized or required by law to act or report upon any matter of fact, ~~shall have the power to administer such oaths as they may deem necessary to the proper discharge of their respective duties.~~

(b) Any employee of the secretary of state designated by the secretary of state has the power to administer oaths to an individual who wishes to file with the secretary of state an affidavit of candidacy, nominating petition, declaration of intent to be a write-in candidate, or any other document relating to the conduct of elections.

Sec. 61. Minnesota Statutes 2000, section 367.03, subdivision 6, is amended to read:

Subd. 6. [VACANCIES.] (a) When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. Except as provided in paragraph (b), the person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term.

(b) When a vacancy occurs in a town office:

(1) with more than one year remaining in the term; and

(2) on or after the 14th day before the first day to file an affidavit of candidacy for the town election;

the vacancy must be filled by appointment. The person appointed serves until the next annual town election following the election for which affidavits of candidacy are to be filed, when a successor shall be elected for the unexpired term.

(c) A vacancy in the office of supervisor shall must be filled by an appointment committee comprised of the remaining supervisors and the town clerk until the next annual town election, when a successor shall be elected for the unexpired term.

(d) Any person appointed to fill the vacancy in the office of supervisor must, upon assuming the office, be an eligible voter, be 21 years of age, and have resided in the town for at least 30 days.

(e) When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

(f) Law enforcement vacancies shall must be filled by appointment by the town board.

Sec. 62. [REPEALER.]

(a) Minnesota Statutes 2000, sections 204B.06, subdivision 1a, and 204C.15, subdivision 2a, are repealed.

(b) Minnesota Rules, part 8250.1400, is repealed."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions relating to state and local government operations; amending Minnesota Statutes 2000, sections 3.012; 3.3005, subdivisions 2, 3, 3a, 4, 5, by adding subdivisions; 3.305, by adding subdivisions; 3.85, subdivision 3; 3.97, subdivision 3a; 3.979, by adding a subdivision; 3.98, subdivision 2; 4A.05, subdivision 1; 4A.07, subdivisions 1, 2, 4, 5; 4A.08; 4A.09; 4A.10; 6.48; 6.56, subdivision 2; 6.58; 7.09, subdivision 1; 8.15, subdivisions 1, 2, 3; 10A.01, subdivision 21; 11A.075; 15.059, subdivision 5a; 15.50, subdivision 2, by adding a subdivision; 16A.06, by adding a subdivision; 16A.10, by adding a subdivision; 16A.103, subdivision 1; 16A.11, subdivision 6; 16A.152, subdivisions 4, 7; 16B.58, by adding a subdivision; 16B.60, subdivision 3, by adding subdivisions; 16B.61, subdivision 1; 16B.65; 16B.70, subdivision 2; 16B.76, subdivision 1; 16B.88, subdivision 1; 16C.03, subdivision 3; 16C.25; 43A.04, by adding subdivisions; 43A.38, subdivisions 1, 6, 7; 62E.10, by adding a subdivision; 103C.311, subdivision 1; 116R.02, subdivision 3; 138.35, by adding a subdivision; 138.39; 161.1419, subdivision 8; 161.32, subdivision 1b; 190.06, subdivision 1; 190.07; 193.144, subdivision 6; 193.145, subdivision 4; 193.148; 197.75, subdivisions 1, 2; 201.016, subdivision 1a; 201.022; 201.061, subdivision 3; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, by adding a subdivision; 201.155; 202A.19, subdivision 1; 203B.04, subdivisions 1, 5; 203B.06, by adding a subdivision; 203B.07, subdivision 1; 203B.11, by adding a subdivision; 203B.16, subdivision 1; 203B.17, subdivision 1; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.20; 204B.22, subdivisions 1, 3; 204B.23; 204B.27, by adding a subdivision; 204B.28, subdivision 1; 204B.45, subdivision 2; 204B.46; 204C.03, subdivision 1; 204C.10; 204C.35; 204C.36, subdivisions 1, 3; 204D.04, subdivision 2; 204D.09; 204D.11, subdivision 4; 204D.24, subdivision 2; 205.02, subdivision 1; 205.13, subdivision 1a; 205.17, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.11, subdivision 2; 206.81; 208.06; 208.08; 209.065; 211A.02, subdivisions 1, 4; 211B.16, subdivision 1; 240A.08; 317A.123, subdivision 1; 317A.827, subdivision 2; 358.10; 367.03, subdivision 6; 394.232, subdivisions 1, 2, 3, 4, 5, 7, by adding a subdivision; 403.11, subdivisions 1, 2; 403.113, subdivisions 1, 2; 462.351; 462.352, subdivisions 5, 6; 462.3535, subdivisions 1, 2, 3, 4, 10; 473.13, by adding a subdivision;

473.1455; 473.901, subdivisions 1, 2; 517.08, subdivisions 1b, 1c; 645.44, by adding a subdivision; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, sections 115, 116; proposing coding for new law in Minnesota Statutes, chapters 3; 4A; 5; 6; 16A; 16C; 16E; 43A; 200; 201; 204B; 206; 240A; 473; proposing coding for new law as Minnesota Statutes, chapter 116T; repealing Minnesota Statutes 2000, sections 3.885; 3.9222; 4A.07, subdivision 3; 8.31, subdivision 2c; 13.202, subdivision 8; 13.606, subdivision 2; 16A.67; 16A.6701; 16B.37; 16B.58, subdivision 7; 129D.06; 204B.06, subdivision 1a; 204C.15, subdivision 2a; 246.18, subdivision 7; 394.232; 462.352, subdivision 18; 462.3535, subdivisions 5, 6, 7, 8, 9; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 473.1455; 572A.01; 572A.03, subdivision 2; Minnesota Rules, part 8250.1400."

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

The report was adopted.

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

H. F. No. 351, A bill for an act relating to crime; establishing a felony level driving while impaired offense; amending Minnesota Statutes 2000, sections 169A.03, by adding a subdivision; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275, subdivisions 3 and 5; 169A.283, subdivision 1; 169A.40, subdivision 3; and 169A.63, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; and 169A; repealing Minnesota Statutes 2000, section 169A.275, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

APPROPRIATIONS

Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]

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

APPROPRIATIONS	
Available for the Year	
Ending June 30	
2002	2003

Sec. 2. SUPREME COURT

Subdivision 1. Total Appropriation	\$ 43,861,000	\$ 30,174,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

	2002	2003
General	28,861,000	30,174,000
Special Revenue	15,000,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations

	4,766,000	5,017,000
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Subd. 3. Civil Legal Services

	6,684,000	6,739,000
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This appropriation is for legal services to low-income clients and for family farm legal assistance under Minnesota Statutes, section 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.242.

\$877,000 the first year and \$877,000 the second year are to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$100,000 the first year is a one-time appropriation to fund civil legal services in the sixth judicial district.

\$100,000 the first year and \$255,000 the second year are for increased funding for civil legal services.

Subd. 4. State Court Administration

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

	2002	2003		
General	15,531,000	16,476,000		
Special Revenue	15,000,000			
<p>\$15,000,000 the first year is from the contingency account in the special revenue fund to continue the redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. Of this amount, \$225,000 the first year is transferred to the chair of the board of public defense for hardware and software necessary to redesign information systems to accommodate changes to the criminal justice information system. This is a one-time transfer. This appropriation may not be used for any other purpose. Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.</p> <p>\$1,464,000 the first year and \$1,730,000 the second year are appropriated to the state court administrator for infrastructure.</p>				
<p>Subd. 5. Law Library Operations</p>				
	1,880,000	1,942,000		
Sec. 3. COURT OF APPEALS			7,260,000	7,596,000
Sec. 4. DISTRICT COURTS			109,200,000	114,752,000

\$120,000 each year is for court costs related to a six-month review of child custody, parenting time, and child support orders.

\$320,000 the first year is to reimburse Carlton county for extraordinary expenses related to homicide trials. This is a one-time appropriation.

\$611,000 the first year and \$1,511,000 the second year are to fund a salary increase for district court law clerks. This appropriation may not be used for any other purpose.

\$532,000 the first year and \$483,000 the second year are appropriated to the trial courts for infrastructure staff.

\$2,191,000 the first year and \$2,319,000 the second year are appropriated to the trial courts to supplement funding for guardians ad litem, interpreters, rule 20 and civil commitment examinations, and in forma pauperis costs in the fifth, seventh, eighth, and ninth judicial districts.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$125,000 each year is for continued funding of the community court in the fourth judicial district. This is a one-time appropriation.

\$125,000 each year is for continued funding of the community court in the second judicial district. This is a one-time appropriation.

The second judicial district and fourth judicial district shall each report quarterly to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over criminal justice funding on:

- (1) how money appropriated for this initiative was spent; and
- (2) the cooperation of other criminal justice agencies and county units of government in the community courts' efforts.

The first report is due on October 1, 2001. None of this appropriation may be used for the purpose of complying with these reporting requirements.

\$585,000 the first year and \$515,000 the second year are for screener collector programs.

The fifth, seventh, and ninth judicial district courts shall implement screener collector programs to enhance the collection of overdue fine revenue by at least ten percent in each location serviced by a screener collector. Beginning in 2002, the state court administrator shall report annually, by August 15, the total amount of fines collected, the amount of overdue fines collected for the two preceding fiscal years, and the expenditures associated with the screener collector program to the chairs and ranking minority members of the house and senate committees having jurisdiction over crime policy and judicial finance.

Sec. 5. BOARD ON JUDICIAL STANDARDS	243,000	245,000
Sec. 6. BOARD OF PUBLIC DEFENSE		
Subdivision 1. Total Appropriation	48,320,000	48,805,000

None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

None of this appropriation shall be used to pay an employee solely to provide lobbying services or legislative advocacy or to serve solely as a legislative liaison.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

The chair of the board of public defense may reallocate funds from the base budget for grants to the five existing public defense corporations under Minnesota Statutes, section 611.216.

By August 1, 2001, the chair of the board of public defense shall provide a report to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice and judiciary finance explaining: (1) the role of the public defense corporations; (2) the relationship between the board of public defense, the state public defender, district public defenders, and the public defense corporations; and (3) the results of a comprehensive cost/benefit study of the public defense corporations. Upon completion of the report, the chairs and ranking minority members of the legislative committees with jurisdiction over crime policy and judiciary finance issues shall form a work group to make recommendations to the legislature regarding the need and role, if any, of the public defense corporations.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. State Public Defender

3,327,000	3,355,000
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Subd. 3. Administrative Services Office

2,115,000	2,126,000
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Subd. 4. District Public Defense

42,878,000	43,324,000
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Sec. 7. TAX COURT

	729,000	740,000
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\$43,000 the first year and \$38,000 the second year are for a tax court law clerk. This appropriation may not be used for any other purpose.

Sec. 8. HUMAN RIGHTS

	3,520,000	3,555,000
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Sec. 9. UNIFORM LAWS COMMISSION

	43,000	43,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Sec. 10. CORRECTIONS

Subdivision 1. Total Appropriation	361,743,000	374,354,000
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Summary by Fund

	2002	2003
General	360,354,000	373,112,000
Special Revenue	1,389,000	1,242,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

For the biennium ending June 30, 2003, the commissioner of corrections may, with the approval of the commissioner of finance, transfer funds to or from salaries.

During the biennium ending June 30, 2003, the commissioner may enter into contracts with private corporations or governmental units of the state of Minnesota to house adult offenders committed to the commissioner of corrections.

The commissioner of corrections, commissioner of health, and commissioner of public safety shall make reasonable efforts to transfer the employees whose positions were eliminated due to the abolishment of the office of the ombudsman of corrections to positions within the department of corrections, department of health, or department of public safety.

If the commissioner deems it necessary to reduce line and support personnel positions during the biennium ending June 30, 2003, the commissioner shall make reasonable efforts to reduce at least the same percentage of management and supervisory personnel.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 2. Correctional Institutions

Summary by Fund

	2002	2003
General	225,325,000	230,707,000
Special Revenue	932,000	785,000

If the commissioner contracts with other states, local units of government, or the federal government to rent beds in the Rush City correctional facility, the commissioner shall charge a per diem under the contract, to the extent possible, that is equal to or greater than the per diem cost of housing Minnesota inmates in the facility. The per diem cost for housing inmates of other states, local units of government, or other states at this facility shall be based on the assumption that the facility is at or near capacity. Notwithstanding any laws to the contrary, the commissioner may use the per diem appropriation to operate the state correctional institutions.

\$100,000 the first year and \$100,000 the second year are for: (1) developing a request for proposals from vendors to privately operate a partially publicly funded, values-based prerelease program with a community reintegration component at a correctional facility with a custody level of less than four; and (2) implementing the program. The commissioner shall issue the request for proposals by November 1, 2001, and shall select a vendor to begin operating the program by January 1, 2002. This appropriation is available until June 30, 2003.

In order to receive the appropriation, the commissioner must obtain an equal share of matching grants from the federal government or private sources. Both financial and in-kind resources can serve to fulfill the match requirement.

The commissioner may use any cost savings generated through its per diem reduction plan for capital improvements that will contribute to further per diem reductions at adult correctional institutions.

The commissioner of corrections may establish a prison health care commission to develop an inmate health care plan to be provided to offenders under the custody of the department. The purpose of the prison health care commission shall be to specify the level of health care services to be provided to offenders and to define and develop a detailed list of diagnoses and treatments that will be provided within the resources appropriated to the department of corrections for offender health care. The

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

department of corrections shall use this list to manage health care priorities to ensure the availability of life-saving treatments and maintain an acceptable level of health care services for all offenders within appropriated resources.

If established, the prison health care commission shall be comprised of the following members:

- (1) the commissioner of the department of corrections, who will act as the chair of the commission;
- (2) the medical director of the department of corrections;
- (3) two members of the legislature appointed by the governor;
- (4) a representative of the department of human services; and
- (5) two wardens of Minnesota correctional facilities.

If established, the prison health care commission shall be staffed by an interagency workgroup consisting of representatives of the departments of health, commerce, human services, and corrections.

If established, the prison health care commission shall provide a report to the governor and the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over crime prevention and judiciary finance that recommends and explains a hierarchy of health services that represents the comparative benefits of each service to the entire population to be served. The report must be submitted within 12 months of the commission's formation date.

Subd. 3. Juvenile Services

13,984,000

14,086,000

In order to maximize federal IV-E funding for state committed juvenile girls, the department of corrections shall make necessary changes to the girls facility and program in order to be in compliance with IV-E guidelines and requirements. All new IV-E funds generated by eligible girls committed to the commissioner or placed in the department of corrections program for girls shall be deposited in the general fund.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 4. Community Services

Summary by Fund

General	107,603,000	114,803,000
Special Revenue	150,000	150,000

\$5,926,000 the first year and \$8,000,000 the second year are for juvenile residential treatment grants under Minnesota Statutes 2000, section 242.193.

\$5,000,000 the first year and \$10,000,000 the second year are for an increase in community corrections act subsidy funding. The funding shall be distributed according to the community corrections aid formula in Minnesota Statutes, section 401.10. Of the amount of this appropriation distributed to the Hennepin county community corrections department, at least \$260,000 must be used by the department for a chronic offender pilot project. Additionally, Hennepin county must provide matching funds of at least \$160,000 and an in-kind match in an amount to be determined by the commissioner.

\$2,500,000 each year is for enhanced supervision of adult felony sex offenders by employing additional probation officers to reduce the caseloads of probation officers supervising sex offenders on probation or supervised release. The commissioner shall determine statewide eligibility for these funds according to the formula contained in Minnesota Statutes, section 401.10. Each Community Corrections Act jurisdiction and the department's probation and supervised release unit shall submit to the commissioner an analysis of need along with a plan to meet these needs and reduce adult felony sex offender caseloads. Upon approval of the plans, the non-Community Corrections Act portion of these funds shall be appropriated to the department and the distribution shall be based on statewide need. The Community Corrections Act funds shall be disbursed as grants to each Community Corrections Act jurisdiction. These appropriations may not be used to supplant existing state or county probation officer positions. Of this amount:

\$150,000 each year is for a grant to a multicounty community corrections agency to continue to provide increased supervision of and treatment to sex offenders who are on probation, intensive community supervision, supervised release, or intensive supervised release. This grant must be used to maintain the number of offenders supervised by officers with specialized caseloads to an average of 35 offenders. This appropriation shall

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

become part of the base budget of the department of corrections for an annual grant to the multicounty community corrections agency for this purpose. The grant recipient must report by January 15, 2004, to the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on the outcomes of the program, including comparative recidivism rates.

\$1,500,000 each year is for the productive day initiative program defined in Minnesota Statutes, section 241.275. Of this amount:

\$265,000 is to the Hennepin county community corrections agency;

\$265,000 is to the Ramsey county community corrections agency;

\$133,000 is to the Dakota county community corrections agency;

\$176,000 is to the Anoka county community corrections agency;

\$320,000 is to the Arrowhead community corrections agency;

\$243,000 is to the Dodge-Filmore-Olmsted community corrections agency; and

\$98,000 is to the tri-county (Polk, Norman, and Red Lake) community corrections agency.

\$50,000 the first year and \$50,000 the second year are for the emergency housing initiative. The commissioner of corrections may enter into rental agreements per industry standards for emergency housing.

\$40,000 the first year is for a grant to the Institute on Criminal Justice, University of Minnesota Law School, to be used to study the sanctions imposed by judges on extended jurisdiction juveniles whose juvenile court disposition is revoked. The study must include, at a minimum, the following information on these offenders:

(1) the offense for which the offender originally was convicted as an extended jurisdiction juvenile;

(2) the provisions of the juvenile disposition and the adult criminal sentence originally imposed by the sentencing court;

(3) the reason why the juvenile disposition was revoked;

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(4) if the offender's stayed prison sentence was executed, the duration of the executed sentence; and

(5) if the offender's stayed prison sentence was not executed, the adult criminal sanctions that were imposed as a condition of the stayed sentence including, but not limited to, jail time, restitution, fine, probation, home detention, and treatment. If possible, the study shall include a comparison of the adult criminal sanctions imposed on revoked extended jurisdiction juvenile offenders with the criminal sanctions imposed on similarly-situated adult criminal offenders at the time of their initial sentencing.

The institute must present its findings to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice funding and policy by November 15, 2001.

\$20,000 the first year is for a grant to the Institute on Criminal Justice, University of Minnesota Law School, to be used to formulate a research plan for evaluating the implementation and impact of a law authorizing a felony penalty for repeat impaired driving offenders. The research plan shall outline the steps needed to conduct a rigorous evaluation that addresses both the impact of a felony DWI law on reoffense rates and its fiscal impact on the criminal justice system. The plan also must estimate the cost of conducting the evaluation.

At a minimum, the institute must:

(1) identify and convene an advisory group to assist in identifying pertinent data sources and outline strategies for accessing these sources;

(2) estimate the number of cases on which data would need to be collected so that statistical analysis could be performed on both a baseline population of offenders sentenced before the effective date of the felony penalty and a population of offenders sentenced to a felony-level penalty;

(3) outline a sampling methodology to ensure that all ten judicial districts are adequately represented in the sample;

(4) identify practitioners at the judicial district level to serve as contacts for research staff and to answer questions about programmatic costs;

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(5) identify the process for manually collecting, from individual judicial districts, information on sentences imposed on the populations of offenders being studied;

(6) establish specific criteria delineating how to assess the fiscal impact of the felony DWI statute; and

(7) recommend a time frame within which the evaluation study could be completed.

The institute must submit the research plan to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice funding and policy by December 15, 2001.

A \$1,400,000 reduction each year in the base budget appropriation for community services must be directed to reductions in extended jurisdiction juvenile grants.

The commissioner of corrections may grant to counties up to \$9,500 per extended jurisdiction juvenile offender each year.

A \$421,000 reduction each year in the base budget appropriation for community services must be directed to reductions in programs that provide prerelease and postrelease services to American Indians released from correctional facilities.

A \$200,000 reduction each year in the base budget appropriation for community services must result from a reduction in funding to the community preservation unit.

A \$50,000 reduction each year in the base budget appropriation for community services must result from a reduction in funding to the Amicus program.

Subd. 5. Management Services

Summary by Fund

General	13,442,000	13,516,000
Special Revenue	307,000	307,000

The \$100,000 reduction each year in the base budget of management services must be directed at reductions to the employee development unit.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$750,000 each year is for: (1) detention grants for the statewide supervision system; (2) out-of-home placement system development; (3) electronic probation file transfers; and (4) maintaining and conforming the department's systems to the CrimNet standards and backbone, including the Corrections Operational Management System (COMS), Statewide Supervision System (SSS), Detention Information System (DIS), Court Services Tracking System (CSTS), and the sentencing guidelines worksheet system. This money may not be used by the commissioner for any other purpose.

Sec. 11. SENTENCING GUIDELINES COMMISSION	526,000	531,000
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\$15,000 the first year and \$15,000 the second year are for increasing the salary of the executive director of the sentencing guidelines commission.

Any search conducted to fill the position of executive director of the sentencing guidelines commission shall be done on a statewide basis.

Sec. 12. CRIME VICTIM OMBUDSMAN	135,000	138,000
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Sec. 13. PUBLIC SAFETY

Subdivision 1. Total Appropriation	84,996,000	80,115,000
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Summary by Fund		
	2002	2003
General	80,949,000	76,047,000
Special Revenue	3,639,000	3,651,000
State Government Special Revenue	7,000	7,000
Environmental	47,000	49,000
Trunk Highway	354,000	361,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 2. Emergency Management

Summary by Fund

General	3,740,000	3,796,000
Environmental	47,000	49,000

The commissioner must convert three of the combination hazardous materials emergency response/chemical assessment teams to stand alone chemical assessment teams. The remaining combination team must be based in St. Paul. The commissioner must also establish two additional stand alone chemical assessment teams and must base one in the metro area and the other in greater Minnesota. The commissioner must staff all stand alone chemical assessment teams with a total of four people per team.

\$80,000 each year must be reallocated within the base budget to reimburse bomb disposal units under Minnesota Statutes, section 299C.063.

\$40,000 each year must be reallocated within the base budget for training and equipment for bomb disposal units.

Subd. 3. Criminal Apprehension

Summary by Fund

General	30,659,000	30,645,000
Special Revenue	3,639,000	3,651,000
State Government Special Revenue	7,000	7,000
Trunk Highway	354,000	361,000

\$99,000 the first year and \$99,000 the second year from the Bureau of Criminal Apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$445,000 in the first year and \$458,000 the second year are from the Bureau of Criminal Apprehension account in the special revenue fund are for laboratory activities.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$750,000 each year is for new positions to support the criminal and juvenile justice information policy group in fulfilling its responsibilities relating to criminal justice information system improvements.

\$2,000,000 each year is from the contingency account in the special revenue fund for the planning, development, and implementation of an integration backbone consistent with the criminal justice information architecture (CriMNet).

\$1,000,000 each year is for the CriMNet project component to work on eliminating records currently in the criminal history suspense file and to assist local agencies in changing their business practices to prevent inaccurate and incomplete data from being submitted. In utilizing this appropriation, the commissioner of public safety must have the goal of reducing the number of dispositions entering the suspense file from the current, approximate 50 percent to 30 percent in the first year, 20 percent the second year, and ten percent in future years. Additionally, the commissioner must have the goal of reducing the existing suspense file by 50 percent the first year and 90 percent the second year. This appropriation must not be used for any other purpose.

\$406,000 the first year and \$405,000 the second year from the general fund and \$1,095,000 the first year and \$1,094,000 the second year from the contingency account in the special revenue fund are for grants under Minnesota Statutes, section 299C.65, subdivision 7, to implement criminal justice information integration plans for entities that have completed integration plans under Minnesota Statutes, section 299C.65, subdivision 6.

Up to \$4,000,000 of federal funds received under the Crime Identification Technology Act must be distributed under the same criteria and for the same purposes as grants under Minnesota Statutes, section 299C.65, subdivision 7, to implement criminal justice information integration plans for entities that have completed integration plans under Minnesota Statutes, section 299C.65, subdivision 6. Within those criteria, the funds must be distributed as recommended by the criminal and juvenile justice policy group established under Minnesota Statutes, section 299C.65, subdivision 1. The commissioner of public safety must attempt to acquire additional federal funds under the Crime Identification Technology Act and any other similar federal funds for these, and related, purposes.

(a) The commissioner of administration must contract with an entity outside of state government to prepare a supplemental evaluation, risk assessment, and risk mitigation plan for the

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

CriMNet system. The entity performing this work must not have any other direct or indirect financial interest in the project.

(b) Before January 1, 2002, each recipient of an appropriation for the CriMNet system must, in consultation with the commissioner of administration, submit to the entity selected under paragraph (a):

(1) a list of objectives the entity expects to achieve with the money appropriated to it; and

(2) a list of performance measures that can be used to determine the extent to which these objectives are being met.

(c) The evaluation, risk assessment, and risk mitigation plan must separately consider each component of the project, including: suspense files, the integration backbone, the Minnesota court information system, photo imaging, livescan cardhandler, predatory offender registration, CJDN upgrade, statewide supervision, and county planning and implementation grants. For each component, the evaluation may also consider:

(1) the likelihood that each entity will achieve its objectives within the limits of the money appropriated; and

(2) the appropriateness of the performance measures suggested by each entity receiving an appropriation.

(d) Work on the evaluation, risk assessment, and risk mitigation plan must begin as soon as practicable but no later than November 15, 2001. The results of the evaluation, risk assessment, and risk mitigation plan must be reported to the legislature, the commissioner of administration, and the chief justice of the supreme court by March 15, 2002. The final report must include recommendations on changes or improvements needed for each component of the program and whether or not a component should proceed. A recommendation not to proceed with a component of the project is only advisory. Decisions regarding proceeding with project components will be made by the commissioner of public safety in consultation with the policy group.

\$12,000 each year is for funding sex offender DNA testing.

\$241,000 the first year and \$173,000 the second year are for funding additional staff, supplies, and equipment necessary to conduct DNA testing of persons required under Minnesota Statutes, section 609.117, subdivision 2, to submit biological specimens.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$200,000 each year is for overtime expenses.

Subd. 4. Fire Marshal

3,272,000	3,300,000
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Subd. 5. Alcohol and Gambling Enforcement

1,814,000	1,827,000
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Subd. 6. Crime Victims Services Center

33,702,000	29,713,000
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\$2,500,000 the first year and \$500,000 the second year are for an increase in per diem funding for shelters under Minnesota Statutes, section 611A.32, and for safe homes. Per diem funds under this section shall be available only for shelter and safe home programs designated by the center for crime victim services as of June 30, 2001.

\$2,000,000 from the base budget reduction in the second year must be directed to cuts in the battered women's grant program.

None of this appropriation shall be used to fund construction of new shelters or safe homes.

\$50,000 each year is for funding safe houses, programs, and services for male domestic abuse victims and their children.

\$75,000 each year must be reallocated within the base budget of the crime victims services center for grants to the cities of Minneapolis and St. Paul to provide support services to the surviving family members of homicide, suicide, and accidental death victims. If funds are available, the commissioner may expand the grants to other cities or counties. Grant recipients must provide a 25 percent match. The commissioner must report to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice funding and policy by January 15, 2002, on the specific services provided under these grants, the outcomes achieved, and the number of persons served.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 7. Law Enforcement and Community Grants

Summary by Fund

General	7,762,000	6,766,000
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\$100,000 the first year is a one-time appropriation for increasing public awareness about racial profiling. The public awareness campaign must include information for individuals who believe they have been subject to racial profiling on how to file a complaint.

\$150,000 the first year is a one-time appropriation for developing and implementing up to four model policing program pilot projects required under Minnesota Statutes, section 626.8441, subdivision 1, and to produce required reports.

\$250,000 the first year is a one-time appropriation for a grant to the Ramsey county attorney's office to continue the joint domestic abuse prosecution unit pilot project established by the legislature under Laws 2000, chapter 471, section 3; and Laws 2000, chapter 488, article 6, section 10. The Ramsey county attorney's office and the St. Paul city attorney's office shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the pilot project. The report may include the number and types of cases referred, the number of cases charged, the outcome of cases, and other relevant outcome measures. The report is due to the legislature by January 15, 2003.

\$150,000 each year is a one-time appropriation for the center for reducing rural violence to continue providing violence prevention services and related technical assistance to rural communities.

\$663,000 the first year and \$662,000 the second year is a one-time appropriation for grants under either Minnesota Statutes, section 299A.62 or 299A.68. Grants awarded from this appropriation under Minnesota Statutes, section 299A.62, are for overtime for peace officers. Of the total grants awarded from this appropriation under Minnesota Statutes, section 299A.62, 50 percent must go to the St. Paul and Minneapolis police departments and 50 percent must go to other law enforcement agencies statewide. Any amounts from this appropriation awarded to the St. Paul police department must be used to increase the current degree of implementation of the HEAT law enforcement strategy. The HEAT law enforcement strategy must be a community-driven strategic initiative that is used to target criminal conduct in specific areas of St. Paul with higher crime rates than the city

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

average. It must target offenders based upon their criminal behavior and not other factors and be planned and implemented taking into consideration the wishes of the targeted communities. Grants awarded under Minnesota Statutes, section 299A.68, may be used to cover costs for salaries, equipment, office space, and other necessary services or expenses of a financial crimes investigation unit. The commissioner must distribute the grants in a manner designed to be equitable to the grantees given their contributions to the investigation unit and to encourage their continued participation. A law enforcement agency must provide a 50 percent match from nonstate funds or in-kind contributions in order to receive a grant under Minnesota Statutes, section 299A.68.

\$500,000 the first year is a one-time appropriation for grants under Minnesota Statutes, section 299C.065, subdivision 1, clause (1), for increased law enforcement costs relating to methamphetamine trafficking and production. Grant recipients must be chosen by the office of drug policy and violence prevention's narcotics enforcement coordinating committee. Grants must be allocated in a balanced manner among rural, suburban, and urban drug task force agencies. Grants may be awarded and utilized for the following items relating to clandestine methamphetamine labs:

- (1) increased general law enforcement costs;
- (2) training materials and public awareness publications;
- (3) peace officer training courses, certification, and equipment;
and
- (4) reimbursements to law enforcement agencies for extraordinary or unusual overtime and investigative expenses.

Grants must not be utilized for methamphetamine lab site cleanup or disposal of seized equipment or chemicals. Additionally, grants must not supplant current local spending or other state or federal grants allocated by the commissioner of public safety for similar purposes.

\$150,000 each year is a one-time appropriation for a grant to a nonprofit organization that provides gang prevention and intervention services. The services provided to at-risk youth shall include, but are not limited to, education, job skills, life skills, social recreation, and volunteer community service opportunities.

APPROPRIATIONS
 Available for the Year
 Ending June 30
 2002 2003

Up to 2.5 percent of these grant funds may be used to administer the grant programs.

The commissioner of public safety must consider using a portion of federal Byrne grant funds for grants to organizations or agencies that provide gang prevention services, such as the boys and girls club, the youth experiencing alternatives (YEA) program, the police athletic league, agencies eligible for Asian-American juvenile crime intervention and prevention grants under Minnesota Statutes, section 299A.2994, subdivision 3, clause (2), or other similar organizations.

\$1,000,000 each year is a one-time appropriation for criminal gang strike force grants under Minnesota Statutes, section 299A.66. The commissioner of public safety must provide direct administrative and fiscal oversight for all grants awarded under Minnesota Statutes, section 299A.66.

The statewide commander for the criminal gang strike force must be appointed by the commissioner of public safety in consultation with the gang strike force oversight council. The commander must be a licensed peace officer. The commissioner must reallocate funds within the base budget of the gang strike force as necessary to accomplish the commander's shift to state employment.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 14. BOARD OF PEACE OFFICER STANDARDS AND TRAINING

Summary by Fund

Special Revenue	4,692,000	4,724,000
General Fund	400,000	

This appropriation is from the peace officer training account in the special revenue fund. Any receipts credited to the peace officer training fund in the special revenue fund in the first year in excess of \$4,692,000 must be transferred and credited to the general fund. Any receipts credited to the peace officer training account in the special revenue fund in the second year in excess of \$4,724,000 must be transferred and credited to the general fund.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$400,000 the first year is a one-time appropriation for the board of peace officer standards and training to conduct regional training seminars that are consistent with the learning objectives described in Minnesota Statutes, section 626.8471, subdivision 6, and to prepare training guidelines and materials under Minnesota Statutes, section 626.8471, subdivision 7.

The POST board must convene a conference in 2001 to address preservice programs, continuing education, various standards, testing and licensing, and other topics. The board may spend up to \$20,000 from its base budget for the conference.

These appropriations may not be used for any purposes other than the purposes specified.

Sec. 15. BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES	143,000	144,000
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Sec. 16. DEPARTMENT OF ADMINISTRATION		35,000
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\$35,000 the first year is for severance costs resulting from elimination of the office of corrections ombudsman. To the extent practicable and to the extent consistent with any collective bargaining agreements that apply, the commissioner of employee relations must find other comparable state employment for employees displaced by elimination of the office of ombudsman for the Minnesota state department of corrections.

Sec. 17. DEFICIENCY APPROPRIATION

Subdivision 1. Emergency Management Deficiency

Fiscal Year 2001

General	4,400,000
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This appropriation for fiscal year 2001 is added to the appropriation in Laws 1999, chapter 216, article 1, section 7, subdivision 2, to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments. This appropriation is available the day following final enactment.

Subd. 2. Tax Court Deficiency

Fiscal Year 2001

General	14,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

This appropriation for fiscal year 2001 is added to the appropriation in Laws 1999, chapter 216, article 1, section 6, for unanticipated severance costs. This appropriation is available the day following final enactment.

Sec. 18. SUNSET OF UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 2003, unless a different expiration date is explicit.

ARTICLE 2

CRIMNET PROVISIONS

Section 1. Minnesota Statutes 2000, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. [~~LAW ENFORCEMENT DUTY REQUIRED FINGERPRINTING.~~] (a) ~~It is hereby made the duty of the Sheriffs of the respective counties, of the police, peace officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, and of community corrections agencies operating secure juvenile detention facilities to shall~~ take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony ~~or~~, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) persons reasonably believed by the arresting officer to be fugitives from justice;

(4) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes; and

(5) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense.

Unless the superintendent of the bureau requires a shorter period, within 24 hours the fingerprint records and other identification data specified under this paragraph must be forwarded to the bureau of criminal apprehension on such forms and in such manner as may be prescribed by the superintendent ~~of the bureau of criminal apprehension.~~

(b) ~~Effective August 1, 1997, the identification reporting requirements shall also apply to persons arrested for or alleged to have committed targeted misdemeanor offenses and juveniles arrested for or alleged to have committed gross misdemeanors. In addition, the reporting requirements shall include any known aliases or street names of the offenders.~~

(c) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), or 617.23 (indecent exposure).

Sec. 2. Minnesota Statutes 2000, section 299C.11, is amended to read:

299C.11 [IDENTIFICATION DATA FURNISHED TO BUREAU.]

(a) ~~The Each~~ sheriff of each county and the chief of police of each city of the first, second, and third classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which ~~may~~ must be taken under the provisions of section 299C.10, ~~of persons who shall be convicted of a felony, gross misdemeanor, or who shall be.~~ In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony or, gross misdemeanor, or targeted misdemeanor, within the ten years next immediately preceding their arrest.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, return to the arrested person finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

(d) DNA samples and DNA records of the arrested person shall not be returned, sealed, or destroyed as to a charge supported by probable cause.

(e) For purposes of this section:

(1) "determination of all pending criminal actions or proceedings in favor of the arrested person" does not include:

- (1) (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or chapter 609A;
- (2) (ii) the arrested person's successful completion of a diversion program;
- (3) (iii) an order of discharge under section 609.165; or
- (4) (iv) a pardon granted under section 638.02; and

(2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

Sec. 3. [299C.111] [SUSPENSE FILE REPORTING.]

(a) By June 1 and December 1 of each year, the superintendent shall provide every entity or individual having responsibility regarding identification data under section 299C.10 and the criminal and juvenile justice information policy group with summary data on the number of disposition records pertaining to the entity or individual that have not been linked to an arrest record.

(b) The superintendent shall immediately notify the appropriate entity or individual when a disposition record is received that cannot be linked to an arrest record.

Sec. 4. Minnesota Statutes 2000, section 299C.147, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT.] The bureau shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, to the district court, and to criminal justice agencies in other states in the conduct of their official duties.

Sec. 5. Minnesota Statutes 2000, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The criminal and juvenile justice information policy group consists of the commissioner of corrections, the commissioner of public safety, the commissioner of administration, the commissioner of finance, and four members of the judicial branch appointed by the chief justice of the supreme court. The policy group may appoint additional, nonvoting members as necessary from time to time.

(b) The commissioner of public safety is designated as the chair of the policy group. The commissioner, in consultation with the policy group, has overall responsibility for the successful completion of statewide criminal justice information system integration (CrimNet). The superintendent of the bureau of criminal apprehension is responsible for the day-to-day operations of CrimNet. The superintendent may hire a program manager to manage the CrimNet projects. The superintendent must insure that generally accepted project management techniques are utilized for each CrimNet project including:

- (1) clear sponsorship;
- (2) scope management;
- (3) project planning, control, and execution;
- (4) risk assessment and mitigation;
- (5) cost management;
- (6) quality management reviews;
- (7) communications management; and
- (8) proven methodology.

(c) Products and services for CrimNet project management, system design, implementation, and for application hosting must be acquired using an appropriate procurement process, that includes:

- (1) a determination of required products and services;
- (2) a request for proposal development and identification of potential sources;
- (3) competitive bid solicitation, evaluation, and selection; and
- (4) contract administration and close-out.

(d) The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights;

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) the collection of data on race and ethnicity in criminal justice information systems;

(13) the development of a tracking system for domestic abuse orders for protection;

(14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and

(15) the development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.

Sec. 6. Minnesota Statutes 2000, section 299C.65, subdivision 2, is amended to read:

Subd. 2. [REPORT, TASK FORCE.] (a) The policy group shall file an annual report with the governor, supreme court, and chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each year.

(b) The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the policy group shall appoint a task force consisting of its members or their designees and the following additional members:

- (1) the director of the office of strategic and long-range planning;
- (2) two sheriffs recommended by the Minnesota sheriffs association;
- (3) two police chiefs recommended by the Minnesota chiefs of police association;
- (4) two county attorneys recommended by the Minnesota county attorneys association;
- (5) two city attorneys recommended by the Minnesota league of cities;
- (6) two public defenders appointed by the board of public defense;
- (7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;
- (8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;
- (9) two probation officers;
- (10) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;
- (11) two court administrators;
- (12) one member of the house of representatives appointed by the speaker of the house;
- (13) one member of the senate appointed by the majority leader;
- (14) the attorney general or a designee;
- (15) the commissioner of administration or a designee;
- (16) an individual recommended by the Minnesota league of cities; and
- (17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

(c) The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

Sec. 7. [609.118] [FINGERPRINTING REQUIRED.]

(a) When a person is convicted of a felony, gross misdemeanor, or targeted misdemeanor, as defined in section 299C.10, subdivision 1, or is adjudicated delinquent for a felony or gross misdemeanor, the court shall order the offender to immediately report to the law enforcement agency responsible for the collection of fingerprint and other identification data required under section 299C.10, regardless of the sentence imposed or executed.

(b) Paragraph (a) does not apply if the person is remanded to the custody of a law enforcement agency or if the identification data was collected prior to the conviction or adjudication for the offense.

(c) A person who fails to obey a court order under paragraph (a) is subject to probation revocation, contempt of court, or any other appropriate remedy.

(d) This section does not limit or restrict any other statutory requirements or local policies regarding the collection of identification data.

Sec. 8. [EFFECTIVE DATES.]

Sections 1 to 7 are effective July 1, 2001, except that section 3, paragraph (b), is effective August 1, 2001.

ARTICLE 3

PREDATORY OFFENDER REGISTRATION AND RELATED PROVISIONS

Section 1. Minnesota Statutes 2000, section 243.166, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION REQUIRED.] (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2); or

(ii) kidnapping under section 609.25; or

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; or 609.3451, subdivision 3; or

(iv) indecent exposure under section 617.23, subdivision 3; or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

~~(1)~~ the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

~~(2)~~ and the person enters the state to reside, ~~or to work,~~ or attend school; ~~and~~

~~(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, or the person lives in the state, regardless of the date of the person's conviction or delinquency adjudication.~~

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

Sec. 2. Minnesota Statutes 2000, section 243.166, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION PROCEDURE.] (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address. If the person's obligation to register arose under subdivision 1, paragraph (b), the person's Minnesota registration requirements under this section terminate when the person begins living in the new state. If the person returns to live in the state, the person must resume registration for the duration of the person's original registration period, if any.

(c) A person required to register under subdivision 1, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the

address of the school or of the location where the person is employed. A person must comply with this paragraph within five days of beginning employment or school. A person's obligation to register in Minnesota under this paragraph terminates when the person is no longer working or attending school in Minnesota. If the person returns to work or to attend school in the state, the person must resume registration for the duration of the person's original registration period, if any.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

Sec. 3. Minnesota Statutes 2000, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. [INFORMATION REQUIRED TO BE PROVIDED.] (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

- (1) the address of the person's primary residence;
- (2) the addresses of all the person's secondary residences in Minnesota, including all addresses used for residential or recreational purposes;
- (3) the addresses of all Minnesota property owned, leased, or rented by the person;
- (4) the addresses of all locations where the person is employed;
- (5) the addresses of all residences where the person resides while attending school; and
- (6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person. "Motor vehicle" has the meaning given "vehicle" in section 169.01, subdivision 2.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to (6), within five days of the date the clause becomes applicable. If because of a change in circumstances a clause no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

Sec. 4. Minnesota Statutes 2000, section 243.166, subdivision 6, is amended to read:

Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a revocation of probation, supervised release, or conditional release for that offense, or a conviction for any new offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1, or any offense from another state or any federal offense similar to the offenses described in subdivision 1, and the person has a prior conviction or adjudication for an offense for which registration was required under subdivision 1, or an offense from another state or a federal offense similar to an offense described in subdivision 1;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2); 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(3) if the person is required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

Sec. 5. Minnesota Statutes 2000, section 243.167, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section, "crime against the person" means a violation of any of the following or a similar law of another state or of the United States: section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section 609.229; 609.377; 609.749; or 624.713.

Sec. 6. Minnesota Statutes 2000, section 609.117, is amended to read:

609.117 [DNA ANALYSIS OF CERTAIN SEX OFFENDERS REQUIRED.]

Subdivision 1. [UPON SENTENCING.] The court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when:

(1) the court sentences a person charged with violating or attempting to violate any of the following, and the person is convicted of that offense or of any offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3451, subdivision 3;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3, ~~clause (2);~~

(2) the court sentences a person as a patterned sex offender under section 609.108; or

(3) the juvenile court adjudicates a person a delinquent child who is the subject of a delinquency petition for violating or attempting to violate any of the following, and the delinquency adjudication is based on a violation of one of those sections or of any offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, ~~or 609.345~~, or 609.3451, subdivision 3;
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, ~~clause (2)~~.

The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Subd. 2. [BEFORE RELEASE.] The commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis and the person:

(1) ~~was convicted of~~ is currently serving a term of imprisonment for or has a past conviction for violating or attempting to violate any of the following or a similar law of another state or the United States or initially charged with violating one of the following sections or a similar law of another state or the United States and convicted of another offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, ~~or 609.345~~, or 609.3451, subdivision 3;
- (viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3, ~~clause (2)~~; or

(2) was sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections; or

(3) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Subd. 3. [OFFENDERS FROM OTHER STATES.] When the state accepts an offender from another state under the interstate compact authorized by section 243.16, the acceptance is conditional on the offender providing a biological specimen for the purposes of DNA analysis as defined in section 299C.155, if the offender was convicted of an offense described in subdivision 1 or a similar law of the United States or any other state. The specimen must be provided under supervision of staff from the department of corrections or a community corrections act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

Sec. 7. [LEGISLATIVE INTENT; REPEAL OF SECTION 243.166, SUBDIVISION 10.]

The original intent of the legislature in enacting Minnesota Statutes, section 243.166, subdivision 10, was to provide for a more uniform application of the predatory offender registration law. Applying certain amendments to the law retroactively to certain offenders was intended to ease the administrative burden on agencies enforcing the law and better serve the policy underlying it. The subdivision was not intended to act as a limitation on registration but rather, in some cases, as an expansion. The intent in repealing this subdivision is to prevent a potential judicial misinterpretation of it that was neither intended nor contemplated by the legislature. The repeal must not be construed as a substantive change in the application or scope of Minnesota Statutes, section 243.166.

Sec. 8. [REPEALER.]

Minnesota Statutes 2000, section 243.166, subdivision 10, is repealed.

Sec. 9. [EFFECTIVE DATES.]

Sections 1 to 7 are effective the day following final enactment, except that section 2, subdivision 3, paragraphs (b) and (c), are effective retroactively. Section 8 is effective retroactive to April 4, 2000.

ARTICLE 4

GENERAL CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 6. [PET OR COMPANION ANIMAL.] "Pet or companion animal" includes any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal.

Sec. 2. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 7. [SERVICE ANIMAL.] "Service animal" means an animal trained to assist a person with a disability.

Sec. 3. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 8. [SUBSTANTIAL BODILY HARM.] "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or a pet or companion animal.

Sec. 4. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 9. [GREAT BODILY HARM.] "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm to a service animal or a pet or companion animal.

Sec. 5. Minnesota Statutes 2000, section 343.21, is amended by adding a subdivision to read:

Subd. 8a. [HARMING A SERVICE ANIMAL.] No person shall intentionally and without justification cause bodily harm to a service animal while it is providing service or while it is in the custody of the person it serves.

Sec. 6. Minnesota Statutes 2000, section 343.21, subdivision 9, is amended to read:

Subd. 9. [PENALTY.] (a) Except as otherwise provided in this subdivision, a person who fails to comply with any provision of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.

(b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(e) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(f) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(g) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

(h) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Sec. 7. Minnesota Statutes 2000, section 343.21, subdivision 10, is amended to read:

Subd. 10. [RESTRICTIONS.] If a person is convicted of violating this section, the court shall require that pet or companion animals, ~~as defined in section 346.36, subdivision 6,~~ that have not been seized by a peace officer or agent and are in the custody or control of the person must be turned over to a peace officer or other appropriate officer or agent unless the court determines that the person is able and fit to provide adequately for an animal. If the evidence indicates lack of proper and reasonable care of an animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able and fit to have custody of and provide adequately for an animal. The court may limit the person's further possession or custody of pet or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to:

- (1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;
- (2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;
- (3) requiring performance by the person of community service ~~in a humane facility~~; and
- (4) requiring the person to receive psychological, behavioral, or other counseling.

Sec. 8. Minnesota Statutes 2000, section 609.487, subdivision 4, is amended to read:

Subd. 4. [FLEEING AN OFFICER; DEATH; BODILY INJURY.] Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than the perpetrator may be sentenced to imprisonment as follows:

- (a) If the course of fleeing results in death, to imprisonment for not more than ~~ten~~ 40 years or to payment of a fine of not more than ~~\$20,000~~ \$80,000, or both; or
- (b) If the course of fleeing results in great bodily harm, to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both; or
- (c) If the course of fleeing results in substantial bodily harm, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 9. Minnesota Statutes 2000, section 609.495, subdivision 1, is amended to read:

Subdivision 1. (a) Whoever harbors, conceals, ~~or aids, or assists by word or acts~~ another ~~known by whom~~ the actor ~~to have~~ knows or has reason to know has committed a felony crime under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both if the crime committed or attempted by the other person is a felony.

(b) Whoever knowingly harbors, conceals, or aids a person who is on probation, parole, or supervised release because of a felony level conviction and for whom an arrest and detention order has been issued, with intent that the person evade or escape being taken into custody under the order, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. As used in this paragraph, "arrest and detention order" means a written order to take and detain a probationer, parolee, or supervised releasee that is issued under section 243.05, subdivision 1; 244.19, subdivision 4; or 401.02, subdivision 4.

Sec. 10. Minnesota Statutes 2000, section 609.495, subdivision 3, is amended to read:

Subd. 3. Whoever intentionally aids another person ~~known by whom~~ the actor ~~to have~~ knows or has reason to know has committed a criminal act, by destroying or concealing evidence of that crime, providing false or misleading information about that crime, receiving the proceeds of that crime, or otherwise obstructing the investigation or prosecution of that crime is an accomplice after the fact and may be sentenced to not more than one-half of the statutory maximum sentence of imprisonment or to payment of a fine of not more than one-half of the maximum fine that could be imposed on the principal offender for the crime of violence. For purposes of this subdivision, "criminal act" means an act that is a crime listed in section 609.11, subdivision 9, under the laws of this or another state, or of the United States, and also includes an act that would be a criminal act if committed by an adult.

Sec. 11. Minnesota Statutes 2000, section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.]

(a) As used in this section, an "electronic article surveillance system" means any electronic device or devices that are designed to detect the unauthorized removal of marked merchandise from a store.

(b) Whoever has in possession any device, gear, or instrument specially designed to assist in shoplifting or defeating an electronic article surveillance system with intent to use the same to shoplift and thereby commit theft may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

Sec. 12. [609.652] [FRAUDULENT DRIVERS' LICENSES AND IDENTIFICATION CARDS; PENALTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "driver's license or identification card" means a driver's license or identification card issued by the driver and vehicle services division of the department of public safety or receipts issued by its authorized agents or those of any state or jurisdiction as defined in section 171.01 that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's legal name and age;

(2) "fraudulent driver's license or identification card" means a document purporting to be a driver's license or identification card, but that is not authentic; and

(3) "sell" means to sell, give away, barter, deliver, exchange, distribute, or dispose of to another.

Subd. 2. [CRIMINAL ACTS.] A person who does any of the following with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items listed in clauses (1) to (4) to be used in forging or making more than one false or counterfeit driver's license or identification card for consideration is guilty of a crime:

(1) has in control, custody, or possession any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card;

(2) engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card;

(3) uses a photocopier, digital camera, photographic image, or computer software to generate a fraudulent driver's license or identification card; or

(4) has in control, custody, or possession or makes or provides paper or other material adapted and designed for the making of a fraudulent driver's license or identification card.

Subd. 3. [PENALTIES.] A person who commits any act described in subdivision 2 is guilty of a gross misdemeanor. A person convicted of a second or subsequent offense of this subdivision may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Sec. 13. Minnesota Statutes 2000, section 617.247, subdivision 3, is amended to read:

Subd. 3. [DISSEMINATION PROHIBITED.] (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ seven years and a fine of not more than \$10,000 for a first offense and for not more than ~~ten~~ 15 years and a fine of not more than \$20,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years if the violation occurs when the person is a registered predatory offender under section 243.166.

Sec. 14. Minnesota Statutes 2000, section 617.247, subdivision 4, is amended to read:

Subd. 4. [POSSESSION PROHIBITED.] (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~three~~ five years and a fine of not more than \$5,000 for a first offense and for not more than ~~five~~ ten years and a fine of not more than \$10,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ten years if the violation occurs when the person is a registered predatory offender under section 243.166.

Sec. 15. [626.18] [ELECTRONIC SEARCH WARRANTS.]

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) The terms "electronic communication services" and "remote computing services" shall be construed in accordance with United States Code, title 18, sections 2701 to 2711. This section does not apply to corporations that do not provide those services to the general public.

(b) An "adverse result" occurs when notification of the existence of a search warrant results in:

(1) danger to the life or physical safety of an individual;

(2) a flight from prosecution;

(3) the destruction of or tampering with evidence;

(4) the intimidation of potential witnesses; or

(5) serious jeopardy to an investigation or undue delay of a trial.

(c) "Applicant" means a peace officer as defined in section 626.05, to whom a search warrant is issued pursuant to chapter 626.

(d) "Minnesota corporation" refers to any corporation or other entity that is subject to section 5.25, excluding foreign corporations.

(e) A "foreign corporation" is considered to be doing business in Minnesota if it makes a contract or engages in a terms of service agreement with a resident of Minnesota to be performed in whole or in part by either party in Minnesota. The making of the contract or terms of service agreement is considered to be the agreement of the foreign corporation that any administrative subpoena or search warrant properly served on it has the same legal force and effect as if served personally on it within the state of Minnesota.

(f) "Properly served" means that a search warrant has been delivered by hand, or in a manner reasonably allowing for proof of delivery if delivered by United States mail, overnight delivery service, or facsimile to a person or entity listed in section 5.25 or covered by this statute.

Subd. 2. [APPLICATION.] (a) The following provisions shall apply to any search warrant issued under this chapter allowing a search for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications.

(b) When properly served with a search warrant issued by the Minnesota court, a foreign corporation subject to this section shall provide to the applicant all records sought pursuant to that warrant within eight business days of receipt, including those records maintained or located outside this state.

(c) Where the applicant makes a showing and the judge finds that failure to produce records within less than eight business days would cause an adverse result, the warrant may require production of records within less than eight business days. A court may reasonably extend the time required for production of the records upon finding that the foreign corporation has shown good cause for that extension and that an extension of time would not cause an adverse result.

(d) A foreign corporation seeking to quash the warrant must seek relief from the court that issued the warrant within the time required for production of records under this section. The issuing court shall hear and decide that motion no later than eight court days after the motion is filed.

(e) The foreign corporation shall verify the authenticity of records that it produces by providing a written affidavit or statement to that effect.

Subd. 3. [WARRANT OF ANOTHER STATE.] A Minnesota corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records that would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications, shall produce those records as if that warrant had been issued by a Minnesota court.

Subd. 4. [IMMUNITY.] No cause of action shall lie against any foreign or Minnesota corporation subject to this section, its officers, employees, agents, or other specified persons for providing records, information, facilities, or assistance in accordance with the terms of a warrant issued pursuant to this chapter.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 14 are effective August 1, 2001, and apply to crimes committed on or after that date.

ARTICLE 5

COURTS

Section 1. Minnesota Statutes 2000, section 2.724, subdivision 3, is amended to read:

Subd. 3. [RETIRED JUSTICES AND JUDGES.] (a) The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of any court to act as a judge of any court except the supreme court. ~~A judge acting pursuant to this paragraph shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving. The chief justice of the supreme court shall determine the pay and expenses to be received by a judge acting pursuant to this paragraph.~~

(b) A judge who has been elected to office and who has retired as a judge in good standing and is not practicing law may also be appointed to serve as judge of any court except the supreme court. A retired judge acting under this paragraph will receive pay and expenses in the amount established by the supreme court.

Sec. 2. [15A.0821] [JUDGES' SALARIES.]

Subdivision 1. [ANNUAL INCREASE.] Effective January 1 of each year, the salaries of judges of the supreme court, court of appeals, and district court are increased by the average of the general salary adjustment for state employees in the fiscal year ending the prior June 30 in collective bargaining agreements or arbitration awards ratified by the legislature.

Subd. 2. [CALCULATION.] The commissioner of employee relations shall calculate the average of the general salary adjustments provided by collective bargaining agreements or arbitration awards that have been ratified by the legislature. Collective bargaining agreements or arbitration awards that do not include general salary adjustments may not be included in these calculations. The commissioner shall weight the general salary adjustments by the number of full-time equivalent employees covered by each agreement or award. The results of the commissioner's calculations must be expressed as a percentage, rounded to the nearest one-tenth of one percent. The commissioner shall calculate the new salaries for judges and report them to the chief justice of the supreme court by December 1 each year. The salary adjustments provided in this section do not limit the ability of the legislature to provide other adjustments in other law.

Sec. 3. Minnesota Statutes 2000, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. The supreme court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge. If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. ~~The salary of the state public defender must be 95 percent of the salary of the attorney general shall be fixed by the state board of public defense but must not exceed the salary of a district court judge.~~

Salary or Range
Effective
July 1, 1994

Board on judicial standards executive director

\$44,000-60,000

Sec. 4. [518.1781] [SIX-MONTH REVIEW.]

(a) A decree of dissolution or legal separation or an order that establishes child custody, parenting time, or support rights and obligations of parents must contain a review date six months after its entry. At the six-month hearing, the court must review:

(1) whether child support is current; and

(2) whether both parties are complying with the parenting time provisions of the order.

(b) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(c) A hearing need not be held under this section if both parties file an affidavit with the court administrator before the scheduled hearing date indicating that child support is current and that the parties are complying with the parenting time provisions of the order.

(d) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party.

(e) At least one month before the six-month hearing, a court administrator must send the parties written notice of the hearing. The written notice must include a statement that an obligor has the burden to present evidence at the hearing to establish that child support payments are current. The written notice also must include a statement that a hearing will not be held if both parties submit an affidavit to the court administrator before the hearing date indicating that child support is current and that the parties are in compliance with parenting time provisions.

Sec. 5. [518.1782] [ACCOUNTING FOR CHILD SUPPORT BY OBLIGEE.]

(a) Upon the motion of an obligor, a court may order an obligee to account for the use or disposition of child support received. The motion must assert the specific allegations of abuse or misapplication of child support received and that a child's needs are not being met. If the court orders a hearing, the court may order an accounting only if the obligor establishes the specific allegations of abuse or misapplication of child support received and that the child's needs are not being met.

(b) If the court orders an accounting under paragraph (a), the obligee must provide documentation that breaks down monthly expenditures of child support received into the following categories:

(1) housing and utilities;

(2) food;

(3) transportation;

(4) clothing;

(5) health care;

(6) child care and education; and

(7) miscellaneous.

An obligee may account for expenditures on housing, utilities, food, and transportation that are attributable to multiple household members on a per capita basis.

(c) If the court finds that an obligee does not make the accounting required under paragraph (b) or the obligee does not spend the entire child support payment on behalf of the child, the court may:

(1) hold the obligee in contempt of court;

(2) reduce or eliminate the obligor's child support obligation;

(3) order the obligee to make future expenditures on behalf of the child, whether in whole or in part, in a manner that documents the transaction; or

(4) make any other appropriate order to ensure that the needs of the child are met.

(d) If the court determines that an obligor's motion under this section is brought in bad faith, the court may award reasonable attorney fees to the obligee.

Sec. 6. Minnesota Statutes 2000, section 611.23, is amended to read:

611.23 [OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.]

The state public defender is responsible to the state board of public defense. The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the state board of public defense but must not exceed the salary of the chief deputy attorney general at a district court judge. Terms of the state public defender shall commence on July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

Sec. 7. Minnesota Statutes 2000, section 611.272, is amended to read:

611.272 [ACCESS TO GOVERNMENT DATA.]

The district public defender, the state public defender, or an attorney working for a public defense corporation under section 611.216 has access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data regarding the public defender's own client as necessary to prepare criminal cases in which the public defender has been appointed, including, but not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 7; data protected under section 13.82, subdivision 17; or confidential arrest warrant indices data under section 13.82, subdivision 19. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87, subdivision 3, there shall be no charge to public defenders for Internet access to public criminal history data.

Sec. 8. [EFFECTIVE DATE.]

Section 2 is effective for increases to take effect January 1, 2004, based on calculations by the commissioner of employee relations reported by December 1, 2003.

ARTICLE 6

PUBLIC SAFETY

Section 1. Minnesota Statutes 2000, section 13.87, is amended by adding a subdivision to read:

Subd. 3. [INTERNET ACCESS.] (a) Notwithstanding section 13.03, subdivision 3, paragraph (a), the bureau of criminal apprehension may charge a fee for Internet access to public criminal history data provided through August 1, 2003. The fee may not exceed \$5 per inquiry or the amount needed to recoup the actual cost of implementing and providing Internet access, whichever is less.

(b) The Web site must include a notice to the subject of the data of the right to contest the accuracy or completeness of data, as provided under section 13.04, subdivision 4, and provide a telephone number and address that the subject may contact for further information on this process.

(c) The Web site must include the effective date of data that is posted.

(d) The Web site must include a description of the types of criminal history data not available on the site, including arrest data, juvenile data, criminal history data from other states, federal data, data on convictions where 15 years have elapsed since discharge of the sentence, and other data that are not accessible to the public.

Sec. 2. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 ~~or~~ 169A.54, or 609.21, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 ~~or~~ 169A.54, or 609.21, shall pay a \$250 \$360 fee plus a \$40 surcharge before the driver's license is reinstated. Of the revenue from the \$360 fee, \$200,000 of the revenue from the first \$250 must be credited to a separate account to be known as the alcohol-impaired driver education account, and is appropriated each fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students. The \$250 remainder of the revenue from the \$360 fee is to be credited as follows:

(1) Twenty percent of the revenue from the first \$250 must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent of the revenue from the first \$250 must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) the remainder credited in a fiscal year to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

~~(5)~~ (3) Five percent of the revenue from the first \$250 must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account.

(4) The remainder of the revenue from the \$360 fee must be credited to the general fund.

(c) The money in the traumatic brain injury and spinal cord injury account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

~~(e)~~ (d) The \$40 surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

~~(f)~~ (e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 3. [299A.68] [FINANCIAL CRIMES INVESTIGATION UNIT ESTABLISHED.]

Subdivision 1. [INVESTIGATION UNIT ESTABLISHED.] A group of two or more local governmental units may enter into an agreement to establish a major financial crimes investigation unit.

Subd. 2. [INVESTIGATION UNIT'S DUTIES.] The investigation unit shall investigate consumer identity theft cases and reported financial crimes from individuals and businesses who are victims of such crimes. The investigation unit shall focus on financial crimes including, but not limited to: theft, fraud, and forgery crimes, including identity theft, check forgery, fraud in obtaining credit, financial transaction card fraud, theft from merchants, possession or sale of stolen or counterfeit checks, issuance of dishonored checks, creation or use of counterfeit state identification, obtaining counterfeit state identification, fraudulent Internet transactions, fraudulent merchandise returns, and other related financial crimes. In particular, the investigation unit shall target criminals who:

(1) commit multiple cross-jurisdictional financial crimes;

(2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or

(3) illegally obtain consumer information for identity theft.

Subd. 3. [ROLE OF PARTICIPATING LOCAL GOVERNMENTAL UNITS.] The local governmental units that agree to form and participate in the financial crimes investigation unit shall oversee the investigation unit's operation by establishing procedures and guidelines in their agreement. The agreement may address the following:

(1) the command structure of the investigation unit;

(2) acquisition of equipment, office space, and transportation;

(3) procedures for contracting for necessary administrative support;

(4) selection and assignment of members;

(5) transfer of investigation unit members;

(6) resolution of disputes between participating local governmental units; and

(7) all other issues deemed pertinent by the participating local governmental units.

Subd. 4. [COMMANDER.] The participating local governmental units shall select a commander to direct the investigation unit. The commander shall make tactical decisions regarding the commencement, continuation, and conclusion of investigations of crimes within the investigation unit's jurisdiction. The commander shall also report annually to the bureau of criminal apprehension as required in subdivision 11.

Subd. 5. [MEMBERS.] The investigation unit may include law enforcement officers, prosecutors, federal law enforcement officers, and investigators from local governmental units who are selected by their supervisors to participate in the investigation unit. All law enforcement officers selected to join the investigation unit must be licensed peace officers under section 626.84, subdivision 1. Members shall remain employees of the same entity that employed them before joining the investigation unit. Members are not state employees.

Subd. 6. [JURISDICTION.] Law enforcement officers who are members of the investigation unit shall have statewide jurisdiction to conduct criminal investigations into financial crimes as described in subdivision 2 and possess the same powers of arrest as those possessed by a sheriff.

Subd. 7. [COLLABORATION WITH OTHER PROSECUTORS AND LAW ENFORCEMENT OFFICERS.] To the greatest degree possible, the investigation unit shall cooperate and collaborate with existing prosecutorial offices and law enforcement agencies.

Subd. 8. [PROSECUTOR.] A local governmental unit may seek a grant for reimbursement for the time and resources that a prosecutor and the prosecutor's staff dedicate to the investigation unit. A participating prosecutor shall remain an employee of the contributing county.

Subd. 9. [FORFEITURE.] Property seized by the investigation unit is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The investigation unit shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 10. [REQUIRED REPORTS.] (a) Beginning June 30, 2002, the commander of the investigation unit shall report annually to the commissioner on the activities of the investigation unit and the use of grants awarded under article 1, section 14, subdivision 8.

(b) By March 1, 2003, the commissioner of public safety shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the investigation unit and the use of grants awarded under article 1, section 14, subdivision 8.

Subd. 11. [EXPIRATION.] This section expires on June 30, 2003.

Sec. 4. Minnesota Statutes 2000, section 299A.75, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM DESCRIBED; COMMISSIONER'S DUTIES.] (a) The commissioner of public safety shall:

(1) develop and sponsor the implementation of statewide plans, programs, and strategies to combat automobile theft, improve the administration of the automobile theft laws, and provide a forum for identification of critical problems for those persons dealing with automobile theft;

(2) coordinate the development, adoption, and implementation of plans, programs, and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft enforcement;

(3) annually audit the plans and programs that have been funded in whole or in part to evaluate the effectiveness of the plans and programs and withdraw funding should the commissioner determine that a plan or program is ineffective or is no longer in need of further financial support from the fund;

(4) develop a plan of operation including an assessment of the scope of the problem of automobile theft, including areas of the state where the problem is greatest; an analysis of various methods of combating the problem of automobile theft; a plan for providing financial support to combat automobile theft; a plan for eliminating car hijacking; and an estimate of the funds required to implement the plan; and

(5) distribute money pursuant to subdivision 3 from the automobile theft prevention special revenue account for automobile theft prevention activities, including:

(i) paying the administrative costs of the program;

(ii) providing financial support to the state patrol and local law enforcement agencies for automobile theft enforcement teams;

(iii) providing financial support to state or local law enforcement agencies for programs designed to reduce the incidence of automobile theft and for improved equipment and techniques for responding to automobile thefts;

(iv) providing financial support to local prosecutors for programs designed to reduce the incidence of automobile theft;

(v) providing financial support to judicial agencies for programs designed to reduce the incidence of automobile theft;

(vi) providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of automobile theft, and to educate people about the common methods of auto theft, the models of automobile most likely to be stolen, and the times and places automobile theft is most likely to occur; and

(vii) providing financial support for automobile theft educational and training programs for state and local law enforcement officials, driver and vehicle services exam and inspections staff, and members of the judiciary; ~~and~~

~~(viii) conducting educational programs designed to inform automobile owners of methods of preventing automobile theft and to provide equipment, for experimental purposes, to enable automobile owners to prevent automobile theft.~~

(b) The commissioner may not spend in any fiscal year more than ten percent of the money in the fund for the program's administrative and operating costs. The commissioner must distribute the full amount of the proceeds credited to the automobile theft prevention special revenue account each year.

Sec. 5. Minnesota Statutes 2000, section 299A.75, is amended by adding a subdivision to read:

Subd. 3. [CRITERIA; APPLICATION.] (a) A county attorney's office, law enforcement agency, neighborhood organization, community organization, or business organization may apply for a grant under this section. Multiple offices or agencies within a county may apply for a grant under this section.

(b) The commissioner must develop criteria for the fair distribution of grants from the automobile theft prevention account that address the following factors:

(1) the number of reported automobile thefts per capita in a city, county, or region, not merely the total number of automobile thefts;

(2) the population of the jurisdiction of the applicant office or agency;

(3) the total funds distributed within a county or region; and

(4) the statewide interest in automobile theft reduction.

(c) The commissioner may give priority to:

(1) offices and agencies engaged in a collaborative effort to reduce automobile theft; and

(2) counties or regions with the greatest rates of automobile theft.

(d) The minimum amount of a grant award is \$5,000. After considering the automobile theft rate and total population of an applicant's jurisdiction, if a grant award as determined under the criteria and priorities in this subdivision would be less than \$5,000, it must not be awarded.

Sec. 6. Minnesota Statutes 2000, section 299A.75, is amended by adding a subdivision to read:

Subd. 4. [ADVISORY BOARD; CREATION; MEMBERSHIP.] An automobile theft prevention advisory board is established to advise the commissioner on the distribution of grants under this section. The board must consist of seven members appointed by the commissioner and must include representatives of law enforcement, prosecuting attorneys, automobile insurers, and the public. The commissioner must annually select a chair from among its members.

Sec. 7. Minnesota Statutes 2000, section 299F.058, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] (a) The arson strike force consists of representatives from the following agencies and organizations:

(1) the division of fire marshal;

(2) the bureau of criminal apprehension;

(3) the office of attorney general;

- (4) the Minnesota county attorneys association;
- (5) the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department;
- (6) the Minneapolis police and fire arson unit;
- (7) the St. Paul police and fire arson unit;
- (8) licensed private detectives selected by the state fire marshal or the attorney general or their designees; and
- (9) any other arson experts the arson strike force deems appropriate to include.

(b) The arson strike force, as necessary, may consult and work with representatives of property insurance agencies and organizations and any other private organizations that have expertise in arson investigations and prosecutions.

(c) Representatives from the attorney general's office and the county attorneys association who are members of the arson strike force may assist in administering the strike force.

(d) The strike force expires June 30, ~~2001~~ 2005.

Sec. 8. Minnesota Statutes 2000, section 611A.74, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The office of crime victim ombudsman for Minnesota is created. The ombudsman shall be appointed by the ~~governor, shall serve in the unclassified service at the pleasure of the governor,~~ commissioner of public safety and shall be selected without regard to political affiliation. No person may serve as ombudsman while holding any other public office. The ombudsman is directly accountable to the ~~governor~~ commissioner. The ombudsman shall have the authority to investigate decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims in the criminal justice system.

Sec. 9. Minnesota Statutes 2000, section 611A.74, subdivision 1a, is amended to read:

Subd. 1a. [ORGANIZATION OF OFFICE.] (a) The ~~ombudsman~~ commissioner of public safety may appoint employees necessary to discharge responsibilities of the ombudsman's office. The ombudsman may delegate to staff members any of the ombudsman's authority or duties except the duties of formally making recommendations to appropriate authorities and reports to the office of the governor or to the legislature.

(b) The commissioner of public safety shall provide office space and administrative support services to the ombudsman and the ombudsman's staff.

(c) The crime victim ombudsman shall report to the legislature biennially on the activities of the crime victim ombudsman.

Sec. 10. [626.8441] [RESPONDING TO CALLS INVOLVING EMOTIONAL CRISES AND MENTAL ILLNESS; MODEL PROGRAM PILOT PROJECTS.]

Subdivision 1. [MODEL POLICING PROGRAM.] The commissioner of public safety, in consultation with the community mental health peace officer advisory board named under subdivision 2, may award grants to develop models of community policing that are responsive to the unique needs of the law enforcement and mental health systems in Minnesota, and to promote these models throughout the state. Grants may be awarded to either existing or new projects. The commissioner may approve the implementation of community policing pilot projects in metropolitan and rural areas. In order to receive funding, a pilot project must focus on the following:

(1) responding in a knowledgeable and sensitive way to persons exhibiting symptoms of mental illness, to persons having drug-related reactions, and to others who may be in an emotional or mental crisis;

(2) significantly reducing the risk of harm to the individuals who are the subjects of such calls, to the officers responding to the calls, and to the general public;

(3) identifying and implementing a continuum of intervention strategies that will prevent escalation, produce de-escalation, and minimize the use of force; and

(4) creating partnerships with community resources that result in positive resolution, reduction, and prevention of potentially harmful incidents.

Subd. 2. [COMMUNITY MENTAL HEALTH PEACE OFFICER ADVISORY BOARD.] A community mental health peace officer advisory board must be appointed by the commissioner of public safety and must consist of the following members:

(1) two licensed peace officers;

(2) two representatives from the association of chiefs of police;

(3) two representatives from the Minnesota state sheriff's association;

(4) a representative from the mental health consumer survivor network;

(5) a representative from the mental health association of Minnesota;

(6) a representative from the alliance for the mentally ill;

(7) a representative from a county social services agency or human services board as defined in section 256E.03;

(8) a community mental health provider;

(9) a mental health professional;

(10) a law enforcement educator with experience training peace officers to respond to mental illness calls; and

(11) other members deemed appropriate by the commissioner.

In making appointments to the board, the commissioner must take into consideration metropolitan and rural interests. The board must advise the commissioner on the model policing programs, and on related areas of concern to persons with mental illnesses, peace officers, and the public. No per diem may be paid to members of the board. The board expires June 30, 2003.

Sec. 11. [626.8471] [AVOIDING RACIAL PROFILING; POLICIES AND LEARNING OBJECTIVES REQUIRED.]

Subdivision 1. [PURPOSE.] The legislature finds that the reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve. No stop initiated by a peace officer should be made without a legitimate reason; race, ethnicity, or national origin alone should never provide a sufficient reason. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. [DEFINITION.] "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

(1) the behavior of that individual; or

(2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. [STATEWIDE MODEL POLICY.] (a) The board of peace officer standards and training shall consult with the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association in developing an anti-racial profiling model policy governing the conduct of peace officers engaged in stops of citizens. This policy shall define racial profiling and identify conduct that violates the law.

(b) The board shall adopt a model policy and distribute the model policy to all chief law enforcement officers by August 1, 2001.

Subd. 4. [AGENCY POLICIES REQUIRED.] (a) By November 1, 2001, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written anti-racial profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's anti-racial profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and the conduct prohibited by it.

(b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3.

(c) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with the board's model policy.

(d) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing anti-racial profiling policies under this subdivision.

Subd. 5. [PRESERVICE TRAINING LEARNING OBJECTIVES; REQUIREMENTS.] (a) By August 1, 2001, the board shall prepare learning objectives for preservice training to instruct peace officers in avoiding racial profiling when making stops of citizens. These learning objectives shall be included in the required curriculum of professional peace officer education programs.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after June 1, 2002, unless:

(1) the individual has received the training described in paragraph (a); and

(2) the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling.

Subd. 6. [IN-SERVICE TRAINING LEARNING OBJECTIVES.] By August 1, 2001, the board shall prepare learning objectives for in-service training to instruct peace officers in avoiding racial profiling when making stops of citizens. The board shall evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. [CHIEFLAW ENFORCEMENT OFFICERS AND SUPERVISORS; REQUIREMENTS.] The executive director of the board of peace officer standards and training shall prepare training materials to provide chief law enforcement officers and other peace officers with supervisory authority with information on how to detect and respond to racial profiling by peace officers under their command. The training materials must address both the agency's anti-racial profiling policy and procedural components aimed at eliminating racial profiling in stops of citizens. The materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The procedural information must describe conduct that is unlawful or inappropriate and present guidelines for reinforcing techniques that are lawful and appropriate. The procedural information shall discuss appropriate search and seizure and interviewing techniques.

Subd. 8. [POST BOARD; COMPLIANCE REVIEWS AUTHORIZED.] The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process.

Sec. 12. Laws 1996, chapter 408, article 2, section 16, is amended to read:

Sec. 16. [REPEALER.]

(a) Minnesota Statutes 1994, section 299A.60, is repealed.

(b) ~~Section 1 is repealed January 1, 2002.~~

Sec. 13. [REGIONAL TRAINING SEMINARS.]

The board of peace officer standards and training shall facilitate regional seminars throughout the state to increase awareness about racial profiling issues unique to specific regions of the state and to promote a community-oriented response to the issue of racial profiling. The training seminars shall satisfy the learning objectives described in Minnesota Statutes, section 626.8471, subdivision 6. These seminars shall be completed by December 31, 2001.

Sec. 14. [REPORTS.]

Subdivision 1. [REPORT.] By February 15, 2002, the executive director of the board of peace officer standards and training shall report to the house and senate committees with jurisdiction over criminal justice funding on the development of a model policy; learning objectives; regional training seminars, including attendance figures for the seminars; and the training materials prepared for chief law enforcement officers and other officers with supervisory authority. This report must include, but not be limited to, data contained in the reports required under subdivision 2.

Subd. 2. [REPORT.] By December 15 of each year, each state and local law enforcement agency shall submit to the executive director of the board of peace officer standards and training:

(1) the number of racial profiling complaints that the law enforcement agency has received during the preceding 12 months; and

(2) the disposition of each complaint.

Subd. 3. [REPORT.] The development, implementation, and outcomes of the pilot projects authorized under Minnesota Statutes, section 626.8441, subdivision 1, must be evaluated by the commissioner of public safety and a written preliminary report must be submitted to the chairs of the house and senate committees having jurisdiction over crime prevention and judiciary finance issues by January 1, 2002. A final report must be submitted by January 1, 2003.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 2001.

ARTICLE 7

FELONY DRIVING WHILE IMPAIRED PROVISIONS

Section 1. [8.015] [CHARGES TO COUNTY.]

The attorney general must bill a county for the cost of services the attorney general provides to a county in a first-degree driving while impaired case under section 169A.24. Money received by the attorney general under this section must be deposited in the general fund.

Sec. 2. Minnesota Statutes 2000, section 169A.03, is amended by adding a subdivision to read:

Subd. 7a. [FELONY.] "Felony" means a crime for which a person may be sentenced to imprisonment for not more than seven years, or to payment of a fine of not more than \$14,000, or both.

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

Subd. 3. [SENTENCE.] A person who violates this section may be sentenced as provided in section 169A.24 (first-degree driving while impaired), 169A.25 (first-degree second-degree driving while impaired), 169A.26 (second-degree third-degree driving while impaired), or 169A.27 (third-degree fourth-degree driving while impaired).

Sec. 4. [169A.24] [FIRST-DEGREE DRIVING WHILE IMPAIRED.]

Subdivision 1. [DEGREE DESCRIBED.] A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

- (1) commits the violation within ten years of the first of three or more prior impaired driving convictions; or
- (2) has previously been convicted of a felony under this section.

Subd. 2. [CRIMINAL PENALTY.] A person who commits first-degree driving while impaired is guilty of a felony and may be sentenced to imprisonment for not more than seven years, or to payment of a fine of not more than \$14,000, or both. The person is subject to the mandatory penalties described in section 169A.276.

Sec. 5. Minnesota Statutes 2000, section 169A.25, is amended to read:

169A.25 [~~FIRST-DEGREE~~ SECOND-DEGREE DRIVING WHILE IMPAIRED.]

Subdivision 1. [DEGREE DESCRIBED.] A person who violates section 169A.20 (driving while impaired) is guilty of ~~first-degree~~ second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

Subd. 2. [CRIMINAL PENALTY.] ~~First-degree~~ Second-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

Sec. 6. Minnesota Statutes 2000, section 169A.26, is amended to read:

169A.26 [~~SECOND-DEGREE~~ THIRD-DEGREE DRIVING WHILE IMPAIRED.]

Subdivision 1. [DEGREE DESCRIBED.] A person who violates section 169A.20 (driving while impaired) is guilty of ~~second-degree~~ third-degree driving while impaired if one aggravating factor was present when the violation was committed.

Subd. 2. [CRIMINAL PENALTY.] ~~Second-degree~~ Third-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

Sec. 7. Minnesota Statutes 2000, section 169A.27, is amended to read:

169A.27 [~~THIRD-DEGREE~~ FOURTH-DEGREE DRIVING WHILE IMPAIRED.]

Subdivision 1. [DEGREE DESCRIBED.] A person who violates section 169A.20 (driving while impaired) is guilty of ~~third-degree~~ fourth-degree driving while impaired.

Subd. 2. [CRIMINAL PENALTY.] ~~Third-degree~~ Fourth-degree driving while impaired is a misdemeanor.

Sec. 8. Minnesota Statutes 2000, section 169A.275, subdivision 3, is amended to read:

Subd. 3. [FOURTH OFFENSE.] (a) Except as otherwise provided in section 169A.276, the court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of three qualified prior impaired driving incidents to either:

(1) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility; or

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility.

(b) The court may order that the person serve not more than 150 days of the minimum penalty under paragraph (a), clause (1), on home detention or in an intensive probation program described in section 169A.74. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

Sec. 9. Minnesota Statutes 2000, section 169A.275, subdivision 5, is amended to read:

Subd. 5. [LEVEL OF CARE RECOMMENDED IN CHEMICAL USE ASSESSMENT.] In addition to other penalties required under this section, the court shall order a person to submit to the level of care recommended in the chemical use assessment conducted under section 169A.70 (alcohol safety program; chemical use assessments) if the person is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense or if the violation occurs within ten years of one ~~or more~~, two, or three qualified prior impaired driving incidents.

Sec. 10. [169A.276] [MANDATORY PENALTIES; FELONY VIOLATIONS.]

Subdivision 1. [MANDATORY PRISON SENTENCE.] (a) The court shall sentence a person convicted of violating section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than \$14,000.

(b) The court may stay execution of this mandatory sentence as provided in subdivision 2, but may not stay imposition of the sentence or impose a sentence that has a duration of less than three years.

(c) When the court imposes an executed sentence under this subdivision, it shall require the commissioner of corrections to release the person from prison before completion of two-thirds of the prison sentence if the person:

(1) has served at least one-third of the prison sentence, plus any disciplinary confinement time imposed for violating the commissioner's rules or orders; and

(2) has successfully completed a chemical dependency treatment program while in prison. The chemical dependency treatment program shall meet the licensing standards contained in sections 245A.01 to 245A.06.

(d) The court also shall provide that the commissioner may release the person up to 60 days before having served one-third of the prison sentence if the commissioner places the person in a work release program administered or approved by the commissioner.

(e) A person who is granted early release under this subdivision shall serve the entire conditional release term imposed under paragraph (f).

(f) Notwithstanding the statutory maximum sentence provided in section 169A.24, when the court imposes an executed sentence under this subdivision, it shall provide that after the person has been released from prison the commissioner of corrections shall place the person on conditional release for five years. The commissioner shall impose any conditions of release that the commissioner deems appropriate including, but not limited to, successful completion of an intensive probation program as described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders). If the person fails to comply with any condition of release, the commissioner may revoke the person's conditional release and order the person to serve all or part of the remaining portion of the conditional release term in prison. The commissioner may not dismiss the person from supervision before the conditional release term expires.

Subd. 2. [STAY OF MANDATORY SENTENCE.] The provisions of section 169A.283 apply if the court stays execution of the sentence under subdivision 1.

Subd. 3. [DRIVER'S LICENSE REVOCATION; NO STAY PERMITTED.] The court may not stay the execution of the driver's license revocation provisions of section 169A.54 (impaired driving convictions and adjudications; administrative penalties).

Sec. 11. Minnesota Statutes 2000, section 169A.283, subdivision 1, is amended to read:

Subdivision 1. [STAY AUTHORIZED.] Except as otherwise provided in ~~section~~ sections 169A.275 (mandatory penalties; nonfelony violations) and 169A.276 (mandatory penalties; felony violations), when a court sentences a person convicted of a violation of section 169A.20 (driving while impaired), the court may stay execution of the criminal sentence described in section ~~169A.25 169A.24~~ (first-degree driving while impaired), ~~169A.26 169A.25~~ (second-degree driving while impaired), ~~or 169A.27 169A.26~~ (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired) on the condition that the convicted person submit to the level of care recommended in the chemical use assessment report required under section 169A.70 (alcohol safety programs; chemical use assessments). If the court does not order a level of care in accordance with the assessment report recommendation as a condition of a stay of execution, it shall state on the record its reasons for not following the assessment report recommendation.

Sec. 12. Minnesota Statutes 2000, section 169A.40, subdivision 3, is amended to read:

Subd. 3. [FIRST-DEGREE AND SECOND-DEGREE DWI OFFENDERS; CUSTODIAL ARREST.] Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for violating section 169A.20 (driving while impaired), shall arrest and take the person into custody if the officer has reason to believe the violation occurred under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (first-degree second-degree driving while impaired). The person shall be detained until the person's first court appearance.

Sec. 13. Minnesota Statutes 2000, section 169A.63, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52; within ten years of the first of two or more qualified prior impaired driving incidents.

(d) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (first-degree second-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(e) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

(f) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 14. [STUDY.]

By January 15, 2004, and each year thereafter through January 15, 2007, the commissioner of corrections must report to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice and judiciary finance issues on the implementation and effects of the felony level driving while impaired offense. The report must include the following information on felony level driving while impaired offenses:

(1) the number of persons convicted;

(2) the number of trials taken to verdict, separating out cases tried to a judge versus cases tried to a jury, and the number of convictions for each;

(3) the number of offenders incarcerated locally and the term of incarceration;

(4) the number placed on probation and the length of the probation;

(5) the number for whom probation is revoked, the reasons for revocation, and the consequences imposed;

(6) the number given an executed prison sentence upon conviction and the length of the sentence;

(7) the number given an executed prison sentence upon revocation of probation and the length of sentence;

(8) the number who successfully complete treatment and the number released early as a result;

(9) the number placed on intensive supervision following release from incarceration;

(10) the number who violate supervised release and the consequences imposed; and

(11) any other information the commissioner deems relevant to estimating future costs.

Sec. 15. [SUPERVISION LEVEL.]

Nothing in this article requires a different level of supervision for offenders than is currently required by law.

Sec. 16. [FELONY DRIVING WHILE IMPAIRED APPROPRIATIONS.]

Subdivision 1. [TOTAL APPROPRIATION.] \$3,356,000 is appropriated from the general fund to the agencies and for the purposes specified in this article, to be available for the fiscal year ending June 30, 2003. The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. [CORRECTIONS.] (a) \$2,844,000 is appropriated to the department of corrections. The amounts that may be spent from this appropriation for each program are specified in the following paragraphs.

(b) \$2,255,000 is appropriated to correctional institutions for increased costs due to the bed impact of the felony-level driving while impaired penalty.

(c) \$589,000 is appropriated for community services. Of this amount, \$169,000 is for increased community supervision costs due to the felony-level driving while impaired penalty, and \$420,000 is for increased work release costs due to the felony-level driving while impaired penalty.

Subd. 3. [PUBLIC SAFETY.] \$84,000 is appropriated to the bureau of criminal apprehension for increased costs associated with providing trial support due to the felony-level driving while impaired penalty.

Subd. 4. [DISTRICT COURTS.] \$257,000 is appropriated to the district courts. Of this amount, \$240,000 is for hiring retired judges to help with increased caseload demand due to the felony-level driving while impaired penalty, and \$17,000 is for increased jury costs due to the felony-level driving while impaired penalty.

Subd. 5. [COURT OF APPEALS.] \$46,000 is appropriated to the court of appeals for costs associated with increased appeals due to the felony-level driving while impaired penalty.

Subd. 6. [BOARD OF PUBLIC DEFENSE.] \$125,000 is appropriated to the board of public defense for costs associated with increased trials and appeals due to the felony-level driving while impaired penalty.

Sec. 17. [REPEALER.]

Minnesota Statutes 2000, section 169A.275, subdivision 4, is repealed.

Sec. 18. [EFFECTIVE DATE.]

This article is effective July 1, 2002, and applies to crimes committed on or after that date.

ARTICLE 8

CORRECTIONS PROVISIONS

Section 1. Minnesota Statutes 2000, section 241.272, subdivision 6, is amended to read:

Subd. 6. [USE OF FEES.] Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is provided. These fees may only be used in accordance with section 244.18, subdivision 6.

Sec. 2. Minnesota Statutes 2000, section 242.192, is amended to read:

242.192 [CHARGES TO COUNTIES.]

(a) Until June 30, ~~2001~~ 2002, the commissioner shall charge counties or other appropriate jurisdictions ~~65~~ 80 percent of the per diem cost of confinement, excluding educational costs and nonbillable service, of juveniles at the Minnesota correctional facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to juveniles committed to the commissioner of corrections and juveniles admitted to the Minnesota correctional facility-Red Wing under established admissions criteria. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall determine the per diem cost of confinement based on projected population, pricing incentives, market conditions, and the requirement that expense and revenue balance out over a period of two years. All money received under this section must be deposited in the state treasury and credited to the general fund.

(b) Until June 30, ~~2001~~ 2002, the department of corrections shall be responsible for ~~35~~ 20 percent of the per diem cost of confinement described in this section.

Sec. 3. Minnesota Statutes 2000, section 243.51, subdivision 1, is amended to read:

Subdivision 1. [CONTRACTING WITH OTHER STATES AND FEDERAL GOVERNMENT.] The commissioner of corrections is hereby authorized to contract with agencies and bureaus of the United States and with the proper officials of other states or a county of this state for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of this state, the United States, or other states of the United States. Such contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved, and, to the extent possible, require payment to the department of corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that the facility is at or near capacity. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States. Nothing herein shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Sec. 4. Minnesota Statutes 2000, section 243.51, subdivision 3, is amended to read:

Subd. 3. [TEMPORARY DETENTION.] The commissioner of corrections is authorized to contract with agencies and bureaus of the United States and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved, and, to the extent possible, require payment to the department of corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that the facility is at or near capacity.

Sec. 5. [FINDINGS.]

The legislature finds that entering into the updated interstate compact on adult offenders, as proposed by the council of state governments, is of vital importance to the safety of the people of Minnesota. In the interest of public safety, the legislature needs to be fully informed of the advantages and disadvantages of entering into the compact and implementing it in Minnesota. The commissioner of corrections is charged with the duty to develop and implement policies regarding offenders on probation or supervised release that protect the best interests of the public. The commissioner of corrections is in the best position to fully inform the legislature of the impact of entering into, or not entering into, the compact and to analyze whether the state should give its full support and cooperation to this important venture.

Sec. 6. [LEGISLATIVE RECOMMENDATIONS; STATE POLICY PLAN.]

By December 1, 2001, the commissioner of corrections must submit legislative recommendations to the chairs and ranking minority members of the house and senate committees having jurisdiction over crime prevention and judiciary finance issues regarding the impact of entering into, or not entering into, the updated interstate compact on adult offenders, as proposed by the council of state governments. The commissioner must consult with other professionals in the corrections field and must consult with states that both have and have not entered into the compact. The commissioner must develop a plan for state policy in regard to handling interstate transfers of adult offenders. The commissioner must be prepared to act on and implement the recommendations and plan in 2002. In developing the legislative recommendations and state policy plan, the commissioner must consider fiscal impacts. Any costs associated with developing the legislative recommendations and state policy plan under this section must be absorbed within the commissioner's current budget.

Sec. 7. [CHRONIC OFFENDER PILOT PROJECT.]

(a) The Hennepin county community corrections department must administer a 12-month pilot project for chronic offenders. The pilot project must define and identify chronic offenders within Hennepin county who will be subject to the pilot project. When applicable and appropriate, the pilot project must provide the following for chronic offenders:

(1) quicker and more consistent consequences;

(2) graduated sanctions for repeated offenses;

(3) multidisciplinary assessments;

(4) appropriate mental and chemical health interventions;

(5) active supervision by community-based probation officers;

(6) immediate placement in sentence to service work crews; and

(7) cognitive behavioral intervention through group therapy for selected chronic offenders at the Hennepin county adult correctional facility.

(b) Probation officers supervising chronic offenders under paragraph (a), clause (5), may not be assigned more than 45 offenders at any given time.

(c) By January 15, 2003, the director of the Hennepin county department of community corrections shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the results of the project. The report must include information on the general characteristics of the chronic offender population in Hennepin county and compare recidivism data on offenders subject to the pilot project to those not subject to it.

(d) For the purpose of the pilot and the required report, Hennepin county staff shall have access to any and all information maintained by any state agencies, political subdivisions, or other governmental agencies, including criminal justice agencies, regarding persons identified as chronic offenders in Hennepin county during the term of the project. This includes any data classified in chapter 13 or other law as private or confidential, as defined in Minnesota Statutes, section 13.02.

Any data obtained by Hennepin county community corrections during the term of the project must be used only for the purposes of the chronic offender pilot and research associated with it and will retain the classification given to it by statute or the originating agency.

Sec. 8. [OFFICE ABOLISHED.]

The office of ombudsman for the state department of corrections is hereby abolished.

Sec. 9. [REPEALER.]

Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; and 241.45 are repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective July 1, 2001.

ARTICLE 9

DOMESTIC VIOLENCE PROVISIONS

Section 1. Minnesota Statutes 2000, section 518B.01, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear of imminent physical harm, bodily injury, or assault; or

(3) terroristic threats, within the meaning of section 609.713, subdivision 1, ~~or~~; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, or 609.345; interference with an emergency call within the meaning of section 609.78, subdivision 2.

(b) "Family or household members" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

(c) "Qualified domestic violence-related offense" has the meaning given in section 609.02, subdivision 16.

Sec. 2. Minnesota Statutes 2000, section 518B.01, subdivision 3, is amended to read:

Subd. 3. [COURT JURISDICTION.] An application for relief under this section may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred. There are no residency requirements that apply to a petition for an order for protection. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence in the action in the same manner and subject to the same limitations provided in section 518.13. Actions under this section shall be given docket priorities by the court.

Sec. 3. Minnesota Statutes 2000, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;
- (4) award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court shall condition or restrict parenting time as to time, place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and parenting time shall in no way delay the issuance of an order for protection granting other relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;
- (5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;
- (6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;
- (7) order the abusing party to participate in treatment or counseling services, including requiring the abusing party to successfully complete a domestic abuse counseling program or educational program under section 518B.12;
- (8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;
- (10) order the abusing party to pay restitution to the petitioner;
- (11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff, constable, or other law enforcement or corrections officer as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 4. Minnesota Statutes 2000, section 518B.01, subdivision 14, is amended to read:

Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous qualified domestic violence-related offense conviction ~~under this subdivision; sections 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3; 609.748, subdivision 6; 609.749; or a similar law of another state; the District of Columbia, tribal lands, or United States territories;~~ and the end of the five years following discharge from sentence for that ~~conviction offense~~. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision:

(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions ~~under this section or sections 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3; 609.748, subdivision 6; 609.749; or a similar law of another state; the District of Columbia, tribal lands, or United States territories;~~ and the end of the five years following discharge from sentence for that ~~conviction offense~~; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knowingly violated the order. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order but shall be given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Sec. 5. [518B.12] [DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM REQUIRED.]

Subdivision 1. [COURT-ORDERED DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM.] If the court stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation, the court shall order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling program or educational program.

Sec. 6. Minnesota Statutes 2000, section 609.02, is amended by adding a subdivision to read:

Subd. 16. [QUALIFIED DOMESTIC VIOLENCE-RELATED OFFENSE.] "Qualified domestic violence-related offense" includes the following offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6, (violation of restraining order); and 609.749 (harassment/stalking); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

Sec. 7. Minnesota Statutes 2000, section 609.224, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication offense, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state~~, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 8. Minnesota Statutes 2000, section 609.224, subdivision 4, is amended to read:

Subd. 4. [FELONY.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state~~, and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state~~, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 9. Minnesota Statutes 2000, section 609.2242, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] Whoever violates subdivision 1 during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state~~, against a family or household member as defined in section 518B.01, subdivision 2, and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 10. Minnesota Statutes 2000, section 609.2242, subdivision 4, is amended to read:

Subd. 4. [FELONY.] Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state~~ and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 11. Minnesota Statutes 2000, section 609.748, subdivision 6, is amended to read:

Subd. 6. [VIOLATION OF RESTRAINING ORDER.] (a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates the order during the time period between a previous qualified domestic violence-related offense conviction ~~under this subdivision; sections 609.221 to 609.224; 609.2242; 518B.01, subdivision 14; 609.713, subdivisions 1 or 3; or 609.749;~~ and the end of the five years following discharge from sentence for that ~~conviction~~ offense.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates the order:

(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions ~~under this subdivision or sections 518B.01, subdivision 14; 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3; 609.749;~~ and the end of the five years following discharge from sentence for that ~~conviction~~ offense;

(2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin;

(3) by falsely impersonating another;

(4) while possessing a dangerous weapon;

(5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

(f) A violation of a temporary restraining order or restraining order shall also constitute contempt of court.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated an order issued under subdivision 4 or 5, the court may issue an order to the respondent requiring the respondent to appear within 14 days and show cause why the respondent should not be held in contempt of court. The court also shall refer the violation of the order to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

Sec. 12. Minnesota Statutes 2000, section 609.748, subdivision 8, is amended to read:

Subd. 8. [NOTICE.] An order granted under this section [must contain a conspicuous notice to the respondent:

(1) of the specific conduct that will constitute a violation of the order;

(2) that violation of an order ~~is~~ may be (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700, or both, ~~and that a subsequent violation is~~ (ii) a gross misdemeanor punishable by imprisonment for up to one year or a fine of up to \$3,000, or both, or (iii) a felony punishable by imprisonment for up to five years or a fine of up to \$10,000, or both; and

(3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

Sec. 13. Minnesota Statutes 2000, section 609.749, subdivision 4, is amended to read:

Subd. 4. [SECOND OR SUBSEQUENT VIOLATIONS; FELONY.] A person is guilty of a felony who violates any provision of subdivision 2 during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~under this section; sections 609.221 to 609.2242; 518B.01, subdivision 14; 609.748, subdivision 6; or 609.713, subdivision 1 or 3; or a similar law from another state~~ and the end of the ten years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense.

Sec. 14. Minnesota Statutes 2000, section 609.749, subdivision 5, is amended to read:

Subd. 5. [PATTERN OF HARASSING CONDUCT.] (a) A person who engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of harassing conduct" means two or more acts within a five-year period that violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories:

- (1) this section;
- (2) section 609.713;
- (3) section 609.224;
- (4) section 609.2242;
- (5) section 518B.01, subdivision 14;
- (6) section 609.748, subdivision 6;
- (7) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7);
- (8) section 609.79;
- (9) section 609.795;
- (10) section 609.582;
- (11) section 609.595; or
- (12) section 609.765.

(c) When acts constituting a violation of this subdivision are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts constituting the pattern.

Sec. 15. Minnesota Statutes 2000, section 611A.201, subdivision 2, is amended to read:

Subd. 2. [DIRECTOR'S RESPONSIBILITIES.] The director shall have the following duties:

- (1) advocate for the rights of victims of domestic violence and sexual assault;
- (2) increase public education and visibility about the prevention of domestic violence and sexual assault;

(3) encourage accountability regarding domestic violence and sexual assault at all levels of the system, and develop recommendations to improve accountability when the system fails;

(4) support prosecution and civil litigation efforts regarding domestic violence and sexual assault at the federal and state levels;

(5) study issues involving domestic violence and sexual assault as they pertain to both men and women and present findings and recommendations resulting from these studies to all branches of government;

(6) initiate policy changes regarding domestic violence and sexual assault at all levels of government;

~~(6)~~ (7) coordinate existing resources and promote coordinated and immediate community responses to better serve victims of domestic violence and sexual assault;

~~(7)~~ (8) build partnerships among law enforcement, prosecutors, defenders, advocates, and courts to reduce the occurrence of domestic violence and sexual assault;

~~(8)~~ (9) encourage and support the efforts of health care providers, mental health experts, employers, educators, clergy members, and others, in raising awareness of and addressing how to prevent domestic violence and sexual assault;

~~(9)~~ (10) coordinate and maximize the use of federal, state, and local resources available to prevent domestic violence and sexual assault and leverage more resources through grants and private funding; and

~~(10)~~ (11) serve as a liaison between the executive director of the center for crime victim services and the commissioner of health with regard to the department of health's sexual violence prevention program funded by federal block grants, and oversee how this money is spent.

Sec. 16. Minnesota Statutes 2000, section 611A.32, is amended by adding a subdivision to read:

Subd. 3a. [SCOPE OF PROGRAMS.] A public or private nonprofit agency that receives a grant under section 611A.32 or 611A.37 may use the grant to fund gender-specific programs.

Sec. 17. Minnesota Statutes 2000, section 629.72, is amended to read:

629.72 [BAIL IN CASES OF DOMESTIC ASSAULT OR ABUSE, HARASSMENT, VIOLATION OF AN ORDER FOR PROTECTION, OR VIOLATION OF A DOMESTIC ABUSE NO CONTACT ORDER.]

Subdivision 1. ~~[DEFINITION; ALLOWING DETENTION IN LIEU OF CITATION; RELEASE DEFINITIONS.]~~ (a) For purposes of this section, the following terms have the meanings given them.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Harassment" has the meaning given in section 609.749.

(d) "Violation of a domestic abuse no contact order" has the meaning given in section 518B.01, subdivision 22.

(e) "Violation of an order for protection" has the meaning given in section 518B.01, subdivision 14.

~~(b)~~ Subd. 1a. [ALLOWING DETENTION IN LIEU OF CITATION; RELEASE.] (a) Notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with harassment ~~or charged with~~ domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order.

~~(c)~~ (b) Notwithstanding any other law or rule, an individual who is arrested on a charge of harassing any person ~~or of~~ domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order, must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation release of the person (1) poses a threat to the alleged victim or another family or household member, (2) poses a threat to public safety, or (3) involves a substantial likelihood the arrested person will fail to appear at subsequent proceedings.

~~(d)~~ (c) If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, the arrested person must be brought before the nearest available judge of the district court in the county in which the alleged harassment ~~or~~ domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order took place without unnecessary delay as provided by court rule.

Subd. 2. [JUDICIAL REVIEW; RELEASE; BAIL.] (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order. The prosecutor or ~~other appropriate person~~ prosecutor's designee shall present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. ~~The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged harassment or domestic abuse, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.~~ In making a decision concerning pretrial release conditions of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall review the facts of the arrest and detention of the person and determine whether: (1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or (2) there is a substantial likelihood the person will fail to appear at subsequent proceedings. Before releasing a person arrested for or charged with a crime of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall make findings on the record, to the extent possible, concerning the determination made in accordance with the factors specified in clauses (1) and (2).

(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:

(1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;

(2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;

(3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;

(4) prohibiting the person from possessing a firearm or other weapon specified by the court;

(5) prohibiting the person from possessing or consuming alcohol or controlled substances; and

(6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

~~(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged harassment or domestic abuse, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. (c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.~~

~~(e)~~ (d) If the judge imposes as a condition of release a requirement that the person have no contact with the alleged victim ~~of the alleged harassment or domestic abuse~~, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

Subd. 2a. [ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE.] (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), district courts in the tenth judicial district may order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The courts shall make data on the use of electronic monitoring devices to protect a victim's safety in the tenth judicial district available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse.

Subd. 3. [RELEASE.] If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed by court rule, the arrested person shall be released by the arresting authorities, and a citation must be issued in lieu of continued detention.

Subd. 4. [SERVICE OF RESTRAINING ORDER OR ORDER FOR PROTECTION.] If a restraining order is issued under section 609.748 or an order for protection is issued under section 518B.01 while the arrested person is still in detention, the order must be served upon the arrested person during detention if possible.

Subd. 5. [VIOLATIONS OF CONDITIONS OF RELEASE.] The judge who released the arrested person shall issue a warrant directing that the person be arrested and taken immediately before the judge, if the judge:

- (1) receives an application alleging that the arrested person has violated the conditions of release; and
- (2) finds that probable cause exists to believe that the conditions of release have been violated.

Subd. 6. [NOTICE REGARDING RELEASE OF ARRESTED PERSON.] (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make

a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

- (1) the conditions of release, if any;
 - (2) the time of release;
 - (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
 - (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.
- (b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

Subd. 7. [NOTICE TO VICTIM REGARDING BAIL HEARING.] When a person arrested for or a juvenile detained for domestic assault or harassment is scheduled to be reviewed under subdivision 2 for release from pretrial detention, the court shall make a reasonable good faith effort to notify: (1) the victim of the alleged crime; (2) if the victim is incapacitated or deceased, the victim's family; and (3) if the victim is a minor, the victim's parent or guardian. The notification must include:

- (a) the date and approximate time of the review;
- (b) the location where the review will occur;
- (c) the name and telephone number of a person that can be contacted for additional information; and
- (d) a statement that the victim and the victim's family may attend the review.

Sec. 18. [STUDY; INTERAGENCY TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT PREVENTION.]

The interagency task force on domestic violence and sexual assault prevention is directed to study issues related to gender and domestic violence and to assess the needs of male victims of domestic violence including false assault accusations. By January 15, 2002, the director of prevention of domestic violence and sexual assault shall report to the chairs and ranking minority members of the house and senate committees with jurisdiction over criminal justice policy and funding on the task force's study, findings, and recommendations.

Sec. 19. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall delete the phrases "battered women" and "battered women's" wherever they appear in the next edition of Minnesota Statutes and Minnesota Rules and change them to or maintain references to "domestic abuse victims" or "domestic abuse." The revisor of statutes shall not delete or change any references in statute to the "Minnesota Coalition for Battered Women."

Sec. 20. [REPEALER.]

Minnesota Statutes 2000, section 609.2244, subdivision 4, is repealed.

Sec. 21. [EFFECTIVE DATES.]

Sections 1, 4, and 6 to 14 are effective August 1, 2001, and apply to crimes committed on or after that date. The remaining sections are effective July 1, 2001.

ARTICLE 10

MISCELLANEOUS AND TECHNICAL PROVISIONS

Section 1. Minnesota Statutes 2000, section 8.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] The attorney general, or any deputy, assistant, or special assistant attorney general whom the attorney general authorizes in writing, has the authority in any county of the state to subpoena and require the production of any records of telephone companies, cellular phone companies, paging companies, the names and addresses of subscribers of private computer networks including Internet service providers or computer bulletin board systems, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, pawn shops, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, self-service storage facilities, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery, and records of the existence of safe deposit box account numbers and customer savings and checking account numbers maintained by financial institutions and safe deposit companies. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Sec. 2. Minnesota Statutes 2000, section 169A.03, subdivision 12, is amended to read:

Subd. 12. [MISDEMEANOR.] "Misdemeanor" means a crime for which a person may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than ~~\$700~~ \$1,000, or both.

Sec. 3. Minnesota Statutes 2000, section 629.471, subdivision 2, is amended to read:

Subd. 2. [QUADRUPLE FINE.] (a) For offenses under sections 169.09, 169A.20, 171.24, ~~paragraph (c) subdivision 5, 609.2231, subdivision 2, 609.487, and 609.525~~, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

(b) Unless the court imposes the conditions of release specified in section 169A.44, the court must impose maximum bail when releasing a person from detention who has been charged with violating section 169A.20 if the person has three or more prior impaired driving convictions within the previous ten years. As used in this subdivision, "prior impaired driving conviction" has the meaning given in section 169A.03.

Sec. 4. [FEE INCREASE APPROVAL; PRIVATE DETECTIVES BOARD.]

Fee increases proposed for the private detectives board by the governor in the 2002-2003 criminal justice biennial budget document are approved.

Sec. 5. [EFFECTIVE DATES.]

Sections 1, 3, and 5 are effective July 1, 2001. Sections 2 and 4 are effective August 1, 2001, and apply to crimes committed on or after that date.

ARTICLE 11

DWI TECHNICAL PROVISIONS

Section 1. Minnesota Statutes 2000, section 169A.03, is amended by adding a subdivision to read:

Subd. 1a. [ALCOHOL BY VOLUME.] For purposes of this chapter only, "alcohol by volume" means milliliters of alcohol per 100 milliliters of beverage.

Sec. 2. Minnesota Statutes 2000, section 169A.03, is amended by adding a subdivision to read:

Subd. 1b. [ALCOHOL BY WEIGHT.] For purposes of this chapter only, "alcohol by weight" means grams of alcohol per 100 grams of beverage.

Sec. 3. Minnesota Statutes 2000, section 169A.277, subdivision 2, is amended to read:

Subd. 2. [MONITORING REQUIRED.] When the court sentences a person described in subdivision 1 to a stayed sentence and when electronic monitoring equipment is available to the court, the court shall require that the person participate in a program of electronic alcohol monitoring in addition to any other conditions of probation or jail time it imposes. ~~During the first one-third of the person's probationary term, the electronic alcohol monitoring must be continuous and involve measurements of the person's alcohol concentration at least three times a day. During the remainder of the person's probationary term, the electronic alcohol monitoring may be intermittent, as determined by the court. The court must order the monitoring for a minimum of 30 consecutive days during each year of the person's probationary period.~~

Sec. 4. Minnesota Statutes 2000, section 169A.28, subdivision 2, is amended to read:

Subd. 2. [PERMISSIVE CONSECUTIVE SENTENCES; MULTIPLE OFFENSES.] (a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b) and (c).

(b) When a person is being sentenced for a violation of section 171.20 (operation after revocation, suspension, cancellation, or disqualification), 171.24 (driving without valid license), or 171.30 (violation of condition of limited license), the court may not impose a consecutive sentence for another violation of a provision in chapter 171 (drivers' licenses and training schools).

(c) When a person is being sentenced for a violation of section 169.791 (failure to provide proof of insurance) or 169.797 (failure to provide vehicle insurance), the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135 (stay of imposition or execution of sentence).

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions within the past ten years:

(1) section 169A.20, subdivision 1 (driving while impaired; impaired driving offenses);

(2) section 169A.20, subdivision 2 (driving while impaired; test refusal offense);

(3) section 169.791;

~~(3)~~ (4) section 169.797;

~~(4)~~ (5) section 171.09 (violation of condition of restricted license);

(6) section 171.20, subdivision 2 (operation after revocation, suspension, cancellation, or disqualification);

~~(5)~~ (7) section 171.24; and

~~(6)~~ (8) section 171.30.

Sec. 5. Minnesota Statutes 2000, section 169A.37, subdivision 1, is amended to read:

Subdivision 1. [CRIME DESCRIBED.] It is a crime for a person ~~to~~:

(1) to fail to comply with an impoundment order under section 169A.60 (administrative plate impoundment);

(2) to file a false statement under section 169A.60, subdivision 7 ~~or~~ 8, or 14;

(3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under section 169A.60, unless specially coded plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13; or

(4) to fail to notify the commissioner of the impoundment order when requesting new plates;

(5) who is subject to a plate impoundment order under section 169A.60, to drive, operate, or be in control of any motor vehicle during the impoundment period, unless the vehicle has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person is validly licensed to drive; or

(6) who is the transferee of a motor vehicle and who has signed a sworn statement under section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period.

Sec. 6. Minnesota Statutes 2000, section 169A.41, subdivision 2, is amended to read:

Subd. 2. [USE OF TEST RESULTS.] The results of this preliminary screening test must be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used in any court action except the following:

(1) to prove that a test was properly required of a person pursuant to section 169A.51, subdivision 1;

(2) in a civil action arising out of the operation or use of the motor vehicle;

(3) in an action for license reinstatement under section 171.19;

(4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while impaired; test refusal);

(5) in a prosecution or juvenile court proceeding concerning a violation of section 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause (2) (underage alcohol consumption);

~~(5)~~ (6) in a prosecution under section 169A.31, (alcohol-related school or Head Start bus driving); or 171.30 (limited license); or

~~(6)~~ (7) in a prosecution for a violation of a restriction on a driver's license under section 171.09, which provides that the license holder may not use or consume any amount of alcohol or a controlled substance.

Sec. 7. Minnesota Statutes 2000, section 169A.51, subdivision 7, is amended to read:

Subd. 7. [REQUIREMENTS FOR CONDUCTING TESTS; LIABILITY.] (a) Only a physician, medical technician, ~~physician's trained mobile intensive care paramedic~~ emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. This limitation does not apply to the taking of a breath or urine sample.

(b) The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person does not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, ~~physician's trained mobile intensive care paramedic~~ emergency medical technician-paramedic, medical technologist, medical laboratory technician, laboratory assistant, or registered nurse drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, controlled substances, or hazardous substances is in no manner liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test must be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

Sec. 8. Minnesota Statutes 2000, section 169A.54, subdivision 6, is amended to read:

Subd. 6. [APPLICABILITY OF IMPLIED CONSENT REVOCATION.] ~~Except for a person whose license has been revoked under subdivision 2, and except for a person convicted of a violation of section 169A.20 (driving while impaired) while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender,~~ (a) Any person whose license has been revoked pursuant to section 169A.52 (license revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21);

(2) a person charged with violating section 169A.20 (driving while impaired) with the aggravating factor of having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances; or

(3) a person charged with violating section 169A.20 (driving while impaired) with the aggravating factor of having a child under the age of 16 in the vehicle and the child is more than 36 months younger than the offender, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances.

Sec. 9. Minnesota Statutes 2000, section 169A.60, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or ~~a~~ an off-road recreational vehicle.

(c) "Plate impoundment violation" includes:

(1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or a conforming ordinance from this state or a conforming statute or ordinance from another state, that results in the revocation of a person's driver's license or driving privileges, within ten years of a qualified prior impaired driving incident;

(2) a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 within ten years of a qualified prior impaired driving incident;

(3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense;

(4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; and

(5) a violation of section 171.24 (driving without valid license) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public safety).

(d) "Significant relationship" has the same meaning as given in section 609.341, subdivision 15, and includes any person with whom the actor regularly associates and communicates outside of a workplace setting.

(e) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the plate impoundment violation occurred.

Sec. 10. Minnesota Statutes 2000, section 169A.60, subdivision 13, is amended to read:

Subd. 13. [SPECIAL REGISTRATION PLATES.] (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

(1) the violator has a qualified licensed driver whom the violator must identify;

(2) the violator or registered owner has a limited license issued under section 171.30;

(3) the registered owner is not the violator and the registered owner has a valid or limited driver's license; ~~or~~

(4) a member of the registered owner's household has a valid driver's license; or

(5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order and until the next regularly scheduled registration date following the impoundment period. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested.

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a vehicle for which the registration plates have been impounded if:

(1) the impoundment order is rescinded;

(2) the vehicle is transferred in compliance with subdivision 14; or

(3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency.

Sec. 11. Minnesota Statutes 2000, section 169A.60, subdivision 14, is amended to read:

Subd. 14. [SALE OF VEHICLE SUBJECT TO IMPOUNDMENT ORDER.] (a) A registered owner may not sell or transfer a motor vehicle during the time its registration plates have been ordered impounded or during the time its registration plates bear a special series number, unless:

(1) the sale is for a valid consideration;

(2) the transferee ~~does~~ and the registered owner:

(i) are not, and have not been, related by blood, adoption, or marriage;

(ii) do not reside in the same household as the registered owner; and

(iii) do not have, and have not had at any time, a significant relationship with one another;

(3) the transferee signs an acceptable sworn statement with the commissioner attesting that:

(i) the transferee and the violator do not have, and have not had at any time, a significant relationship with one another;

(ii) the transferee understands that the vehicle is subject to an impoundment order; and

(iii) it is a crime under section 169A.37 to file a false statement under this section or to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period; and

(4) all elements of section 168A.10 (transfer of interest by owner) are satisfied.

(b) If the conditions of paragraph (a) are satisfied, the registrar may ~~then~~ transfer the title to the new owner upon proper application and issue new registration plates for the vehicle.

Sec. 12. Minnesota Statutes 2000, section 171.09, is amended to read:

171.09 [COMMISSIONER MAY IMPOSE RESTRICTIONS.]

(a) The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(b) ~~It is unlawful for any person to operate~~ A person who drives, operates, or is in physical control of a motor vehicle ~~in any manner~~ while in violation of the restrictions imposed in a restricted driver's license issued to that person under paragraph (a) is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if other than clause (1), the person is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 ~~or~~, 169A.54, or 609.21, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 ~~or~~, 169A.54, or 609.21, shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) the remainder credited in a fiscal year to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

- (iv) the establishment of education programs for persons with traumatic brain injury; and
- (v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 14. Minnesota Statutes 2000, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (f) of this subdivision.

(b) When a person is being sentenced for a violation of section 171.09, 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(c) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169A.03 within the past ten years:

- (1) section 169A.20, subdivision 1, driving while impaired;
- (2) section 169A.20, subdivision 2, test refusal;
- (3) section 169.791, failure to provide proof of insurance;
- ~~(3)~~ (4) section 169.797, failure to provide vehicle insurance;
- ~~(4)~~ (5) section 171.09, violation of condition of restricted license;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- ~~(5)~~ (7) section 171.24, driving without valid license; and
- ~~(6)~~ (8) section 171.30, violation of condition of limited license.

(f) When a court is sentencing an offender for a violation of section 169A.20 and a violation of an offense listed in paragraph (e), and the offender has five or more qualified prior impaired driving incidents, as defined in section 169A.03, within the past ten years, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct.

Sec. 15. Minnesota Statutes 2000, section 626.52, is amended to read:

626.52 [REPORTING OF SUSPICIOUS WOUNDS AND ALCOHOL-RELATED OR CONTROLLED SUBSTANCE-RELATED ACCIDENTS BY HEALTH PROFESSIONALS.]

Subdivision 1. [DEFINITION.] As used in this section, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Subd. 2. [HEALTH PROFESSIONALS REQUIRED TO REPORT.] (a) A health professional shall immediately report, as provided under section 626.53, to the local police department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound the health professional is called upon to treat, dress, or bandage.

(b) A health professional shall report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.

(c) When asked by a peace officer during the course of treatment of a person, a health care professional must report to the officer the following information about the person who is being treated by the professional for an injury resulting from a motor vehicle, off-road recreational vehicle, motorboat, or airplane crash when there is any indication that the person has consumed alcohol or a controlled substance:

(1) the person's name;

(2) any observed indicia of alcohol or controlled substance consumption or impairment;

(3) any statements made by the person indicating any consumption of alcohol or a controlled substance; and

(4) the results of any laboratory tests performed on the person that indicate a blood alcohol level or the presence of a controlled substance in the person's body.

This paragraph must not be construed to require the health care professional to perform any additional laboratory or other diagnostic tests that would otherwise not be performed during the course of treatment, or to document any observations or conditions that would not otherwise be documented for examination and treatment purposes.

Subd. 3. [REPORTING BURNS.] A health professional shall file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The state fire marshal shall provide the form for the report.

Subd. 4. [IMMUNITY; CIVIL AND CRIMINAL.] Any person reporting in good faith and exercising due care has immunity from any liability, civil or criminal, that otherwise might result by reason of the person's actions pursuant to this section. No cause of action, civil or criminal, may be brought against any person for not making a report pursuant to this section.

Sec. 16. Minnesota Statutes 2000, section 626.55, subdivision 1, is amended to read:

Subdivision 1. Any person who violates any provision of sections 626.52 to 626.55, other than section 626.52, subdivision 2, paragraph (c); or 3, is guilty of a gross misdemeanor.

Sec. 17. [REPEALER.]

Minnesota Statutes 2000, section 626.55, subdivision 2, is repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 3 to 12 and 14 to 17 are effective August 1, 2001, and apply to crimes committed on or after that date. Section 13 is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public defense, human rights, corrections, public safety, crime victims, and related purposes; establishing and expanding grant programs, task forces, and pilot projects; requiring reports and studies; transferring, modifying, and expanding responsibility for various governmental responsibilities; providing procedures and policies for integrated criminal justice information systems; adopting various provisions relating to corrections; imposing, clarifying, and expanding certain criminal and civil provisions and penalties; making certain changes related to sex offenders and sex offender registration; providing for state funding of certain programs and personnel; abolishing the office of the ombudsman for corrections; eliminating the Camp Ripley weekend camp program; increasing certain fees and modifying the allocation of certain fees; establishing a theft prevention advisory board; establishing a felony-level penalty for driving while impaired; modifying certain policies and procedures relating to domestic violence; making technical changes to the driving while impaired laws; amending Minnesota Statutes 2000, sections 2.724, subdivision 3; 8.16, subdivision 1; 13.87, by adding a subdivision; 15A.083, subdivision 4; 169A.03, subdivision 12, by adding subdivisions; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275, subdivisions 3, 5; 169A.277, subdivision 2; 169A.28, subdivision 2; 169A.283, subdivision 1; 169A.37, subdivision 1; 169A.40, subdivision 3; 169A.41, subdivision 2; 169A.51, subdivision 7; 169A.54, subdivision 6; 169A.60, subdivisions 1, 13, 14; 169A.63, subdivision 1; 171.09; 171.29, subdivision 2; 241.272, subdivision 6; 242.192; 243.166, subdivisions 1, 3, 4a, 6; 243.167, subdivision 1; 243.51, subdivisions 1, 3; 299A.75, subdivision 1, by adding subdivisions; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299C.65, subdivisions 1, 2; 299F.058, subdivision 2; 343.20, by adding subdivisions; 343.21, subdivisions 9, 10, by adding a subdivision; 518B.01, subdivisions 2, 3, 6, 14; 609.02, by adding a subdivision; 609.035, subdivision 2; 609.117; 609.224, subdivisions 2, 4; 609.2242, subdivisions 2, 4; 609.487, subdivision 4; 609.495, subdivisions 1, 3; 609.521; 609.748, subdivisions 6, 8; 609.749, subdivisions 4, 5; 611.23; 611.272; 611A.201, subdivision 2; 611A.32, by adding a subdivision; 611A.74, subdivisions 1, 1a; 617.247, subdivisions 3, 4; 626.52; 626.55, subdivision 1; 629.471, subdivision 2; 629.72; Laws 1996, chapter 408, article 2, section 16; proposing coding for new law in Minnesota Statutes, chapters 8; 15A; 169A; 299A; 299C; 518; 518B; 609; 626; repealing Minnesota Statutes 2000, sections 169A.275, subdivision 4; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 243.166, subdivision 10; 609.2244, subdivision 4; 626.55, subdivision 2."

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

The report was adopted.

Holsten from the Committee on Environment and Natural Resources Finance to which was referred:

H. F. No. 766, A bill for an act relating to appropriations; appropriating money for environmental and natural resources purposes from the Minnesota future resources fund, the environment and natural resources trust fund, and the special revenue fund; proposing coding for new law in Minnesota Statutes, chapter 116P.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

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

SUMMARY BY FUND				
	2001	2002	2003	TOTAL
General		\$174,801,000	\$174,286,000	\$349,017,000
Petroleum Tank		3,511,000	3,616,000	7,127,000
State Government Special Revenue		47,000	48,000	95,000
Environmental		18,418,000	17,912,000	36,218,000
Solid Waste	500,000	7,494,000	7,729,000	15,223,000
Natural Resources		45,324,000	45,531,000	90,855,000
Game and Fish		79,374,000	80,511,000	159,885,000
Special Revenue		29,210,000	8,780,000	37,990,000
Metropolitan Landfill Contingency		7,100,000	-0-	7,100,000
Future Resources		14,815,000	340,000	15,155,000
Environmental and Natural Resources Trust Fund		17,239,000	17,238,000	34,477,000
Great Lakes Protection		87,000	-0-	87,000
Oil Overcharge		90,000	-0-	90,000
TOTAL	\$ 500,000	\$390,410,000	\$355,991,000	\$746,219,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Sec. 2. POLLUTION CONTROL AGENCY

Subdivision 1. Total Appropriation	\$57,912,000	\$52,404,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

General		17,038,000	18,210,000
Petroleum Tank		3,511,000	3,616,000
Special Revenue		5,848,000	6,049,000
State Government Special Revenue		47,000	48,000
Environmental		16,974,000	16,852,000
Solid Waste	500,000	7,394,000	7,629,000
Metropolitan Landfill Contingency		7,100,000	-0-

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Protection of the Water

14,823,000 15,129,000

Summary by Fund

General		11,032,000	11,138,000
Special Revenue		3,210,000	3,318,000
State Government Special Revenue		47,000	48,000
Environmental		534,000	625,000

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

\$1,841,000 the first year and \$1,841,000 the second year are for grants for county administration of the feedlot permit program. These amounts are transferred to the board of water and soil resources for disbursement in accordance with Minnesota Statutes, section 103B.3369, in cooperation with the pollution control agency. Grants must be matched with a combination of local cash and/or in-kind contributions. Counties receiving these grants shall

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

submit an annual report to the legislature and the pollution control agency regarding activities conducted under the grant, expenditures made, and local match contributions. First priority for funding shall be given to counties that have requested and received delegation from the pollution control agency for processing of animal feedlot permit applications under Minnesota Statutes, section 116.07, subdivision 7. For each year of the grant, delegated counties shall be eligible to receive an amount of either: (1) \$50 multiplied by the number of feedlots with greater than ten animal units as determined by (i) registration data under Minnesota Rules, part 7020.0350, (ii) if registration data are not yet complete, a level 1 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991, or (iii) if an inventory has not been completed, the number of livestock or poultry farms with sales greater than \$10,000, as reported in the 1997 Census of Agriculture, published by the United States Bureau of Census; or (2) \$80 multiplied by the number of feedlots with greater than ten animal units as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991. At a minimum, delegated counties are eligible to receive a grant of \$7,500 per year. To receive the additional funding that is based on the county feedlot inventory, the inventory information shall be current within the most recent four-year period and the county shall submit a copy of the inventory to the pollution control agency. Any remaining money is for distribution to all counties on a competitive basis through the challenge grant process for the conducting of feedlot inventories, development of delegated county feedlot programs, and for information and education or technical assistance efforts to reduce feedlot-related pollution hazards. Any money remaining after the first year is available for the second year.

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

Subd. 3. Protection of the Air

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

General	134,000	59,000
Environmental	7,456,000	7,689,000

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

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

Subd. 4. Protection of the Land

	10,722,000	11,007,000
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Summary by Fund

General	1,249,000	1,248,000
Petroleum Tank	2,218,000	2,270,000
Solid Waste	4,617,000	4,758,000
Special Revenue	2,638,000	2,731,000

\$200,000 the first year and \$200,000 the second year are from the solid waste fund to be transferred to the department of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities.

Subd. 5. Integrated Environmental Programs

	22,710,000	16,345,000
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APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

General	2,556,000	3,590,000
Petroleum Tank	1,293,000	1,346,000
Environmental	8,984,000	8,538,000
Solid Waste	2,777,000	2,871,000
Metropolitan Landfill		
Contingency	7,100,000	-0-

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$1,025,000 the second year is for the purposes of section 108. Twelve full-time equivalent positions are transferred from the office of environmental assistance to the pollution control agency in the second year.

Subd. 6. Administrative Support

2,067,000	2,175,000
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Subd. 7. Deficiency Appropriation for FLSA

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

Sec. 3. OFFICE OF ENVIRONMENTAL ASSISTANCE	21,883,000	-0-
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Summary by Fund

General	20,589,000	-0-
Environmental	1,294,000	-0-

\$14,008,000 each year is for a transfer to the department of revenue to distribute SCORE block grants to counties.

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

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

Sec. 4. ZOOLOGICAL BOARD	7,301,000	7,375,000
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Sec. 5. NATURAL RESOURCES

Subdivision 1. Total Appropriation	232,240,000	235,711,000
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Summary by Fund

General	108,732,000	110,268,000
Natural Resources	45,324,000	45,531,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Game and Fish	78,084,000	79,812,000
Solid Waste	100,000	100,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Mineral Resources Management

	6,985,000	7,082,000
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Summary by Fund

General	6,406,000	6,488,000
Natural Resources	152,000	156,000
Game and Fish	427,000	438,000

\$306,000 the first year and \$306,000 the second year are for iron ore cooperative research, of which \$200,000 the first year and \$200,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

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

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

Subd. 3. Water Resources Management

	11,699,000	11,584,000
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Summary by Fund

General	11,425,000	11,304,000
Natural Resources	274,000	280,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

\$50,000 the first year is for a grant to the Blue Earth county board under Minnesota Statutes, section 103G.511, to study the feasibility of repairing or removing Rapidan Dam. The county board shall perform or have performed a study of the dam to obtain information on whether the dam should be repaired or removed, including gathering information on the repairs needed; obtaining renewable energy production incentives to accomplish the repairs and future maintenance; comparing the costs to repair or to remove the dam; analyzing and estimating the cost of repair or replacement of the bridge on the dam, the right and left downstream abutments, the retaining wall at the power station, and the apron below the spillway; and gauging public sentiment for repairing or removing the dam. This is a one-time appropriation.

Subd. 4. Forest Management

	38,987,000	40,053,000
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Summary by Fund

General	38,501,000	39,554,000
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Natural Resources	486,000	499,000
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\$8,000,000 the first year and \$8,000,000 the second year are for emergency firefighting. Of these amounts, up to \$7,000,000 each year may be used for firefighting aircraft, operation of the Minnesota interagency fire center, seasonal and emergency staffing, training, controlled burns, and other presuppression and preparedness costs.

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

By November 15 of each year, the commissioner of natural resources shall submit a report to the chairs of the house of representatives ways and means committee, the senate finance committee, the environment and agriculture budget division of the senate finance committee, and the house of representatives environment and natural resources finance committee, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. The report must be in a format agreed to by the house and senate environmental committees, the department, and the department of finance. These appropriations may not be transferred.

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

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

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

(1) \$550,000 the first year and \$1,150,000 the second year are for field services;

(2) \$250,000 the first year and \$500,000 the second year are for timber sales;

(3) \$210,000 the first year and \$210,000 the second year are for commercial thinning;

(4) \$1,147,000 the first year and \$1,147,000 the second year are for the forest resources council for implementation of the Sustainable Forest Resources Act.

APPROPRIATIONS
 Available for the Year
 Ending June 30
 2002 2003

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

The forest resources council shall review monitoring, verification, and auditing programs for forest management activities. This review may include, but is not limited to, activities associated with compliance monitoring conducted under Minnesota Statutes, section 89A.07, subdivision 2, the Sustainable Forestry Initiative, Smartwood, Master Logger, and International Organization for Standardization criteria. The review shall:

- (1) describe the requirements and activities for the programs reviewed;
- (2) identify opportunities to establish common standards and procedures for conducting third-party field audits among the various programs;
- (3) identify opportunities for coordinating and integrating third-party field audits associated with the various programs; and
- (4) be completed and transmitted to the chairs of the house and senate environment and natural resources committees, the house environment and natural resources finance committee, and the senate environment and agriculture budget division by January 31, 2002.

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

Subd. 5. Parks and Recreation Management

	39,216,000	39,183,000
	Summary by Fund	
General	21,320,000	21,510,000
Natural Resources	17,896,000	17,673,000

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

\$4,399,000 the first year and \$4,158,000 the second year are from the natural resources fund for state park and recreation area operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (2). Of this amount:

(1) \$1,805,000 the first year and \$1,805,000 the second year are to restore camping and day use in state parks, make camping available in the spring and fall, provide maintenance to the facilities and security for park visitors, and partially fund winter operations;

(2) \$1,196,000 the first year and \$1,021,000 the second year are to fund state park emergency maintenance projects;

(3) \$413,000 the first year and \$413,000 the second year are to fund state park resource management activities;

(4) \$735,000 the first year is to fund the purchase of the campground manager/point-of-sale system for 28 state parks and to implement a revenue system;

(5) \$100,000 the first year and \$100,000 the second year are to make improvements to the state park Web site and provide additional state park informational brochures and more state park maps;

(6) \$50,000 the first year and \$50,000 the second year are to replace computers in the field and regional office locations according to department standards;

(7) \$75,000 the first year is to complete master plans for both Big Bog and Red River state recreation areas;

(8) \$25,000 the first year and \$25,000 the second year are for a grant to the city of Taylors Falls for fire and rescue operations in support of Interstate park; and

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

\$5,131,000 the first year and \$5,131,000 the second year are from the natural resources fund for a grant to the metropolitan council for metropolitan area regional parks and trails maintenance and operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (3). Of this amount:

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

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

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

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 6. Trails and Waterways Management

	18,090,000	18,670,000
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Summary by Fund

General	2,030,000	2,037,000
Natural Resources	15,165,000	15,323,000
Game and Fish	895,000	1,310,000

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

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

\$852,000 the first year and \$852,000 the second year are from the natural resources fund for state trail operations. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (2). This is a one-time appropriation.

\$684,000 the first year and \$684,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (4). This is a one-time appropriation.

The appropriation from the general fund of \$1,400,000 authorized in Laws 1998, chapter 404, section 7, subdivision 26, for Skunk Hollow trail in Yellow Medicine and Chippewa counties is reauthorized and appropriated to the commissioner for the purpose of developing the Minnesota River trail according to Minnesota Statutes, section 85.015, subdivision 23.

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 7. Fish Management

	28,615,000	29,762,000
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	Summary by Fund	
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General	637,000	642,000
Natural Resources	191,000	197,000
Game and Fish	27,787,000	28,923,000

\$217,000 the first year and \$218,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$84,000 the first year and \$85,000 the second year are from the game and fish fund.

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

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

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

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

\$5,167,000 the first year and \$5,783,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

(1) \$1,980,000 the first year and \$1,980,000 the second year are to carry out projects such as installing lake aeration systems, removing access barriers for physically disabled anglers, building fishing piers, modifying dams, constructing rough fish barriers, conducting creel surveys, improving streams, improving spawning areas, repairing hatcheries and rearing ponds, stabilizing lake shorelines, and acquiring aquatic management areas and trout

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

stream easements; and to provide field offices with some discretionary money for local habitat improvements and restorations in partnership with local stakeholders and other department units, for lake and stream surveys and assessments, and for equipment to do field projects;

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

(3) \$150,000 the first year and \$150,000 the second year are to protect and restore aquatic vegetation and other aquatic habitat in cooperation with local stakeholders;

(4) \$500,000 the first year and \$500,000 the second year are for asset preservation and improvement of state fish hatcheries and rearing ponds;

(5) \$500,000 the first year and \$500,000 the second year are for acquisitions of the division of fisheries' highest priority acquisitions;

(6) \$150,000 the first year and \$150,000 the second year are to maintain funding for three field positions to do fish management activities including fish culture and stocking, lake and stream monitoring, and habitat improvement;

(7) \$553,000 the first year and \$553,000 the second year are for accelerated walleye stocking;

(8) \$134,000 the first year is for restoration and aeration of Powderhorn Lake in Minneapolis;

(9) \$850,000 the first year is to be used in cooperation with the city of Minnetonka for site preparation and construction of a multiuse water access on Grays Bay, Lake Minnetonka;

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

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

Subd. 8. Wildlife Management

22,456,000 23,013,000

Summary by Fund

General	1,619,000	1,622,000
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Game and Fish	20,837,000	21,391,000
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\$106,000 the first year and \$106,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$26,000 the first year and \$26,000 the second year are from the game and fish fund.

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

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

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

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

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

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

\$2,585,000 the first year and \$2,790,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

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

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

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

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

The appropriations in clauses (1) to (10) are one-time appropriations.

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

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

Subd. 9. Ecological Services

	9,835,000	8,963,000
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Summary by Fund

General	3,693,000	3,717,000
Natural Resources	1,979,000	2,013,000
Game and Fish	4,163,000	3,233,000

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

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

\$593,000 the first year and \$600,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2.

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$1,406,000 the first year and \$1,406,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

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

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

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

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

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

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

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

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

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

Subd. 10. Enforcement

25,020,000

25,833,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Summary by Fund

General	4,212,000	4,233,000
Natural Resources	4,624,000	4,748,000
Game and Fish	15,616,000	15,989,000
Solid Waste	100,000	100,000

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

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

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

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

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

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

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

\$834,000 the first year and \$844,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). This appropriation is

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

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

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

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

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

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

Subd. 11. Operations Support

31,337,000	31,864,000
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Summary by Fund

General	18,421,000	18,694,000
Natural Resources	4,557,000	4,642,000
Game and Fish	8,359,000	8,528,000

\$363,000 the first year and \$363,000 the second year are for technical assistance and grants to assist local government units and organizations in the metropolitan area to acquire and develop natural areas and greenways.

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$456,000 the first year and \$456,000 the second year are from the natural resources fund for grants to be divided equally among the Minnesota Zoological Garden, the city of St. Paul for the Como Zoo and Conservatory, and the city of Duluth Zoo. This appropriation is from the revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (5). This is a one-time appropriation.

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

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

Sec. 6. BOARD OF WATER AND SOIL RESOURCES	41,992,000	20,649,000
Summary by Fund		
General	19,978,000	19,950,000
Special Revenue	20,724,000	-0-
Game and Fish	1,290,000	699,000

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

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

\$4,120,000 the first year and \$4,120,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of this amount, at least \$1,000,000 the first year and \$1,000,000 the second year are for grants for cost-sharing contracts for water quality management on feedlots.

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

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

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

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

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

\$1,290,000 the first year and \$699,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). This appropriation is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.44, subdivision 1, paragraph (e), clause (1). Of this amount:

(1) \$772,000 the first year and \$181,000 the second year are for statewide technical assistance to improve wildlife habitats on

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

private lands, including vegetation establishment, management, and stewardship planning, and other wildlife habitat development and management techniques;

(2) \$75,000 the first year and \$293,000 the second year are for management assistance to lake associations and shoreland owners;

(3) \$218,000 the first year is for a grant to the Chisago county soil and water conservation district for lake quality improvements in Chisago county; and

(4) \$225,000 the first year and \$225,000 the second year are to provide technical assistance to local units of government, citizen organizations, and resource agencies.

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

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

Sec. 7. SCIENCE MUSEUM OF MINNESOTA	1,164,000	1,164,000
Sec. 8. MINNESOTA RESOURCES		
Subdivision 1. Total Appropriation	\$32,144,000	\$17,578,000
Summary by Fund		
Minnesota Future Resources Fund	14,815,000	340,000
Environment and Natural Resources Trust Fund	17,239,000	17,238,000
Oil Overcharge Money in the Special Revenue Fund	90,000	-0-
Great Lakes Protection Fund	87,000	-0-

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

APPROPRIATIONS
 Available for the Year
 Ending June 30
 2002 2003

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

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

Subd. 2. Definitions

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

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

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

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

Subd. 3. Administration

822,000 393,000

Summary by Fund

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

(a) Legislative Commission on Minnesota Resources

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

(b) Contract Administration

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

		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		2002	2003
Subd. 4. Fish and Wildlife Habitat		9,457,000	8,563,000
Summary by Fund			
Future Resources			
Fund	895,000	-0-	
Trust Fund	8,562,000	8,563,000	

(a) Forest and Prairie Stewardship of Private Lands

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

(b) State Fish Hatchery Rehabilitation

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

(c) Enhancing Canada Goose Hunting and Management

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

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

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

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

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

(f) Engineering Support for Public Lands Waterfowl Projects

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(g) Metro Greenways

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

(h) Acquisition of Lands as Scientific and Natural Areas

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

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

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

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

\$455,000 the first year and \$455,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the city of Savage to acquire a buffer strip along Eagle Creek for transfer and dedication as an aquatic management area. Acquisition expenses incurred prior to July 1, 2001, may be reimbursed by the commissioner. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(k) Neighborhood Wilds Program

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

Subd. 5. Recreation	16,767,000	7,120,000
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Summary by Fund

Future Resources Fund	9,986,000	340,000	
Trust Fund	6,781,000	6,780,000	

(a) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,800,000 the first year is from the future resources fund for a grant to the city of St. Paul to restore East Como Lake trail and lakeshore in Como park. The money is available until expended.

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(b) Local Grants Initiative: Program Outdoor Recreation Grants

\$1,372,000 the first year and \$1,372,000 the second year are from the trust fund and \$1,261,000 is from the future resources fund to the commissioner of natural resources for matching grants:

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

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

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

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

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

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

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

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(c) Regional and Local Trail Grants

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

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

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

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

\$455,000 the first year and \$455,000 the second year are from the trust fund to the commissioner of natural resources to acquire and develop public water access sites statewide, to construct shorefishing and pier sites, and to restore shorelands at public accesses. This appropriation is available until June 30, 2004, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Grays Bay, Lake Minnetonka Public Water Access

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

(g) McQuade Public Access

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(h) Land Acquisition at the Minnesota Landscape Arboretum

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

(i) Gateway Trail Bridge

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

(j) State Trail Projects

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

(k) Gitchi-Gami State Trail

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

(l) Forest History Center Interpretive Trail

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(m) Mesabi Trail Facility

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

(n) Regional Trailhead Building

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

(o) Development and Rehabilitation of Recreational Shooting Ranges

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

(p) State Park and Recreation Area Acquisition

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

(q) LAWCON

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

Subd. 6. Water Resources

2,130,000

115,000

Summary by Fund

Future Resources Fund	2,015,000	-0-
Trust Fund	115,000	115,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(a) Accelerated Implementation of Local Water Plans

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

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

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

(c) Denitrification Strategies for Minnesota's Contaminated Aquifers

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

(d) Determination of Fecal Pollution Sources in Minnesota Watersheds

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

(e) Mississippi Headwaters Board: Environmental Economic Assessments

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

		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		2002	2003
Subd. 7. Land Use and Natural Resource Information		967,000	810,000
Summary by Fund			
Future Resources			
Fund	70,000	-0-	
Trust Fund	810,000	810,000	
Great Lakes			
Protection Fund	87,000	-0-	

(a) Hydraulic Impacts of Quarries and Gravel Pits

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

(b) GIS Management in Koochiching County

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

(c) Updating Outmoded Soil Surveys - Continuation

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

(d) Minnesota County Biological Survey - Continuation

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(e) Lake Superior Lakewide Management Plan (LaMP)

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

Subd. 8. Agriculture and Natural Resource Industries	547,000	103,000
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Summary by Fund

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

(a) Evaluating Timber Harvesting and Forest Management Guidelines

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

(b) Agricultural Land Preservation

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

(c) Environmental Practices on Dairy Farms

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

(d) Accelerated Technology Transfer for Starch-Based Plastics

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

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

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

(a) Uncommon Ground: An Educational Television Series

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

(b) WaterScapes: Outdoor Nonpoint Source Pollution Education

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

(c) Integrated Pest Management in Schools

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

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

\$115,000 the first year and \$115,000 the second year are from the trust fund to the Science Museum of Minnesota for acquisition of approximately eight acres of property adjacent to the St. Croix watershed research station and for training programs, technical assistance, and demonstrations of upland habitat restoration. This

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

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

(e) Connecting with Wildlife at the Minnesota Zoo

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

(f) Project Green Start: Environmental Education

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

(g) Raptor Propagation: Student Education

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

(h) Hennepin Parks Farm Education

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

(i) Residential Environmental Education for Youth

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

Subd. 10. Data Availability Requirements

(a) During the biennium ending June 30, 2003, the data collected by the projects funded under this section that have common value for natural resource planning and management must conform to information architecture as defined in guidelines and standards adopted by the office of technology. Spatial data must conform with geographic information system guidelines and standards adopted by the Minnesota Geographic Data Clearinghouse at the

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Land Management Information Center. These data must be made accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

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

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

Subd. 11. Project Requirements

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

Subd. 12. Match Requirements

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

Subd. 13. Payment Conditions and Capital Equipment Expenditures

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

Subd. 14. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

16B.121 to 16B.122, requiring the purchase of recycled, repairable, and durable materials, the purchase of uncoated paper stock, and the use of soy-based ink, the same as if it were a state agency.

Subd. 15. Energy Conservation

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

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

Subd. 16. Accessibility

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

Subd. 17. Carryforward

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

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

passage; linking isolated prairie preserves; and paragraph (g), arboretum land acquisition and wetlands restoration - continuation.

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

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

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

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

General	-0-	2,129,000
Environmental	-0-	798,000

This appropriation is for the purposes of section 108. Twenty-four full-time equivalent positions are transferred from the office of environmental assistance to the department of trade and economic development in the second year.

Sec. 10. REVENUE	-0-	14,118,000
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This appropriation is for the purposes of section 108. One full-time equivalent position is transferred from the office of environmental assistance to the department of revenue in the second year.

Sec. 11. ADMINISTRATION	-0-	1,184,000
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Summary by Fund

General	-0-	1,072,000
Environmental	-0-	112,000

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

This appropriation is for the purposes of section 108. Eleven full-time equivalent positions are transferred from the office of environmental assistance to the department of administration in the second year.

Sec. 12. Minnesota Statutes 2000, section 15.059, subdivision 5a, as amended by Laws 2001, chapter 7, section 7, is amended to read:

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

- Investment advisory council, created in section 11A.08;
- Feedlot and manure management advisory committee, created in section 17.136;
- Aquaculture advisory committee, created in section 17.49;
- Dairy producers board, created in section 17.76;
- Pesticide applicator education and examination review board, created in section 18B.305;
- Advisory seed potato certification task force, created in section 21.112;
- Food safety advisory committee, created in section 28A.20;
- Public programs risk adjustment work group, created in section 62Q.03;
- Workers' compensation self-insurers' advisory committee, created in section 79A.02;
- ~~Youth corps advisory committee, created in section 84.0887;~~
- ~~Iron range off-highway vehicle advisory committee, created in section 85.013;~~
- ~~Mineral coordinating committee, created in section 93.002;~~
- ~~Game and fish fund citizen advisory committees, created in section 97A.055;~~
- Wastewater treatment technical advisory committee, created in section 115.54;
- Solid waste management advisory council, created in section 115A.12;
- Nuclear waste council, created in section 116C.711;
- Genetically engineered organism advisory committee, created in section 116C.93;
- Environment and natural resources trust fund advisory committee, created in section 116P.06;
- Child abuse prevention advisory council, created in section 119A.13;
- Interagency coordinating council, created in section 125A.28, expires June 30, 1999;
- Desegregation/integration advisory board, created in section 124D.892;

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

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

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

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

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

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

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

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

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

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

Cancer surveillance advisory committee, created in section 144.672;

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

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

Mississippi River Parkway commission, created in section 161.1419;

School bus safety advisory committee, created in section 169.435;

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

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

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

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

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

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

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

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

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

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

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

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

Juvenile justice advisory committee, created in section 268.29;

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

Iron range higher education committee, created in section 298.2214;

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

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

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

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

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

Sec. 13. Minnesota Statutes 2000, section 84.025, subdivision 7, is amended to read:

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

Sec. 14. Minnesota Statutes 2000, section 84.0887, subdivision 1, is amended to read:

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

- (1) conservation, rehabilitation, and the improvement of wildlife habitat, prairie, parks, and recreational areas;
- (2) urban and rural revitalization, historical and cultural site preservation, and reforestation of both urban and rural areas;
- (3) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;
- (4) road and trail development, maintenance, and improvement;
- (5) erosion, flood, drought, and storm damage assistance and controls;
- (6) stream, lake, waterfront harbor, and port improvement;
- (7) wetlands protection and pollution control;

- (8) insect, disease, rodent, and fire prevention and control;
- (9) the improvement of abandoned railroad beds and rights-of-way;
- (10) energy conservation projects, renewable resource enhancement, and recovery of biomass;
- (11) reclamation and improvement of strip-mined land; and
- (12) forestry, nursery, and cultural operations.

Sec. 15. Minnesota Statutes 2000, section 84.0887, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

Sec. 16. Minnesota Statutes 2000, section 84.0887, subdivision 4, is amended to read:

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

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

Sec. 17. Minnesota Statutes 2000, section 84.0887, subdivision 5, is amended to read:

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

Sec. 18. Minnesota Statutes 2000, section 84.0887, subdivision 6, is amended to read:

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

Sec. 19. Minnesota Statutes 2000, section 84.0887, subdivision 9, is amended to read:

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

Sec. 20. Minnesota Statutes 2000, section 84.925, subdivision 1, is amended to read:

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

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

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

Sec. 21. Minnesota Statutes 2000, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

- (1) the person successfully completed the safety education and training program under section 84.925, subdivision 1, including a riding component;
- (2) the riding component of the training was conducted using an all-terrain vehicle with over 90cc engine capacity; and
- (3) the person is able to reach both the handle bars and foot pegs while sitting upright on the seat of the all-terrain vehicle.

Sec. 22. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

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

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

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

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

Sec. 24. Minnesota Statutes 2000, section 85.055, subdivision 2, is amended to read:

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

Sec. 25. Minnesota Statutes 2000, section 86A.21, is amended to read:

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

(a) The commissioner may:

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

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

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

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

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

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

(1) operation and maintenance;

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

(3) replacement or expansion; or

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

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

(1) operation and maintenance;

(2) replacement or expansion; or

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

Sec. 26. Minnesota Statutes 2000, section 86B.106, is amended to read:

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

(a) Whenever ice conditions on a body of water deteriorate to such an extent that there is substantial danger to persons using motorized vehicles, including snowmobiles and all-terrain vehicles, the sheriff of the county where the body of water is located may prohibit or restrict the use of motorized vehicles on all or a portion of the body of

water. If the body of water is located in more than one county, all counties involved must coordinate any prohibitions or restrictions that are imposed. A county sheriff acting under this section shall, as soon as practicable, post all common access sites and publicize the prohibitions or restrictions. The commissioner must be notified immediately and may review and suspend any restrictions imposed. Restrictions may be lifted as soon as conditions warrant.

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

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

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

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

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

Sec. 27. Minnesota Statutes 2000, section 88.642, is amended to read:

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

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

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

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

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

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

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

Sec. 28. [88.6435] [BOUGH BUYERS.]

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

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

(1) the seller's name and address;

(2) the form of written consent; and

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

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

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

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

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

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

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

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

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

Sec. 29. Minnesota Statutes 2000, section 88.645, is amended to read:

88.645 [ENFORCEMENT.]

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

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

Sec. 30. [88.6457] [FIELD CITATIONS.]

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

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

(1) \$100 for the first violation;

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

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

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

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

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

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

Sec. 31. Minnesota Statutes 2000, section 88.647, is amended to read:

88.647 [RELATION TO EXISTING LAWS.]

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

Sec. 32. Minnesota Statutes 2000, section 88.648, is amended to read:

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

~~Any (a) A person who makes any a false statement in any application, form, or other statement for the purpose of obtaining any written consent or bill of sale as described in sections 88.641 to 88.644~~ 88.6457 is guilty of a misdemeanor.

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

Sec. 33. Minnesota Statutes 2000, section 88.75, subdivision 1, is amended to read:

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

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

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

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

Sec. 34. Minnesota Statutes 2000, section 93.002, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of United Steelworkers of America, district 11, or the director's designee, the commissioner of the iron range resources and rehabilitation board, the director of the Minnesota geological survey, the dean of the University of Minnesota institute of technology, the director of the natural resources research institute, and three individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, the nonferrous metallic minerals, and the industrial minerals industries within the state. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natural resources shall provide staff and administrative services necessary for the committee's activities. Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, 2005.

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

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

Sec. 35. Minnesota Statutes 2000, section 97A.045, subdivision 7, is amended to read:

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

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

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

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

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

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

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

Sec. 36. Minnesota Statutes 2000, section 97A.055, subdivision 4a, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 37. Minnesota Statutes 2000, section 97A.405, subdivision 2, is amended to read:

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

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

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

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

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

Sec. 38. Minnesota Statutes 2000, section 97A.411, subdivision 2, is amended to read:

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

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

Sec. 39. Minnesota Statutes 2000, section 97A.473, subdivision 2, is amended to read:

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

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

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

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

Sec. 40. Minnesota Statutes 2000, section 97A.473, subdivision 3, is amended to read:

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

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

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

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

Sec. 41. Minnesota Statutes 2000, section 97A.473, subdivision 5, is amended to read:

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

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

- (1) age 3 and under, \$357;

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

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

Sec. 42. Minnesota Statutes 2000, section 97A.474, subdivision 2, is amended to read:

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

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

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

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

Sec. 43. Minnesota Statutes 2000, section 97A.474, subdivision 3, is amended to read:

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

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

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

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

Sec. 44. Minnesota Statutes 2000, section 97A.475, subdivision 5, is amended to read:

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

- (1) migratory waterfowl stamp, \$5;
- (2) pheasant stamp, \$5; and

(3) turkey stamp validation, \$5.

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

Sec. 45. Minnesota Statutes 2000, section 97A.475, subdivision 6, is amended to read:

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

(1) to take fish by angling, ~~for persons under age 65~~, \$17;

(2) ~~to take fish by angling, for persons age 65 and over~~, \$6.50;

~~(3)~~ to take fish by angling, for a combined license for a married couple, \$25;

~~(4)~~ (3) to take fish by spearing from a dark house, \$17; and

~~(5)~~ (4) to take fish by angling for a 24-hour period selected by the licensee, \$8.50.

Sec. 46. Minnesota Statutes 2000, section 97A.475, subdivision 10, is amended to read:

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

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

Sec. 47. Minnesota Statutes 2000, section 97A.485, subdivision 6, is amended to read:

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

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

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

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

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

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

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

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

(2) for other licenses, 50 cents.

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

Sec. 48. Minnesota Statutes 2000, section 97B.721, is amended to read:

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

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

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

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

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

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

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

Sec. 49. [97C.303] [CONSERVATION ANGLING LICENSE.]

Subdivision 1. [AVAILABILITY.] The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

Subd. 2. [DAILY AND POSSESSION LIMITS.] Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary.

Subd. 3. [LICENSE FEE.] The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 50. Minnesota Statutes 2000, section 97C.305, is amended to read:

97C.305 [TROUT AND SALMON STAMP VALIDATION.]

Subdivision 1. [REQUIREMENT.] Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp ~~in possession and a trout stamp validation on the angling license when issued electronically~~ to:

(1) take fish by angling in:

(i) a stream designated by the commissioner as a trout stream;

(ii) a lake designated by the commissioner as a trout lake; or

(iii) Lake Superior; or

(2) possess trout or salmon taken in the state by angling.

Subd. 2. [EXCEPTION.] A trout and salmon stamp validation is not required to take fish by angling or to possess trout and salmon if:

(1) the person:

(i) possesses a license to take fish by angling for a period of 24 hours from the time of issuance under section 97A.475, subdivision 6, clause (5), or subdivision 7, clause (5), and

(ii) is taking fish by angling, or the trout or salmon were taken by the person, during the period the license is valid; or

(2) the person is taking fish, or the trout or salmon were taken by the person, as authorized under section 97C.035.

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

Sec. 51. [97C.404] [YELLOW PERCH LIMITS.]

The daily limit for yellow perch is 15. The possession limit for yellow perch is 45.

[EFFECTIVE DATE.] This section is effective December 1, 2001.

Sec. 52. Minnesota Statutes 2000, section 103B.575, is amended to read:

103B.575 [EXPANSION OF THE BOUNDARIES OF A LAKE IMPROVEMENT DISTRICT.]

The boundary of a district may be ~~enlarged~~ modified by complying with the procedures to establish a district under sections 103B.511 to 103B.541. A district whose boundary is reduced must comply with section 103B.555 on assessing the costs of current projects, service charges, special assessments, obligations, and taxes before the boundary is reduced.

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

Sec. 53. Minnesota Statutes 2000, section 103G.271, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) Except as provided in paragraph (b), the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state may not appropriate or use waters of the state without a water use permit from the commissioner.

(b) This section does not apply to use for a water supply by less than 25 persons for domestic purposes.

(c) The commissioner may issue a state general permit for ~~temporary~~ appropriation of water to a governmental subdivision or to the general public for classes of activities that have minimal impact upon waters of the state. The general permit may authorize more than one project and the appropriation or use of more than one source of water. Water use permit processing fees and reports required under subdivision 6 and section 103G.281, subdivision 3, are required for each project or water source that is included under a general permit, except that no fee ~~or report~~ is required for uses totaling less than 15,000,000 gallons annually.

Sec. 54. Minnesota Statutes 2000, section 103G.271, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) ~~Except as provided in paragraph (c),~~ Once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010, unless the discharge is into a public water basin within a nature preserve approved by the commissioner and established prior to January 1, 2001. Existing once-through systems must not be expanded and are required to convert to water efficient alternatives within the design life of existing equipment.

~~(c) Paragraph (b) does not apply where groundwater appropriated for use in a once-through system is subsequently discharged into a wetland or public waters wetland owned or leased by a nonprofit corporation if:~~

~~(1) the membership of the corporation includes a local government unit;~~

~~(2) the deed or lease requires that the area containing the wetland or public waters wetland be maintained as a nature preserve;~~

~~(3) public access is allowed consistent with the area's status as a nature preserve; and~~

~~(4) by January 1, 2003, the permittee incurs costs of developing the nature preserve and associated facilities that, when discounted to 1992 dollars, exceed twice the projected cost, as determined by the commissioner, of the conversion required in paragraph (b), discounted to 1992 dollars.~~

~~The costs incurred under clause (4) may include preparation of plans and designs; site preparation; construction of wildlife habitat structures; planting of trees and other vegetation; installation of signs and markers; design and construction of trails, docks, and access structures; and design and construction of interpretative facilities. The permittee shall submit an estimate of the cost of the conversion required in paragraph (b) to the commissioner by January 1, 1993, and shall annually report to the commissioner on the progress of the project and the level of expenditures.~~

Sec. 55. Minnesota Statutes 2000, section 103G.271, subdivision 5a, is amended to read:

Subd. 5a. [MAINTENANCE OF SURFACE WATER LEVELS.] Except as provided in subdivision 5, paragraph ~~(c)~~ (b), the commissioner shall, by January 31, 1994, revoke all existing permits, and may not issue new permits, for the appropriation or use of groundwater in excess of 10,000,000 gallons per year for the primary purpose of maintaining or increasing surface water levels in the seven-county metropolitan area and in other areas of concern as determined by the commissioner. This subdivision does not apply until January 1, 1998, to a municipality that, by January 1, 1994, submits a plan acceptable to the commissioner for maintaining or increasing surface water levels using sources other than groundwater.

Sec. 56. Minnesota Statutes 2000, section 103G.301, subdivision 2, is amended to read:

Subd. 2. [PERMIT APPLICATION FEES.] (a) An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by a permit application fee to defray the costs of receiving, recording, and processing the application or request to amend or transfer.

(b) The fee to apply for a permit to appropriate water, a permit to construct or repair a dam that is subject to dam safety inspection, or a state general permit or to apply for the state water bank program is \$75. The application fee for a permit to work in public waters or to divert waters for mining must be at least \$75, but not more than \$500, according to a schedule of fees adopted under section 16A.1285.

Sec. 57. Minnesota Statutes 2000, section 115.03, is amended by adding a subdivision to read:

Subd. 8a. [PERMIT DURATION FOR MAJOR ABOVEGROUND STORAGE FACILITIES.] Notwithstanding any law or rule to the contrary, agency permits for major aboveground storage facilities may be issued for a term of up to ten years.

Sec. 58. Minnesota Statutes 2000, section 115.55, subdivision 3, is amended to read:

Subd. 3. [RULES.] (a) The agency shall adopt rules containing minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems. The rules must include:

- (1) how the agency will ensure compliance under subdivision 2;
- (2) how local units of government shall enforce ordinances under subdivision 2, including requirements for permits and inspection programs;
- (3) how the advisory committee will participate in review and implementation of the rules;
- (4) provisions for alternative systems;
- (5) provisions for handling and disposal of effluent;
- (6) provisions for system abandonment; and
- (7) ~~procedures for the commissioner to approve new individual sewage treatment system technologies, and~~
- (8) procedures for variances, including the consideration of variances based on cost and variances that take into account proximity of a system to other systems.

(b) The agency shall consult with the advisory committee before adopting rules under this subdivision.

(c) Notwithstanding the repeal of the agency rule under which the commissioner has established a warrantied list of individual sewage treatment systems, the warranties for all systems so listed as of the effective date of the repeal shall continue to be valid for the remainder of the warranty period.

Sec. 59. Minnesota Statutes 2000, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less. The following projects may also receive grant assistance in the amounts specified in this paragraph:

- (1) a project to improve control of or reduce air emissions at an existing resource recovery facility; and

(2) a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

(d) Notwithstanding paragraph (e), the director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within ~~12~~ 16 years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under paragraph (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The director shall adopt rules for the program by July 1, 1985.

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision.

Sec. 60. Minnesota Statutes 2000, section 115A.557, subdivision 2, is amended to read:

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] A county receiving money distributed by the director under this section may use the money only for the development and implementation of programs to:

- (1) reduce the amount of solid waste generated;
- (2) recycle the maximum amount of solid waste technically feasible;
- (3) create and support markets for recycled products;
- (4) remove problem materials from the solid waste stream and develop proper disposal options for them;
- (5) inform and educate all sectors of the public about proper solid waste management procedures;

(6) provide technical assistance to public and private entities to ensure proper solid waste management; ~~and~~

(7) provide educational, technical, and financial assistance for litter prevention; and

(8) process mixed municipal solid waste generated in the county at a resource recovery facility located in Minnesota.

Sec. 61. Minnesota Statutes 2000, section 115A.912, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] Money appropriated to the agency for waste tire management may be spent for ~~elimination of health and safety hazards of tire dumps and collection sites, tire dump abatement, collection, management and clean up of waste tires;~~ regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, public education on waste tire management, and grants and loans under section 115A.913.

Sec. 62. Minnesota Statutes 2000, section 115A.914, subdivision 2, is amended to read:

Subd. 2. [AGENCY RULES.] The agency shall adopt rules for administration of waste tire collector and processor permits, ~~waste tire nuisance abatement,~~ and waste tire collection.

Sec. 63. Minnesota Statutes 2000, section 115B.49, subdivision 4a, is amended to read:

Subd. 4a. [INTERIM FEES.] For the period from July 1, ~~1999 2001~~, to June 30, ~~2001 2003~~, the commissioner shall, after a public hearing, but notwithstanding section 16A.1285, subdivision 4, annually adjust the fees in subdivision 4 as necessary to maintain an annual income of \$650,000. This income amount supersedes the amount described in Minnesota Statutes 1998, section 115B.49, subdivision 4, paragraph (c), clause (3), that is in effect until July 1, 2001.

Sec. 64. Minnesota Statutes 2000, section 115C.07, subdivision 3, is amended to read:

Subd. 3. [RULES.] (a) The board shall adopt rules regarding its practices and procedures, the form and procedure for applications for compensation from the fund, procedures for investigation of claims and specifying the costs that are eligible for reimbursement from the fund.

~~(b) By January 1, 1994, the board shall publish proposed rules establishing a fee schedule of costs or criteria for evaluating the reasonableness of costs submitted for reimbursement. The board shall adopt the rules by June 1, 1994.~~

~~(c)~~ The board may adopt rules requiring certification of environmental consultants.

~~(d)~~ (c) The board may adopt other rules necessary to implement this chapter.

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

Sec. 65. Minnesota Statutes 2000, section 115C.09, subdivision 1, is amended to read:

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

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

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

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

~~(3) up to 180 days worth of interest costs associated with the financing of corrective action and incurred by the applicant in a written financing contract signed by the applicant and executed after May 25, 1991. Interest costs are not eligible for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the financing contract was executed; and~~

~~(4) preremoval site assessment costs incurred by the applicant and eligible for reimbursement under section 115C.092.~~

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

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

Sec. 66. Minnesota Statutes 2000, section 115C.09, subdivision 2a, is amended to read:

Subd. 2a. [APPLICATION FOR REIMBURSEMENT.] (a) ~~The board may consider~~ Applications for reimbursement may be submitted for consideration by the board at the following stages:

(1) ~~after the commissioner approves corrective actions related to soil excavation and treatment or after the commissioner determines that further soil excavation and treatment should not be done; costs have been incurred, and the associated tasks completed, for excavation basin soil sampling, excavation of contaminated soil, treatment of contaminated soil, or remedial investigation costs~~ tasks such as soil borings boring drilling, monitoring wells well installation, vapor risk assessment, and well searches are reimbursable at this stage, ~~but groundwater receptor survey; corrective action costs relating to the construction and installation of a comprehensive corrective action design system are not reimbursable at this stage; and~~

(2) after costs have been incurred, and the associated tasks completed, for tasks related to the construction and installation of a comprehensive corrective action design system, but only if the commissioner approves has approved a comprehensive plan for corrective action that will adequately address the entire release, including groundwater contamination if necessary, ~~for corrective action costs related to the construction and installation of a comprehensive corrective action design system.~~

(b) An applicant shall not submit an application for reimbursement more frequently than four times per 12-month period unless the application is for more than \$2,000 in reimbursement.

~~(b)~~ (c) The commissioner shall review a plan, and provide an approval or disapproval to the applicant and the board, within 60 days in the case of a plan submitted under paragraph (a), clause (1), and within 120 days in the case of a plan submitted under paragraph (a), clause (2), or the commissioner shall explain to the board why additional time is necessary. The board shall consider a complete initial application within 60 days of its submission ~~of the application under paragraph (a), clause (1), and shall consider a complete supplemental application~~ within 120 days of its submission ~~of the application under paragraph (a), clause (2), or the board shall explain for the record why additional time is necessary. For purposes of the preceding sentence, board consideration of an application is timely if it occurs at the regularly scheduled meeting following the deadline.~~ Board staff may review applications submitted to the board at the same time the commissioner considers the appropriateness of the corrective action, but the board may not act on the application until after the commissioner's approval is received.

(d) A reimbursement may not be made unless the board determines that the commissioner has determined that the corrective action was appropriate in terms of protecting public health, welfare, and the environment.

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

Sec. 67. Minnesota Statutes 2000, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENTS; SUBROGATION; APPROPRIATION.] (a) The board shall reimburse from the fund 90 percent of the total reimbursable costs incurred at the site to an eligible applicant from the fund in the following amounts: ~~However, the board may reimburse an eligible applicant from the fund for greater than 90 percent of the total reimbursable costs, if the applicant previously qualified for a higher reimbursement rate.~~

~~(1) 90 percent of the total reimbursable costs on the first \$250,000 and 75 percent on any remaining costs in excess of \$250,000 on a site;~~

~~(2) for corrective actions at a residential site used as a permanent residence at the time the release was discovered, 92.5 percent of the total reimbursable costs on the first \$100,000 and 100 percent of any remaining costs in excess of \$100,000; or~~

~~(3) 90 percent of the total reimbursable costs on the first \$250,000 and 100 percent of the cumulative total reimbursable costs in excess of \$250,000 at all sites in which the responsible person had interest, and for which the commissioner has not issued a closure letter as of April 3, 1996, if the responsible person dispensed less than 1,000,000 gallons of petroleum at each location in each of the last three calendar years that the responsible person dispensed petroleum at the location and:~~

~~(i) has owned no more than three locations in the state at which motor fuel was dispensed into motor vehicles and has discontinued operation of all petroleum retail operations; or~~

~~(ii) has owned no more than one location in the state at which motor fuel was dispensed into motor vehicles. Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.~~

(b) A reimbursement may not be made from the fund under this chapter until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) When an applicant has obtained responsible competitive bids or proposals according to rules promulgated under this chapter prior to June 1, 1995, the eligible costs for the tasks, procedures, services, materials, equipment, and tests of the low bid or proposal are presumed to be reasonable by the board, unless the costs of the low bid or proposal are substantially in excess of the average costs charged for similar tasks, procedures, services, materials, equipment, and tests in the same geographical area during the same time period.

(d) When an applicant has obtained a minimum of two responsible competitive bids or proposals on forms prescribed by the board and where the rules promulgated under this chapter after June 1, 1995, designate maximum costs for specific tasks, procedures, services, materials, equipment and tests, the eligible costs of the low bid or proposal are deemed reasonable if the costs are at or below the maximums set forth in the rules.

(e) Costs incurred for change orders executed as prescribed in rules promulgated under this chapter after June 1, 1995, are presumed reasonable if the costs are at or below the maximums set forth in the rules, unless the costs in the change order are above those in the original bid or proposal or are unsubstantiated and inconsistent with the process and standards required by the rules.

(f) A reimbursement may not be made from the fund in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy, except that if the board finds that the applicant has made reasonable efforts to collect from an insurer and failed, the board shall reimburse the applicant.

(g) If the board reimburses an applicant for costs for which the applicant has insurance coverage, the board is subrogated to the rights of the applicant with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may request the attorney general to bring an action in district court against the insurer to enforce the board's subrogation rights. Acceptance by an applicant of reimbursement constitutes an assignment by the applicant to the board of any rights of the applicant with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the applicant the remedies provided in that subdivision, except where the board has knowingly provided reimbursement because the applicant was denied coverage by the insurer.

(h) Money in the fund is appropriated to the board to make reimbursements under this chapter. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(i) The board may reduce the amount of reimbursement to be made under this chapter if it finds that the applicant has not complied with a provision of this chapter, a rule or order issued under this chapter, or one or more of the following requirements:

- (1) the agency was given notice of the release as required by section 115.061;
- (2) the applicant, to the extent possible, fully cooperated with the agency in responding to the release;
- (3) the state rules applicable after December 22, 1993, to operating an underground storage tank and appurtenances without leak detection;
- (4) the state rules applicable after December 22, 1998, to operating an underground storage tank and appurtenances without corrosion protection or spill and overflow protection; and
- (5) the state rule applicable after November 1, 1998, to operating an aboveground tank without a dike or other structure that would contain a spill at the aboveground tank site.

(j) The reimbursement may be reduced as much as 100 percent for failure by the applicant to comply with the requirements in paragraph (i), clauses (1) to (5). In determining the amount of the reimbursement reduction, the board shall consider:

- (1) the reasonable determination by the agency that the noncompliance poses a threat to the environment;
- (2) whether the noncompliance was negligent, knowing, or willful;
- (3) the deterrent effect of the award reduction on other tank owners and operators;
- (4) the amount of reimbursement reduction recommended by the commissioner; and
- (5) the documentation of noncompliance provided by the commissioner.

(k) An applicant may assign the right to receive reimbursement to each lender who advanced funds to pay the costs of the corrective action or to each contractor or consultant who provided corrective action services. An assignment must be made by filing with the board a document, in a form prescribed by the board, indicating the identity of the applicant, the identity of the assignee, the dollar amount of the assignment, and the location of the corrective action. An assignment signed by the applicant is valid unless terminated by filing a termination with the

board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the applicant and to one or more assignees by a multiparty check. The board has no liability to an applicant for a payment under an assignment meeting the requirements of this paragraph.

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

Sec. 68. Minnesota Statutes 2000, section 115C.09, subdivision 3h, is amended to read:

Subd. 3h. [REIMBURSEMENT; ABOVEGROUND TANKS IN BULK PLANTS.] (a) As used in this subdivision, "bulk plant" means an aboveground or underground tank facility with a storage capacity of more than 1,100 gallons but less than 1,000,000 gallons that is used to dispense petroleum into cargo tanks for transportation and sale at another location.

(b) Notwithstanding any other provision in this chapter and any rules adopted pursuant to this chapter, the board shall reimburse 90 percent of an applicant's cost for bulk plant upgrades or closures completed between June 1, 1998, and November 1, 2003, to comply with Minnesota Rules, chapter 7151, provided that the board determines the costs were incurred and reasonable. The reimbursement may not exceed \$10,000 per bulk plant.

(c) For corrective action at a bulk plant located on what is or was railroad right-of-way, the board shall reimburse 90 percent of total reimbursable costs on the first \$40,000 and 100 percent of any remaining reimbursable costs when the applicant can document that one or more other bulk plants were operated on the same section of right-of-way.

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

Sec. 69. Minnesota Statutes 2000, section 115C.093, is amended to read:

115C.093 [CORRECTIVE ACTION PERFORMANCE AUDITS.]

~~(a) The board shall may contract for performance audits of corrective actions for which reimbursement is sought under section 115C.09, subdivision 3, paragraph (a), clause (3), and may contract for audits of other corrective actions.~~

~~(b) A responsible person may request a performance audit under this section. If the board denies the request, it must provide the requester with the reasons for the denial.~~

~~(c) A performance audit conducted under this section must evaluate the adequacy of the corrective actions, the validity of the corrective action costs, and whether alternative methods or technologies could have been used to carry out the corrective actions at a lower cost. The board shall report the results of audits conducted under this section to the chairs of the senate committees on environment and natural resources and commerce and consumer protection, the finance division of the senate committee on environment and natural resources, and the house of representatives committees on environment and natural resources, environment and natural resources finance, and commerce, tourism, and consumer affairs. Money in the fund is appropriated to the board for the purposes of this section.~~

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

Sec. 70. Minnesota Statutes 2000, section 115C.112, is amended to read:

115C.112 [CONSULTANT AND CONTRACTOR SANCTIONS; ACTIONS BASED ON CONDUCT OCCURRING ON AND AFTER MARCH 14, 1996.]

The commissioner of commerce may by order deny a registration, censure, suspend, or revoke a registrant and require payment of all costs of proceedings resulting in an action instituted under this section and impose a civil penalty of not more than \$10,000 if the commissioner of commerce finds: (i) that the order is in the public interest;

and (ii) that the registrant or, in the case of a registrant that is not a natural person, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the registrant:

(1) has engaged in conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing engineering, hydrogeological, or other technical practices within the reasonable control of the consultant or contractor;

(2) has participated in a kickback scheme prohibited under section 115C.045;

(3) has engaged in conduct likely to deceive or defraud, or demonstrating a willful or careless disregard for public health or the environment;

(4) has committed fraud, embezzlement, theft, forgery, bribery, falsified or destroyed records, made false statements, received stolen property, made false claims, or obstructed justice;

(5) is the subject of an order revoking, suspending, restricting, limiting, or imposing other disciplinary action against the contractor's or consultant's license or certification in another state or jurisdiction;

(6) if the person is a consultant, has failed to comply with any of the ongoing obligations for registration as a consultant in section 115C.11, subdivision 1;

(7) has failed to comply with any provision or any rule or order under this chapter or chapter 45;

(8) has engaged in anticompetitive activity;

(9) has performed corrective action without having an accurate and complete registration on file with the board or has allowed another to perform corrective action when that party does not have a complete registration on file with the board;

(10) has been shown to be incompetent, untrustworthy, or financially irresponsible; ~~or~~

(11) has made or assisted another in making any material misrepresentation or omission to the board, commissioner, commissioner of commerce, or upon reasonable request has withheld or concealed information from, or refused to furnish information to, the board, commissioner, or commissioner of commerce; ~~or~~

~~(12) has failed to reasonably supervise its employees or representatives to assure their compliance with this chapter and Minnesota Rules, chapter 2890.~~

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

Sec. 71. Minnesota Statutes 2000, section 115C.13, is amended to read:

115C.13 [REPEALER.]

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, ~~115C.092~~, 115C.093, 115C.10, 115C.11, ~~and 115C.111, 115C.112~~, 115C.12, and 115C.13, are repealed effective June 30, 2005.

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

Sec. 72. Minnesota Statutes 2000, section 116.07, subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and sewage sludge for the prevention and abatement of water, air, and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. Notwithstanding any rule to the contrary,

hazardous waste generator licenses may be issued for a term not to exceed five years. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

A person who generates less than 100 kilograms of hazardous waste per month is exempt from the following agency hazardous waste rules:

(1) rules relating to transportation, manifesting, storage, and labeling for photographic fixer and X-ray negative wastes that are hazardous solely because of silver content; and

(2) any rule requiring the generator to send to the agency or commissioner a copy of each manifest for the transportation of hazardous waste for off-site treatment, storage, or disposal.

Nothing in this paragraph exempts the generator from the agency's rules relating to on-site accumulation or outdoor storage. A political subdivision or other local unit of government may not adopt management requirements that are more restrictive than this paragraph.

Sec. 73. Minnesota Statutes 2000, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The fee schedule must reflect reasonable and routine permitting, implementation, and enforcement costs. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Any money collected under this paragraph shall be deposited in the environmental fund.

(b) Notwithstanding paragraph (a), and section 16A.1285, subdivision 2, the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to the requirement to obtain a permit under subchapter V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect reasonable costs, including attorney general costs, required to develop and administer the permit program requirements of subchapter V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., and sections of this chapter and the rules adopted under this chapter related to air contamination and noise. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; and providing information to the public about these activities.

(c) The agency shall set fees that:

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds become unavailable. In addition, the commissioner shall use nonfee funds to the extent practical to match the grant funds so that the fee surcharge is minimized. Notwithstanding paragraph (a) and section 16A.1285, any water quality fee collected under this paragraph must be deposited to the special revenue fund.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in an air quality account in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Persons who wish to construct or expand an air emission facility may offer to reimburse the agency for the costs of staff overtime or consultant services needed to expedite permit review. The reimbursement shall be in addition to fees imposed by paragraphs (a) to (d). When the agency determines that it needs additional resources to review the permit application in an expedited manner, and that expediting the review would not disrupt air permitting program priorities, the agency may accept the reimbursement. Reimbursements accepted by the agency are appropriated to the agency for the purpose of reviewing the permit application. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit and shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations.

Sec. 74. Minnesota Statutes 2000, section 116.12, subdivision 1, is amended to read:

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 to cover expenditures of ~~amounts appropriated from the environmental fund to~~ the agency for permitting, monitoring, inspection, and enforcement expenses of the hazardous waste activities of the agency. Notwithstanding section 16A.1285, all proceeds from fees collected under subdivisions 2 and 3 must be deposited in the special revenue fund.

Sec. 75. Minnesota Statutes 2000, section 116P.02, subdivision 2, is amended to read:

Subd. 2. [~~ADVISORY CITIZENS TRUST FUND COMMITTEE.~~] "Advisory Citizens trust fund committee" or "committee" means the advisory citizens trust fund committee created in section 116P.06.

Sec. 76. Minnesota Statutes 2000, section 116P.03, is amended to read:

116P.03 [TRUST FUND NOT TO SUPPLANT EXISTING FUNDING.]

~~(a)~~ The trust fund may not be used as a substitute for traditional sources of funding environmental and natural resources activities, but the trust fund shall supplement the traditional sources, including those sources used to support the criteria in section 116P.08, subdivision 1. The trust fund must be used primarily to support activities whose benefits become available only over an extended period of time.

~~(b)~~ The commission must determine the amount of the state budget spent from traditional sources to fund environmental and natural resources activities before and after the trust fund is established and include a comparison of the amount in the report under section 116P.09, subdivision 7.

Sec. 77. Minnesota Statutes 2000, section 116P.05, is amended to read:

116P.05 [LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES.]

Subdivision 1. [MEMBERSHIP.] (a) A legislative commission on Minnesota resources of ~~20~~ ten members is created, consisting of the chairs of the house and senate committees on environment and natural resources policy or designees appointed for the terms of the chairs, the chairs of the house and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, ~~the chairs of the house ways and means and senate finance committees or designees appointed for the terms of the chairs, seven~~ three members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and ~~seven~~ three members of the house appointed by the speaker.

At least ~~three~~ two members from the senate and ~~three~~ two members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(b) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Members shall serve on the commission until their successors are appointed.

(d) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).

Subd. 2. [DUTIES.] (a) ~~The commission shall recommend a budget plan for expenditures from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. The commission, with the assistance of the committee, must develop a strategic plan as provided in section 116P.08 to guide expenditures from the trust fund.~~

(b) The commission ~~shall~~ may recommend annual expenditures to the legislature from the Minnesota future resources fund under section 116P.13.

(c) It is a condition of acceptance of the appropriations made from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources. None of the money provided may be spent unless the committee or the commission has approved the pertinent work program.

(d) ~~The~~ Any peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the Minnesota resources fund and from oil overcharge money under section 4.071, subdivision 2.

(e) The committee and commission may adopt operating procedures to fulfill its duties under sections 116P.01 to 116P.13.

Sec. 78. Minnesota Statutes 2000, section 116P.06, is amended to read:

116P.06 [~~ADVISORY~~ CITIZENS TRUST FUND COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] (a) ~~An advisory~~ A citizens trust fund committee of ~~11~~ nine citizen members shall be ~~appointed by the~~ created, three members appointed by the speaker of the house and three members appointed by the subcommittee on committees of the senate committee on rules and administration, and three members appointed by the governor to advise the legislative commission on Minnesota resources legislature on project proposals to receive funding from the trust fund and the development of budget and strategic plans. The governor

~~shall appoint at least one member from each congressional district. The citizen members appointed must have demonstrated knowledge of environment and natural resources issues. The governor citizen members shall appoint one of the citizens as the chair.~~

(b) The governor's appointees must be confirmed with the advice and consent of the senate. The membership terms, compensation, removal, and filling of vacancies for citizen members of the advisory committee are governed by section 15.0575. Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the advisory committee does not expire until June 30, 2005.

Subd. 2. [DUTIES.] (a) The advisory committee shall:

~~(1) prepare and submit to the commission a draft strategic plan to guide expenditures from the trust fund;~~

~~(2) review the reinvest in Minnesota program during development of the draft strategic plan;~~

~~(3) gather input from the resources congress during development of the draft strategic plan;~~

~~(4) advise the commission legislature annually on project proposals to receive funding from the trust fund; and~~

~~(5) (2) advise the commission legislature on development of the budget plan; and~~

(3) develop a process and procedure for making trust fund expenditure recommendations, in accordance with the strategic plan, and submit them to the legislature.

(b) The advisory committee may review all project proposals for funding and ~~may~~ shall make recommendations to the ~~commission legislature~~ on whether the projects:

(1) meet the standards and funding categories set forth in sections 116P.01 to 116P.12;

(2) duplicate existing federal, state, or local projects being conducted within the state; and

(3) are consistent with the most recent strategic plan adopted by the commission.

Sec. 79. Minnesota Statutes 2000, section 116P.07, is amended to read:

116P.07 [~~RESOURCES CONGRESS INFORMATION GATHERING.~~]

~~The committee and commission must may convene a resources congress at least once every biennium and shall develop procedures for the congress public forums to gather information for establishing priorities for funding. The congress must be open to all interested individuals. The purpose of the congress is to collect public input necessary to allow the commission, with the advice of the advisory committee, to develop a strategic plan to guide expenditures from the trust fund. The congress also may be convened to receive and review reports on trust fund projects. The congress shall also review the reinvest in Minnesota program.~~

Sec. 80. Minnesota Statutes 2000, section 116P.08, subdivision 1, is amended to read:

Subdivision 1. [EXPENDITURES.] Money in the trust fund may be spent only for:

(1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2;

(2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources;

(3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;

(4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;

(5) ~~capital projects~~ acquisition, development, and enhancement for the long-term preservation and protection of unique natural resources;

(6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;

(7) administrative and investment expenses incurred by the state board of investment in investing deposits to the trust fund; and

(8) administrative expenses subject to the limits in section 116P.09.

Sec. 81. Minnesota Statutes 2000, section 116P.08, subdivision 3, is amended to read:

Subd. 3. [STRATEGIC PLAN REQUIRED.] ~~(a)~~ The commission, with the assistance of the committee, shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The reinvest in Minnesota program must be reviewed, and information gathering under section 116P.07 must take place, during development of the strategic plan. The commission shall make the recommendations for expenditures annually from the six-year plan in up to three priority areas. The strategic plan must be updated every two years. ~~The plan is advisory only.~~ The commission shall submit the plan, as a recommendation, to the house of representatives appropriations and senate finance committees by January 1 of each odd-numbered year.

~~(b) The commission may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption.~~

Sec. 82. Minnesota Statutes 2000, section 116P.08, subdivision 4, is amended to read:

Subd. 4. [BUDGET PLAN.] (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

~~(b) Projects submitted to the commission for funding may be referred to the advisory committee for recommendation. The commission must seek advice from environment and natural resource professionals, private organizations, interested individuals, and federal, state, and local agencies to establish the priorities for funding.~~

~~(c) The commission committee must adopt a budget plan to make annual expenditures from the trust fund for the purposes provided in subdivision 1 and the priorities established by the commission. The budget plan must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the commission for review and comment and then submitted to the legislature.~~

(d) Money in the trust fund may not be spent except under an appropriation by law.

Sec. 83. Minnesota Statutes 2000, section 116P.08, subdivision 5, is amended to read:

Subd. 5. [PUBLIC MEETINGS.] All ~~advisory~~ committee and commission meetings must be open to the public. ~~The committee and commission shall attempt to meet at least once in each of the state's congressional districts various locations around the state during each biennium.~~

Sec. 84. Minnesota Statutes 2000, section 116P.08, subdivision 6, is amended to read:

Subd. 6. [PEER REVIEW.] (a) Research proposals must include a stated purpose, timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review ~~panel~~ process before receiving an appropriation.

(b) ~~In conducting research proposal reviews,~~ The peer review ~~panel shall process~~ must:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; and

(3) report to the ~~commission and advisory~~ committee on clauses (1) and (2).

(c) ~~The~~ Any peer review panel convened by the committee also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

Sec. 85. Minnesota Statutes 2000, section 116P.08, subdivision 7, is amended to read:

Subd. 7. [PEER REVIEW PANEL MEMBERSHIP.] (a) ~~The~~ A peer review panel convened by the committee must consist of at least five members who are knowledgeable in general research methods in the areas of environment and natural resources. Not more than two members of the panel may be employees of state agencies in Minnesota.

(b) When appropriate, the ~~commission~~ committee shall select a chair every two years who shall be responsible for convening meetings of the panel as often as is necessary to fulfill its duties as prescribed in this section. Compensation of panel members is governed by section 15.059, subdivision 3.

Sec. 86. Minnesota Statutes 2000, section 116P.09, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE AUTHORITY.] The commission may appoint legal and other personnel and consultants necessary to carry out functions and duties of the committee and commission. Permanent employees shall be in the unclassified service. In addition, the committee and commission may request staff assistance and data from any other agency of state government as needed for the execution of ~~the~~ their responsibilities ~~of the commission and advisory committee~~ and an agency must promptly furnish it.

Sec. 87. Minnesota Statutes 2000, section 116P.09, subdivision 5, is amended to read:

Subd. 5. [ADMINISTRATIVE EXPENSE.] ~~The administrative expenses of the commission shall be paid from the various funds administered by the commission as follows:~~

~~(1) Through June 30, 1993, the administrative expenses of the commission and the advisory committee shall be paid from the Minnesota future resources fund. After that time, the prorated expenses related to administration of the trust fund shall be paid from the earnings of the trust fund.~~

~~(2) After June 30, 1993, The prorated expenses related to administration of the trust fund may not exceed an amount equal to four percent of the projected earnings of the trust fund for the biennium recommended expenditures.~~

Sec. 88. Minnesota Statutes 2000, section 116P.09, subdivision 6, is amended to read:

Subd. 6. [CONFLICT OF INTEREST.] A commission member, ~~advisory~~ committee member, peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, ~~advisory~~ committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the legislative commission, ~~advisory~~ committee, or peer review panel, or being an employee of the commission, a person shall avoid any potential conflict of interest.

Sec. 89. Minnesota Statutes 2000, section 116P.09, subdivision 7, is amended to read:

Subd. 7. [REPORT REQUIRED.] The committee and the commission shall, by January 15 of each odd-numbered year, submit a joint report to the governor, the chairs of the house appropriations and senate finance committees, and the chairs of the house and senate committees on environment and natural resources. Copies of the report must be available to the public. The report must include:

- (1) a copy of the current strategic plan;
 - (2) a description of each project receiving money from the trust fund and Minnesota future resources fund during the preceding biennium;
 - (3) a summary of any research project completed in the preceding biennium;
 - (4) recommendations to implement successful projects and programs into a state agency's standard operations;
 - (5) to the extent known by the committee and commission, descriptions of the projects anticipated to be supported by the trust fund and Minnesota future resources account during the next biennium;
 - (6) the source and amount of all revenues collected and distributed by the committee and commission, including all administrative and other expenses;
 - (7) a description of the assets and liabilities of the trust fund and the Minnesota future resources fund;
 - (8) any findings or recommendations that are deemed proper to assist the legislature in formulating legislation;
 - (9) a list of all gifts and donations with a value over \$1,000; and
 - (10) ~~a comparison of the amounts spent by the state for environment and natural resources activities through the most recent fiscal year; and~~
- (H) a copy of the most recent compliance audit.

Sec. 90. Minnesota Statutes 2000, section 116P.10, is amended to read:

116P.10 [ROYALTIES, COPYRIGHTS, PATENTS.]

This section applies to projects supported by the trust fund, the Minnesota future resources fund, and the oil overcharge money referred to in section 4.071, subdivision 2, each of which is referred to in this section as a "fund." The fund owns and shall take title to the percentage of a royalty, copyright, or patent resulting from a project supported by the fund equal to the percentage of the project's total funding provided by the fund. Cash receipts resulting from a royalty, copyright, or patent, or the sale of the fund's rights to a royalty, copyright, or patent, must be credited immediately to the principal of the fund. Before a project is included in the budget plan, the committee and the commission may vote to relinquish the ownership or rights to a royalty, copyright, or patent resulting from a project supported by the fund to the project's proposer when the amount of the original grant or loan, plus interest, has been repaid to the fund.

Sec. 91. Minnesota Statutes 2000, section 116P.11, is amended to read:

116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the ~~commission consists of the earnings generated from the trust fund~~ committee is as defined in the Minnesota Constitution, article XI, section 14. Earnings generated from the trust fund shall equal the amount of interest on debt securities and ~~dividends on equity securities.~~ Gains and losses arising from the sale of securities shall be apportioned as follows:

(1) if the sale of securities results in a net gain during a fiscal year, the gain shall be apportioned in equal installments over the next ten fiscal years to offset net losses in those years. If any portion of an installment is not needed to recover subsequent losses identified in paragraph (b), it shall be added to the principal of the fund; and

(2) if the sale of securities results in a net loss during a fiscal year, the net loss shall be recovered from the gains in paragraph (a) apportioned to that fiscal year. If such gains are insufficient, any remaining net loss shall be recovered from interest and dividend income in equal installments over the following ten fiscal years.

~~(b) For funding projects until fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:~~

~~(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;~~

~~(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year 1993;~~

~~(3) for the 1993-1995 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1994 and 1995, to be expended only for capital investments in parks and trails; and~~

~~(4) for the 1995-1997 biennium, up to 25 percent of the revenue deposited in the fund in fiscal year 1996, to be expended only for capital investments in parks and trails.~~

~~(e) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.~~

Sec. 92. Minnesota Statutes 2000, section 116P.13, subdivision 3, is amended to read:

Subd. 3. [REVENUE PURPOSES.] Revenue in the Minnesota future resources fund may be spent annually for purposes of natural resources acceleration and outdoor recreation, including but not limited to the development, maintenance, and operation of the state outdoor recreation system under chapter 86A and regional recreation open space systems as defined under section 473.351, subdivision 1.

Sec. 93. [116P.14] [FEDERAL LAND AND WATER CONSERVATION FUNDS.]

Subdivision 1. [DESIGNATED AGENCY.] The department of natural resources is designated as the state agency to apply for, accept, receive, and disburse federal reimbursement funds and private funds, which are granted to the state of Minnesota from the federal Land and Water Conservation Fund Act.

Subd. 2. [LOCAL SHARE.] Fifty percent of all money made available to the state from funds granted under subdivision 1 shall be distributed for projects to be acquired, developed, and maintained by local units of government, providing that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan. All money received by the department for local units of government shall be deposited in the state treasury.

Subd. 3. [STATE LAND AND WATER CONSERVATION ACCOUNT; CREATION.] A state land and water conservation account is created in the Minnesota future resources fund. Fifty percent of the money made available to the state from funds granted under subdivision 1 shall be deposited in the state land and water conservation account.

Subd. 4. [USE OF MONEY.] Except as provided in subdivision 3, money appropriated from the state land and water conservation account shall be used for state land acquisition and development for the state outdoor recreation system under chapter 86A.

Sec. 94. [116P.15] [LAND ACQUISITION RESTRICTIONS.]

Subdivision 1. [SCOPE.] A recipient of an appropriation from the trust fund or the Minnesota future resources fund who acquires an interest in real property with the appropriation must comply with this section. For the purposes of this section, "interest in real property" includes, but is not limited to, an easement or fee title to property.

Subd. 2. [RESTRICTIONS; MODIFICATION PROCEDURE.] (a) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this section may not alter the intended use of such interest in real property or convey any interest in the real property without the prior review and approval of the commission. The commission shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest is in a reasonably equivalent location, and has a reasonably equivalent usefulness compared to the interest being replaced.

(c) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund to be held by an entity other than this state shall include the following restrictive covenant on the conveyance instrument used to acquire the real property interests:

"The above described property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The property, or any portion of the property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the legislative commission on Minnesota resources. If the holder of the property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the property shall revert to this state."

Sec. 95. Minnesota Statutes 2000, section 256J.20, subdivision 3, is amended to read:

Subd. 3. [OTHER PROPERTY LIMITATIONS.] To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to ~~(20)~~ (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a loan value of less than or equal to \$7,500. The county agency shall apply any excess loan value as if it were equity value to the asset limit described in this section. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the vehicle with the highest loan value and count only the loan value over \$7,500, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a handicapped member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

The county agency shall count the loan value of all other vehicles and apply this amount as if it were equity value to the asset limit described in this section. To establish the loan value of vehicles, a county agency must use the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. When a vehicle is not listed in the guidebook, or when the applicant or participant disputes the loan value listed in the guidebook as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the loan

value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

(9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;

(10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;

(11) monthly assistance, emergency assistance, and diversionary payments for the current month's needs;

(12) the value of school loans, grants, or scholarships for the period they are intended to cover;

(13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in escrow for a period not to exceed three months to replace or repair personal or real property;

(14) income received in a budget month through the end of the payment month;

(15) savings from earned income of a minor child or a minor parent that are set aside in a separate account designated specifically for future education or employment costs;

(16) the federal earned income credit, Minnesota working family credit, state and federal income tax refunds, state homeowners and renters credits under chapter 290A, property tax rebates and other federal or state tax rebates in the month received and the following month;

(17) payments excluded under federal law as long as those payments are held in a separate account from any nonexcluded funds;

(18) ~~money received by a participant of the corps to career program under section 84.0887, subdivision 2, paragraph (b), as a postservice benefit under the federal Americorps Act;~~

~~(19)~~ the assets of children ineligible to receive MFIP benefits because foster care or adoption assistance payments are made on their behalf; and

~~(20)~~ (19) the assets of persons whose income is excluded under section 256J.21, subdivision 2, clause (43).

Sec. 96. Minnesota Statutes 2000, section 473.608, is amended by adding a subdivision to read:

Subd. 2a. [COLDWATER SPRINGS PROPERTY.] (a) The metropolitan airports commission may acquire property, consisting of approximately 27 acres in and around Coldwater Springs in Hennepin county, from the Secretary of the Interior of the United States or any other federal official or agency authorized to transfer the property. If the commission acquires the property, the commission may convey all of its interest in the property, other than the interest permitted to be retained under paragraph (b), to the commissioner of natural resources for park, green space, or similar uses.

(b) To preserve its ability to conduct current or future aviation operations at the Minneapolis-St. Paul International Airport and to protect the commission from potential liability for those aviation operations, the commission may:

(1) retain an easement permitting overflight or another similar property interest in the property; or

(2) impose restrictions on the transferred property's use that would be inconsistent with or may create conflicts with aviation operations.

[EFFECTIVE DATE.] This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective the day following its final enactment.

Sec. 97. Minnesota Statutes 2000, section 473.845, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES FROM THE FUND.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 30 years in compliance with the closure and postclosure rules of the agency; ~~or~~

(3) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit; or

(4) reasonable and necessary response costs at a mixed municipal solid waste disposal site that was permitted by the agency to dispose of ash from a publicly owned wastewater treatment facility.

Sec. 98. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12, Laws 1996, chapter 351, section 1, and Laws 1999, chapter 231, section 191, is amended to read:

Sec. 142. [EFFECTIVE DATES.]

Sections 2, 5, 7, 20, 42, 44 to 49, 56, 57, 101, 102, 117, and 141, paragraph (d), are effective the day following final enactment.

Sections 114, 115, 118, and 121 are effective January 1, 1996.

Sections 120, subdivisions 2, 3, 4, and 5, and 141, paragraph (c), are effective July 1, 1996.

Section 141, paragraph (b), is effective June 30, ~~2001~~ 2007.

Sections 58 and 66 are effective retroactively to August 1, 1991.

Section 119 is effective September 1, 1996.

Section 120, subdivision 1, is effective July 1, 1999.

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

Sec. 99. Laws 1996, chapter 407, section 32, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] (a) A local area advisory committee is established to provide direction on the establishment, planning, development, and operation of the Iron Range off-highway vehicle recreation area. Except as provided in paragraph (b), the commissioner of natural resources shall appoint the members of the advisory committee.

(b) Membership on the advisory committee shall include:

- (1) a representative of the all-terrain vehicle association of Minnesota;
- (2) a representative of the amateur riders of motorcycles association;
- (3) a representative of the Minnesota four-wheel drive association;
- (4) a representative of the St. Louis county board;
- (5) a state representative appointed by the speaker of the house of representatives;
- (6) a state senator appointed by the senate committee on committees;
- (7) a designee of the local environmental community selected by the area environmental organizations;
- (8) a designee of the local tourism community selected by the iron trail convention and visitors bureau; and
- (9) a representative of the Tower regional office of the department of natural resources.

(c) The advisory committee shall elect its own chair and meetings shall be at the call of the chair.

(d) The advisory committee members shall serve as volunteers and accept no per diem.

(e) Notwithstanding Minnesota Statutes, section 15.059, subdivision 5, or other law to the contrary, the advisory committee expires June 30, 2005.

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

Sec. 100. Laws 1999, chapter 231, section 16, subdivision 4, is amended to read:

Subd. 4. Recreation

8,357,000

2,770,000

Summary by Fund

Future Resources Fund	5,587,000	-0-
Trust Fund	2,770,000	2,770,000

(a) Local Initiatives Grants Program.

This appropriation is to the commissioner of natural resources to provide matching grants, as follows:

(1) \$1,953,000 is from the future resources fund to local units of government for local park and recreation areas of up to \$250,000 notwithstanding Minnesota Statutes, section 85.019. \$50,000 is to complete the Larue Pit Recreation Development. \$28,000 is to the city of Hitterdal for park construction at Lake Flora. \$460,000 is available on the day following final enactment.

(2) \$435,000 the first year and \$435,000 the second year are from the trust fund to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019.

(3) ~~\$1,484,000~~ \$1,324,000 is from the future resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. \$500,000 is for grants of up to \$50,000 per project for trail linkages between communities, trails, and parks, and \$720,000 is for grants of up to \$250,000 for locally funded trails of regional significance outside the metropolitan area. \$50,000 is to the upper Minnesota River valley regional development commission for the preliminary design and engineering of a single segment of the Minnesota River trail from Appleton to the Milan Beach on Lake Lac Qui Parle. ~~\$160,000 is to the Department of Natural Resources to resurface four miles of recreational trail from the town of Milan to Lake Lac Qui Parle in Chippewa county.~~

(4) \$305,000 the first year and \$305,000 the second year are from the trust fund for a statewide conservation partners program, to encourage private organizations and local governments to cost share improvement of fish, wildlife, and native plant habitats and research and surveys of fish and wildlife. Conservation partners grants may be up to \$20,000 each. \$10,000 is for an agreement with the Canby Sportsman's Club for shelterbelts for habitat and erosion control.

(5) \$100,000 the first year and \$100,000 the second year are from the trust fund for environmental partnerships program grants of up to \$20,000 each for environmental service projects and related education activities through public and private partnerships.

In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the

commission has approved the grants or allowed 60 days to pass. The commission shall monitor the grants for approximate balance over extended periods of time between the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purpose of this paragraph, the match must be nonstate contributions, but may be either cash or in-kind. Recipients may receive funding for more than one project in any given grant period. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. If a project financed under this program receives a federal grant, the availability of the financing from this subdivision for that project is extended to equal the period of the federal grant.

(b) Mesabi Trail Land Acquisition and Development - Continuation

\$1,000,000 is from the future resources fund to the commissioner of natural resources for an agreement with St. Louis and Lake Counties Regional Rail Authority for the fourth biennium to develop and acquire segments of the Mesabi trail and procure design and engineering for trail heads and enhancements. This appropriation must be matched by at least \$1,000,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Kabetogama to Ash River Community Trail System

\$100,000 is from the future resources fund to the commissioner of natural resources for an agreement with Kabetogama Lake Association in cooperation with the National Park Service for trail construction linking Lake Kabetogama, Ash River, and Voyageurs National Park. This appropriation must be matched by at least \$100,000 of nonstate money.

This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Mesabi Trail Connection

\$80,000 is from the future resources fund to the commissioner of natural resources for an agreement with the East Range Joint Powers Board to develop trail connections to the Mesabi Trail with the communities of Aurora, Hoyt Lakes, and White. This appropriation must be matched by at least \$80,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Dakota County Bikeway Mapping

\$15,000 is from the future resources fund to the metropolitan council for an agreement with Dakota county to cost share the integration of digital elevation information in the Dakota county geographic information system database with trail and bikeway routes and develop maps for trail and bikeway users.

(f) Mississippi Riverfront Trail and Access

\$155,000 is from the future resources fund to the commissioner of natural resources for an agreement with the city of Hastings to acquire and restore the public access area and to complete the connecting riverfront trail from the public access to lock and dam number two adjacent to Lake Rebecca. This appropriation must be matched by at least \$155,000 of nonstate money.

(g) Management and Restoration of Natural Plant Communities on State Trails

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources to manage and restore natural plant communities along state trails under Minnesota Statutes, section 85.015

(h) Gitchi-Gami State Trail

\$275,000 the first year and \$275,000 the second year are from the trust fund to the commissioner of natural resources for construction of the Gitchi-Gami state trail through Split Rock State Park. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota resources. All segments of the trail must become part of the state trail system. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) State Park and Recreation Area Acquisition, Development, Betterment, and Rehabilitation

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition, \$500,000; and (2) for state park and recreation area development, rehabilitation, and resource management, \$500,000, unless otherwise specified in the approved work program. The use of the Minnesota conservation corps is encouraged. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota resources. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Fort Snelling State Park; Upper Bluff Implementation - Continuation

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources to implement the utilization plan for the Upper Bluff area of Fort Snelling Park.

(k) Interpretive Boat Tours of Hill Annex Mine State Park

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources to add interpretive boat excursion tours of the mine. The project will include purchase and equipping of a craft and development of a landing area.

(l) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the metropolitan council for subgrants for acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources. The metropolitan council shall collect and digitize all local, regional, state, and federal parks and all off-road trails with connecting on-road routes for the metropolitan area and produce a printed map that is available to the public. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(m) Como Park Campus Maintenance

\$500,000 is from the future resources fund to the department of finance for a grant to the city of St. Paul for a subsidy for the maintenance and repair of live plant and animal exhibits for the zoo and the conservatory at the Como Park campus.

(n) Luce Line Trail Connection Through Wirth Park

\$300,000 the first year is from the future resources fund to the metropolitan council for an agreement with the Minneapolis Park and Recreation Board to complete the construction of a bicycle and pedestrian trail link through Wirth Park to connect the Minneapolis Regional Trail System with the Luce Line State Trail. This appropriation must be matched by at least \$300,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(o) Milan Trail Resurfacing

\$160,000 is from the future resources fund to the commissioner of natural resources to resurface four miles of recreational trail from the town of Milan to Lake Lac Qui Parle in Chippewa county.

Sec. 101. Laws 2000, chapter 473, section 21, is amended to read:

Sec. 21. [APPROPRIATIONS.]

\$200,000 is appropriated from the state forest suspense account to the commissioner of natural resources for transfer to the University of Minnesota Duluth for the purpose of funding the inventory conducted pursuant to this section and is available until expended. Because the University of Minnesota is a land grant university, and because most of the state-owned land to be inventoried is granted land, the chancellor of the University of Minnesota Duluth is requested to direct the School of Business and Economics to conduct an inventory of state-owned land located within the Boundary Waters Canoe Area for the purpose of providing the legislature and state officers with more precise information as to the nature, extent, and value of the land. The inventory must include the following: (1) a list of the tracts of state-owned land within the area, together with the available legal description by government tract, insofar as possible; (2) the number of linear feet of shoreline in each tract, together with a general description of that shoreline, whether it is rocky, sandy, or swampy, or some other descriptive system that generally describes the shoreland; (3) the acreage of each tract; (4) a general description of the surface of each tract, including topography and the predominant vegetative cover for each tract and any known unique surface features, such as areas of virgin and other old growth timber; and (5) using available real estate market value information and accepted real estate valuation techniques, assign estimates of the value for each tract, exclusive of minerals and mineral interests, using each of the real estate valuation techniques adopted for the inventory. For the purposes of this section, "state-owned land" is defined as any class of state-owned land, whether it is granted land such as school, university, swampland, or internal improvement, or whether it is tax-forfeited, acquired, or state-owned land of any other classification. At the request of the university, the commissioner of natural resources shall promptly provide the university with all published maps, whether federal, state, or county, together with a descriptive list of state-owned land in the area, using available legal descriptions, forest inventories, and other factual information, published data, and photographs that are necessary for the university's inventory. From these maps, lists, data, and other information, the university is requested to prepare a report of its inventory. The legislature requests that the University of Minnesota submit the report to the legislature by January 15, ~~2002~~ 2003.

Sec. 102. [TRANSFER OF LAND IN HENNEPIN COUNTY.]

Subdivision 1. [CONVEYANCE.] Upon receipt of \$1, Hennepin county shall convey to the city of Eden Prairie the land that is described in subdivision 3.

Subd. 2. [FORM.] (a) The conveyance must be in a form approved by the attorney general and provide that ownership of the property will transfer to the state if the city of Eden Prairie stops using the property for park and open space purposes.

(b) The conveyance is subject to a conservation easement in favor of and approved by the Minnesota land trust, or a comparable, qualified land conservation organization.

Subd. 3. [DESCRIPTION.] The land to be conveyed is located in Hennepin county and is described as:

(1) That part of the Northeast Quarter of Section 4, Township 116, Range 22, described as follows to wit: Beginning at the east one quarter corner of said Section; thence west along the south line of said quarter section to a point which, measured along said line, is 1201 feet east of the point of intersection of said line with the southerly right-of-way line of the Chicago, Milwaukee & St. Paul Railway; thence at right angles north a distance of 235 feet; thence south 70 degrees west 134.7 feet; thence south 86 degrees, 50 minutes west 147 feet; thence north 55 degrees, 50 minutes west 94.5 feet; thence north 21 degrees, 50 minutes west 168.5 feet more or less to the northerly line of

the right-of-way, now abandoned, of Chicago, Milwaukee & St. Paul Railway Company; thence northeasterly along the northerly line of said abandoned right-of-way to the intersection of said line with the center line of the County Road (now known as Indian Chief Road); thence north along the center line of said road to the intersection of said line with the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which point of intersection is 503 feet north of the center of said abandoned right-of-way; thence northeasterly along said south line of said present right-of-way a distance of 340 feet more or less to its intersection with the east line of said Section 4; thence south along the east line of said Section to the point of beginning;

Except that part described as follows to wit: That part of the Northeast Quarter of Section 4, Township 116, Range 22 lying south of the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which lies easterly of the easterly right-of-way line of the County Road (now known as Indian Chief Road); and which lies northerly of the northerly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;

And, except that part described as follows to wit: That part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 116, Range 22 lying southeasterly of the southeasterly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;

(2) those portions of the Northeast Quarter of the Northeast Quarter and of the Southeast Quarter of the Northeast Quarter all in Section 4, Township 116 North, Range 22 West, lying westerly of the center line of Indian Chief road, formerly county road, which lies between the southeasterly right-of-way line of the Twin Cities and Western Railroad, formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and the northerly right-of-way line of the abandoned Chicago, Milwaukee and St. Paul Railway Company; and

(3) that part of the Southwest Quarter of the Northeast Quarter of Section 4, Township 116 North, Range 22 West, described as commencing at the east quarter corner of said Section 4; thence on an assumed bearing of West along the south line of said Northeast Quarter to a point distant 1201 feet easterly from its intersection with the southeasterly right-of-way line of the Twin Cities and Western Railroad, formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence on a bearing of North, 235 feet; thence South 70 degrees West, 134.7 feet; thence South 86 degrees 50 minutes West, 147 feet; thence North 55 degrees 50 minutes West, 94.5 feet; thence North 21 degrees 50 minutes West, 101.78 feet; thence South 63 degrees 18 minutes West, 11.96 feet; thence southwesterly 580.07 feet along a tangential curve to the right having a radius of 1910.08 feet and a central angle of 17 degrees 24 minutes to a point hereinafter referred to as Point "A"; thence South 80 degrees 42 minutes West, 8.5 feet, more or less, to said southeasterly right-of-way line, being the actual point of beginning; thence North 80 degrees 42 minutes East to said Point "A"; thence northeasterly 580.07 feet along said curve having a radius of 1910.08 feet; thence North 63 degrees 18 minutes East 11.96 feet; thence North 21 degrees 50 minutes West 50.18 feet, more or less, to the northerly right-of-way line of the abandoned Chicago, Milwaukee and St. Paul Railway Company; thence northeasterly along said northerly right-of-way line 267.8 feet, more or less, to its intersection with said southeasterly right-of-way line of said Twin Cities and Western Railroad; thence northwesterly along said southeasterly right-of-way line 119 feet, more or less, to an angle point in said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way line 408.13 feet to an angle point in said southeasterly right-of-way line; thence northwesterly along said southeasterly right-of-way line 60 feet to an angle point in said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way line to the point of beginning.

Sec. 103. [DAM INVENTORY AND ASSESSMENT.]

The commissioner of natural resources shall cooperate with the United States Army Corps of Engineers in carrying out the inventory and assessment, and the repair of dams that are a risk to public safety, that were constructed in this state by the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps, as mandated by section 524 of Public Law Number 106-541.

Sec. 104. [STUDY; MOTOR VEHICLE USE OF STATE AND COUNTY FOREST ROADS.]

The commissioners of administration, transportation, natural resources, and revenue shall work with the affected counties to study and determine the percentage of revenue received from the unrefunded gasoline and special fuel tax that is derived from gasoline and special fuel for the operation of motor vehicles on state forest roads and county forest access roads. The study must be limited to actual use of state forest roads and county forest access roads. The commissioners shall report the results of this study by December 1, 2002.

Sec. 105. [REORGANIZATION OF WATER PROGRAMS AND FUNCTIONS.]

(a) The director of the office of strategic and long-range planning shall, according to the schedule provided in paragraph (c), develop and present to the house and senate chairs of the committees with jurisdiction over environment and natural resources policy and finance issues a plan for the reorganization of the state water programs and functions. The plan shall be designed to ensure regulatory efficiency and program effectiveness in that:

(1) all specific plans and implementation projects should be coordinated with and relate to an overall water management plan;

(2) similar programs and functions should be assigned to a single agency, when feasible; and

(3) inherent conflicts of interest should be avoided.

(b) The plan should, at a minimum, allocate the programs into the following five categories:

(1) overall water management planning;

(2) establishment of water quantity and quality standards, including biological and chemical indicators;

(3) monitoring and assessment;

(4) technical and financial assistance; education and training; and implementation; and

(5) enforcement.

The director may develop an alternative allocation of programs and functions, provided the plan meets the criteria established in paragraph (a), clauses (1) to (3).

(c) The director shall provide the proposed plan according to the following schedule:

(1) by August 15, 2001, a chart listing all of the current water programs and functions provided by state government, with (i) a brief description of the program, identifying the agency to which the program is currently assigned; (ii) the number of full-time equivalent staff assigned to the program; and (iii) a summary of outcomes expected from each program;

(2) by November 15, 2001, a preliminary plan for reorganizing the state water programs and functions, with a chart similar to that provided in clause (1), displaying the proposed reallocation of programs, functions, and full-time equivalents to the respective agencies and a summary of outcomes expected from each program; and

(3) by February 15, 2001, a final plan with associated chart, and draft legislative language to accomplish the proposed reorganization. Implementation of the proposed plan may be staged over a number of years to minimize program disruption.

Sec. 106. [MCQUADE ROAD SAFE HARBOR AND PUBLIC ACCESS ACQUISITION.]

The commissioner of natural resources shall acquire interests in land, without undue delay, under Minnesota Statutes, section 86A.21, paragraph (a), clause (2), as necessary to provide a safe harbor and public access to Lake Superior at McQuade Road.

Sec. 107. [POLLUTION CONTROL AGENCY; FINANCING RECOMMENDATIONS.]

The director of the office of strategic and long-range planning shall develop and present to the house and senate chairs of the committees with jurisdiction over environment and natural resources policy and finance issues, by November 15, 2001:

(1) a review of advantages and disadvantages of alternative financing mechanisms for funding the operations and programs of the pollution control agency that are consistent with the policy statement of Minnesota Statutes, section 116.01, and the environment priorities of the state; and

(2) recommendations for the preferred financing mechanism, or combination of mechanisms, and supporting rationale for those recommendations.

Sec. 108. [ABOLITION OF OFFICE AND TRANSFER OF DUTIES.]

Subdivision 1. [TRANSFER.] The office of environmental assistance is abolished effective July 1, 2002. All duties of the office are transferred as described in this section. Minnesota Statutes, section 15.039, except for subdivision 7, applies to the transfer. The offices of director and assistant directors of the office, and 18 other positions in the office that are made redundant and duplicative by this section, are abolished.

Subd. 2. [POLLUTION CONTROL AGENCY.] The following duties of the office of environmental assistance are transferred to the pollution control agency:

(1) the solid waste policy report under Minnesota Statutes, section 115A.411;

(2) technical assistance to hazardous waste generators;

(3) solid waste management planning under Minnesota Statutes, sections 115A.42 to 115A.46;

(4) environmental education under Minnesota Statutes, section 115A.072;

(5) certificate of need determinations under Minnesota Statutes, section 115A.917;

(6) metropolitan solid waste planning under Minnesota Statutes, chapter 473; and

(7) all other duties not specified in subdivisions 3 to 5.

Subd. 3. [DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT.] The following duties of the office of environmental assistance are transferred to the department of trade and economic development:

(1) product stewardship responsibilities;

(2) resource conservation research;

(3) the environmental assistance grant and loan program under Minnesota Statutes, section 115A.0716;

(4) business pollution prevention grants;

(5) recycling market development;

(6) the capital assistance program under Minnesota Statutes, section 115A.58; and

(7) local government assistance grants to communities;

Subd. 4. [DEPARTMENT OF REVENUE.] The following duties of the office of environmental assistance are transferred to the department of revenue:

(1) county waste reduction and recycling grant distribution under Minnesota Statutes, section 115A.557; and

(2) reporting requirements under Minnesota Statutes, chapter 297H.

Subd. 5. [DEPARTMENT OF ADMINISTRATION.] All duties of the office of environmental assistance with respect to state procurement are transferred to the department of administration.

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

Sec. 109. [IMPLEMENTATION.]

The office of the revisor of statutes, in consultation with the house research department, the office of senate counsel and research, the house fiscal analysis department, and the senate fiscal services office, shall draft legislation implementing section 108 for introduction at the 2002 session of the legislature.

Sec. 110. [CURRANT LAKE DIVERSION.]

Notwithstanding any other law to the contrary, the department of natural resources must not abandon the diversion system at Currant Lake in Murray county.

Sec. 111. [SUNKEN LOG MORATORIUM.]

The commissioner of natural resources must suspend recovery of sunken logs under Minnesota Statutes, section 103G.650. The commissioner must not issue leases to remove sunken logs or permit the removal of sunken logs from inland waters during the moratorium period. The commissioner must cancel all existing leases issued under Minnesota Statutes, section 103G.650, and refund the lease application fees. The permanent moratorium may be lifted only by an act of the legislature.

Sec. 112. [REPEALER.]

(a) Minnesota Statutes 2000, sections 86.71; 86.72; 88.641, subdivisions 4 and 5; 88.644; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2 and 3; 116.67; 116.70, subdivisions 2, 3a, and 4; 116.71; 116.72; 116.73; and 116.74; and Laws 1994, chapter 639, article 3, section 4, subdivision 2, are repealed.

(b) Minnesota Statutes 2000, sections 115C.02, subdivisions 11a and 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; and 115C.092, are repealed effective the day following final enactment.

(c) Minnesota Rules, parts 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c and 51a; 7080.0400; and 7080.0450, are repealed."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a,

as amended; 84.025, subdivision 7; 84.0887, subdivisions 1, 2, 4, 5, 6, 9; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.055, subdivision 2; 86A.21; 86B.106; 88.642; 88.645; 88.647; 88.648; 88.75, subdivision 1; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 6, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 103B.575; 103G.271, subdivisions 1, 5, 5a; 103G.301, subdivision 2; 115.03, by adding a subdivision; 115.55, subdivision 3; 115A.54, subdivision 2a; 115A.557, subdivision 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115B.49, subdivision 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d; 116.12, subdivision 1; 116P.02, subdivision 2; 116P.03; 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 1, 3, 4, 5, 6, 7; 116P.09, subdivisions 1, 5, 6, 7; 116P.10; 116P.11; 116P.13, subdivision 3; 256J.20, subdivision 3; 473.608, by adding a subdivision; 473.845, subdivision 3; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 1999, chapter 231, section 16, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 88; 97C; 116P; repealing Minnesota Statutes 2000, sections 86.71; 86.72; 88.641, subdivisions 4, 5; 88.644; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; Laws 1994, chapter 639, article 3, section 4, subdivision 2; Minnesota Rules, parts 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450."

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

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

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

subdivision 1d; 168.33, subdivision 7; 169.67, subdivision 3; 174.24, subdivision 3b; 174.35; 174.55, subdivisions 4, 5; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 222.63, subdivision 4; 296A.18, subdivision 3; 297B.09, subdivision 1; 299A.41, subdivision 4; 446A.085; 466.03, by adding a subdivision; 473.399, by adding a subdivision; Laws 1997, chapter 159, article 2, section 4; Laws 1999, chapter 238, article 1, section 2, subdivision 7; Laws 2000, chapter 479, article 1, section 3, subdivision 3; Laws 2000, chapter 490, article 7, section 3; Laws 2000, chapter 492, article 2, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168; 174; 219; 473.

Reported the same back with the following amendments:

Page 41, line 30, delete "PROHIBITION ON STUDYING" and insert "NOTICE OF STUDIES OF"

Page 54, delete section 33 and insert:

"Sec. 33. [473.4052] [LIGHT RAIL SPECIAL SERVICE DISTRICTS.]

Subdivision 1. [CREATION.] (a) The metropolitan council shall establish a light rail special service district to pay for the cost of operating light rail transit facilities and equipment to the extent fare revenues are insufficient to cover these costs.

(b) The council may not use any money made available through the federal congestion mitigation and air quality program to pay the operating costs of light rail transit.

Subd. 2. [AREA OF DISTRICT.] The geographic area of a light rail special service district created under subdivision 1 consists of an area comprised of any parcel of property located within a radius of one-half mile of a station for a light rail transit line. The area excludes any planned unit development approved before January 1, 2000, and any area detached from a city and school district under section 473.625.

Subd. 3. [APPLICATION.] The provisions of sections 428A.01 to 428A.101 apply to special service districts established under this section unless otherwise provided in or contrary to sections 473.4052 to 473.4054. The provisions of sections 428A.02; 428A.03, subdivision 1; 428A.06; 428A.08; 428A.09; and 428A.10, do not apply to a district established under this section.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs.

Sec. 34. [473.4053] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The terms defined in this section apply to sections 473.4052 to 473.4054, unless the context clearly requires otherwise.

Subd. 2. [FACILITY.] "Facility" means the light rail transit facility, equipment, and related improvements located within the district.

Subd. 3. [LAND AREA.] "Land area" means the land area in the district that is classified as class 3 property under section 273.13, subdivision 24.

Subd. 4. [NET TAX CAPACITY.] "Net tax capacity" means net tax capacity as defined in sections 428A.01 and 428A.03, subdivision 1, but is limited to property classified as class 3 property under section 273.13, subdivision 24.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs.

Sec. 35. [473.4054] [AUTHORITY TO IMPOSE CHARGES.]

Subdivision 1. [SERVICE CHARGES.] (a) The council shall impose annual service charges equal to the estimated amount that the operating costs of the facility will exceed fare revenues for the calendar year, plus the amount of any carryover or an operating deficit from a previous year for the facility.

(b) The service charge must be imposed as a uniform percentage of net tax capacity of the district.

Subd. 2. [APPLICATION OF OTHER LAW.] The provisions of section 428A.03, subdivisions 1a to 3, apply to a light rail transit special service district.

Subd. 3. [COLLECTION OF SERVICE CHARGES.] Service charges imposed under this section must be collected as provided in section 428A.05.

[EFFECTIVE DATE.] This section applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and is effective beginning for property taxes levied in 2002, payable in 2003, for fiscal year 2004 operating costs."

Page 63, line 21, after "any" insert "state"

Page 63, line 24, delete "42" and insert "44"

Page 63, line 28, delete "revenue from the motor vehicle" and insert "the revenues from any state tax on the sale of motor vehicles"

Page 63, line 29, delete "sales tax"

Page 64, line 34, delete "44" and insert "46"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 27, delete "permtting" and insert "permitting"

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 665, 912, 1043, 1295, 1344, 1429, 1430, 1434, 1437, 1464, 1475, 1507, 1528, 1613, 1772, 1855 and 1968 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Davids introduced:

H. F. No. 2492, A bill for an act relating to insurance; regulating the reporting of insurance information; prohibiting credit scoring; amending Minnesota Statutes 2000, sections 72A.20, by adding a subdivision; 72A.491, subdivision 5.

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

Davids introduced:

H. F. No. 2493, A bill for an act relating to game and fish; modifying firearms ammunition requirement for big game; amending Minnesota Statutes 2000, section 97B.031, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Mulder introduced:

H. F. No. 2494, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing a grant to the city of Luverne for the Carnegie Cultural Center; authorizing issuance of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on State Government Finance.

Mulder introduced:

H. F. No. 2495, A bill for an act relating to capital improvements; providing for a grant to the county of Pipestone for capital improvements to the county museum; authorizing issuance of bonds; appropriating money.

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

Mulder introduced:

H. F. No. 2496, A bill for an act relating to capital investment; appropriating money for a grant to the city of Pipestone to design, acquire, construct, furnish, and equip an emergency medical services building; authorizing the issuance of bonds.

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

Hackbarth introduced:

H. F. No. 2497, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a park-and-ride lot in Anoka county.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1219, A bill for an act relating to insurance; removing certain state involvement with the state fund mutual insurance company; repealing Minnesota Statutes 2000, sections 79.371; 176A.01; 176A.02; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; 176A.11; and 176A.12.

H. F. No. 779, A bill for an act relating to commerce; modifying provisions dealing with motor vehicle dealer franchise transfers; amending Minnesota Statutes 2000, section 80E.13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1889, A bill for an act relating to filings with the secretary of state; providing for the orderly revocation of delinquent foreign corporations; regulating certain transition issues under the Uniform Partnership Act of 1994; amending Minnesota Statutes 2000, sections 303.17, subdivisions 2, 3, 4; 323A.12-02.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lipman moved that the House concur in the Senate amendments to H. F. No. 1889 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1889, A bill for an act relating to filings with the secretary of state; providing for the orderly revocation of delinquent foreign corporations; regulating certain transition issues under the Uniform Partnership Act of 1994; amending Minnesota Statutes 2000, sections 303.17, subdivisions 2, 3, 4; 323A.12-02.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Bradley	Cassell	Daggett
Abrams	Bakk	Bishop	Buesgens	Clark, J.	Davids
Anderson, B.	Bernardy	Boudreau	Carlson	Clark, K.	Davnie

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

S. F. Nos. 407, 508 and 574.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 407, A bill for an act relating to the state building code; directing the department of administration to adopt a building code for rehabilitation of historic structures; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

S. F. No. 508, A bill for an act relating to railroads; allowing local road authorities to provide financial assistance to expand railroad bridges; amending Minnesota Statutes 2000, section 165.05, by adding a subdivision.

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

S. F. No. 574, A bill for an act relating to health; requiring home care providers to provide at least ten days' notice of service termination; amending Minnesota Statutes 2000, section 144A.44, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

CONSENT CALENDAR

Seifert moved that the Consent Calendar be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2486.

H. F. No. 2486 was reported to the House.

Pursuant to rule 2.05, the Speaker excused Kelliher from voting on the passage of H. F. No. 2486 and on the adoption of any amendments to H. F. No. 2486 that relate to the Minnesota Historical Society.

Pursuant to rule 2.05, the Speaker excused Slawik from voting on the passage of H. F. No. 2486 and on the adoption of any amendments to H. F. No. 2486 that relate to the Department of Economic Security.

Mahoney; Marko; Bernardy; Mariani; Dibble; Davnie; Huntley; Sertich; Clark, K.; Paymar; Murphy; Hilty; Entenza; Kahn; Johnson, R.; Juhnke and Folliard moved to amend H. F. No. 2486, the first grossment, as follows:

Page 45, after line 24, insert:

"Sec. 32. [WORKERS' COMPENSATION COST RELIEF ACCOUNT.]

The workers' compensation cost relief account is created in the special revenue fund. Money in the account as of the end of fiscal year 2001 does not cancel, but is carried forward to the 2002-2003 biennium. The workers' compensation cost relief account expires on June 30, 2003, and any amount remaining in the account is canceled and returned to the general fund.

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

Page 45, line 29, delete "contingency account" and insert "workers' compensation cost relief account"

Page 45, after line 31, insert:

"Sec. 33. [REFUND OF ASSIGNED RISK SURPLUS.]

(a) The workers' compensation assigned risk plan is to aid in the operation of the workers' compensation system by providing a source of workers' compensation insurance for employers unable to obtain such insurance from the private insurance market. The operations of this plan have yielded a surplus. It is in the public interest and is the intent of the legislature to return a portion of the surplus to the policyholders who have paid premiums into the plan.

(b) All funds in the workers' compensation cost relief account are appropriated to the commissioner of commerce, who shall distribute the funds to policyholders of the assigned risk plan. The amount distributed to each policyholder shall be proportional to the amount of premiums the policyholder has paid to the assigned risk plan in the twenty-four month period ending July 1, 2001. The commissioner of commerce shall report to the legislature on or before September 1, 2001 on the method by which the distribution will be made, and shall complete the distribution of all funds in the account by December 1, 2001.

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

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 Mahoney et al amendment and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Lenczewski	Opatz	Swapinski
Bakk	Folliard	Johnson, R.	Lieder	Otremba	Thompson
Bernardy	Gleason	Johnson, S.	Luther	Paymar	Vandever
Biernat	Goodwin	Juhnke	Mahoney	Pelowski	Wagenius
Carlson	Gray	Kahn	Mariani	Peterson	Walker
Clark, K.	Greiling	Kalis	Marko	Pugh	Wasiluk
Davnie	Hausman	Koskinen	McGuire	Rukavina	Winter
Dibble	Hilstrom	Kubly	Milbert	Sertich	
Dorn	Hilty	Larson	Mullery	Skoe	
Entenza	Huntley	Leighton	Murphy	Skoglund	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Walz
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Westerberg
Bishop	Erhardt	Howes	Molnau	Ruth	Westrom
Boudreau	Erickson	Jacobson	Mulder	Seagren	Wilkin
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wolf
Buesgens	Fuller	Kielkucki	Nornes	Smith	Workman
Cassell	Gerlach	Knoblach	Olson	Stanek	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Osskopp	Stang	
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

The Speaker called Abrams to the Chair.

Pawlenty; Sykora; Howes; Mahoney; Mulder; Fuller; Erickson; Anderson, B.; Lieder; Gunther; McElroy; Eastlund; Marko; Dempsey; Westerberg; Penas; Opatz; Rhodes; Seagren; Anderson, I.; Olson; Johnson, J.; Kalis; Lipman and Skoglund moved to amend H. F. No. 2486, the first engrossment, as follows:

Page 17, after line 49, insert:

"\$420,000 of the unobligated and unencumbered balance in the local government unit housing account under Minnesota Statutes, section 462A.202, is transferred to the housing trust fund under

Minnesota Statutes, section 462A.201, for loans and grants to assist in the development, construction, acquisition, or rehabilitation of supportive and permanent housing to serve veterans and single adults who are homeless or at risk of becoming homeless. The loans or grants must be used for at least two housing projects that:

- (1) are located on property owned by the United States Department of Veterans Affairs or other property that could be obtained at no cost;
- (2) provide or coordinate health and social services needed by the residents; and
- (3) are a collaborative partnership between community agencies and local units of government or the federal government."

The question was taken on the Pawlenty et al amendment and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

Sertich; Mahoney; Clark, K., and Paymar moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 4, after line 11, insert:

"\$73,000,000 the first year is from the redevelopment and technology infrastructure account for redevelopment grants under Minnesota Statutes, section 116J.564, and for grants to local units

of government to improve technology infrastructure. Of this amount, one-half is for grants in the seven-county metropolitan area, and one-half is for grants outside the seven-county metropolitan area, except that if the commissioner is unable to find appropriate grant opportunities in either the metropolitan or non-metropolitan area, the commissioner may adjust this balance to reflect the grant opportunities available. This appropriation is available until June 30, 2003."

Page 45, after line 24, insert:

"Sec. 32. [REDEVELOPMENT AND TECHNOLOGY INFRASTRUCTURE ACCOUNT.]

The redevelopment and technology infrastructure account is created in the special revenue fund. Money in the account as of the end of fiscal year 2001 does not cancel, but is carried forward to the 2002-2003 biennium. The redevelopment and technology infrastructure account expires on June 30, 2003, and any amount remaining in the account is canceled and returned to the general fund.

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

Page 45, line 29, delete "contingency account" and insert "redevelopment and technology infrastructure account"

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 Sertich et al amendment and the roll was called. There were 55 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Lenczewski	Opatz	Swapinski
Bakk	Folliard	Johnson, R.	Lieder	Otremba	Wagenius
Bernardy	Gleason	Johnson, S.	Luther	Paymar	Walker
Biernat	Goodwin	Juhnke	Mahoney	Pelowski	Wasiluk
Carlson	Gray	Kahn	Mariani	Peterson	Winter
Clark, K.	Greiling	Kalis	Marko	Pugh	
Davnie	Hausman	Koskinen	McGuire	Rukavina	
Dibble	Hilstrom	Kubly	Milbert	Sertich	
Dorn	Hilty	Larson	Mullery	Skoe	
Entenza	Huntley	Leighton	Murphy	Skoglund	

Those who voted in the negative were:

Abeler	Cassell	Eastlund	Gunther	Jacobson	Lindner
Abrams	Clark, J.	Erhardt	Haas	Johnson, J.	Lipman
Anderson, B.	Daggett	Erickson	Hackbarth	Kielkucki	Mares
Bishop	Davids	Finseth	Harder	Knoblach	McElroy
Boudreau	Dehler	Fuller	Holberg	Krinkie	Molnau
Bradley	Dempsey	Gerlach	Holsten	Kuisle	Mulder
Buesgens	Dorman	Goodno	Howes	Leppik	Ness

Nornes	Pawlenty	Seagren	Swenson	Vandever	Wolf
Olson	Penas	Seifert	Sykora	Walz	Workman
Osskopp	Rhodes	Smith	Thompson	Westerberg	Spk. Sviggum
Ozment	Rifenberg	Stanek	Tingelstad	Westrom	
Paulsen	Ruth	Stang	Tuma	Wilkin	

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

Winter, Kalis, Juhnke, Peterson and Kubly moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 6, after line 34, insert:

"(l) Notwithstanding the limit in Minnesota Statutes, section 116J.8731, subdivision 5, a grant of up to \$1,000,000 may be made to a political subdivision that is chosen as a site for a soybean oilseed processing facility constructed by a Minnesota-based cooperative. The grant may be used for site preparation, predevelopment, and other infrastructure improvements, including public and private utility improvements that are necessary for development of the oilseed processing facility. The grant may be made any time until June 30, 2003."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Lipman, McElroy, Gerlach and Gunther moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 42, line 11, after the period, insert "The legislature shall review the allocation of resources to state programs and the local workforce councils."

Page 44, line 4, delete "Mandatory"

Page 45, after line 5, insert:

"Sec. 29. [CAREER TRACKING.]

As used in this section, "career tracking" is defined as the selective presentation of specific course offerings or training programs to students or prospective trainees, based upon a government entity's or a workforce council's preference for an industry, a company, or a skill set. Career tracking is prohibited.

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

Amend the title accordingly

A roll call was requested and properly seconded.

Olson moved to amend the Lipman et al amendment to H. F. No. 2486, the first engrossment, as amended, as follows:

Page 1, line 9, before "the" insert "identifying individuals for"

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 66 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Leppik	Paulsen	Swenson
Abrams	Dempsey	Harder	Lindner	Pawlenty	Sykora
Anderson, B.	Eastlund	Holberg	Lipman	Penas	Tingelstad
Bishop	Erhardt	Holsten	McElroy	Rhodes	Tuma
Boudreau	Erickson	Howes	Molnau	Rifenberg	Vandever
Bradley	Finseth	Jacobson	Mulder	Ruth	Walz
Buesgens	Fuller	Johnson, J.	Ness	Seagren	Westerberg
Cassell	Gerlach	Kielkucki	Nornes	Seifert	Westrom
Clark, J.	Goodno	Knoblach	Olson	Smith	Wilkin
Daggett	Gunther	Krinkie	Osskopp	Stanek	Workman
Davids	Haas	Kuisele	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Entenza	Jaros	Lenczewski	Opatz	Skoglund
Bakk	Evans	Jennings	Lieder	Osthoff	Swapinski
Bernardy	Folliard	Johnson, R.	Luther	Otremba	Thompson
Biernat	Gleason	Johnson, S.	Mahoney	Paymar	Wagenius
Carlson	Goodwin	Juhnke	Mares	Pelowski	Walker
Clark, K.	Gray	Kahn	Mariani	Peterson	Wasiluk
Davnie	Greiling	Kalis	Marko	Pugh	Wenzel
Dawkins	Hausman	Koskinen	McGuire	Rukavina	Winter
Dibble	Hilstrom	Kubly	Milbert	Schumacher	Wolf
Dorman	Hilty	Larson	Mullery	Sertich	
Dorn	Huntley	Leighton	Murphy	Skoe	

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

The question recurred on the Lipman et al amendment, as amended, and the roll was called. There were 68 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dehler	Finseth	Hackbarth	Johnson, J.
Abrams	Cassell	Dempsey	Fuller	Harder	Kielkucki
Anderson, B.	Clark, J.	Dorman	Gerlach	Holberg	Knoblach
Bishop	Daggett	Eastlund	Goodno	Holsten	Krinkie
Boudreau	Davids	Erhardt	Gunther	Howes	Kuisele
Bradley	Dawkins	Erickson	Haas	Jacobson	Lindner

Lipman	Olson	Rhodes	Stanek	Vandever	Workman
McElroy	Osskopp	Rifenberg	Stang	Walz	Spk. Sviggum
Molnau	Ozment	Ruth	Swenson	Westerberg	
Mulder	Paulsen	Seagren	Sykora	Westrom	
Ness	Pawlenty	Seifert	Tingelstad	Wilkin	
Nornes	Penas	Smith	Tuma	Wolf	

Those who voted in the negative were:

Anderson, I.	Evans	Jaros	Leighton	Murphy	Sertich
Bakk	Folliard	Jennings	Lenczewski	Opatz	Skoe
Bernardy	Gleason	Johnson, R.	Lieder	Osthoff	Skoglund
Biernat	Goodwin	Johnson, S.	Luther	Otremba	Swapinski
Carlson	Gray	Juhnke	Mahoney	Paymar	Thompson
Clark, K.	Greiling	Kahn	Mariani	Pelowski	Wagenius
Davnie	Hausman	Kalis	Marko	Peterson	Walker
Dibble	Hilstrom	Koskinen	McGuire	Pugh	Wasiluk
Dorn	Hilty	Kubly	Milbert	Rukavina	Wenzel
Entenza	Huntley	Larson	Mullery	Schumacher	Winter

The motion prevailed and the amendment, as amended, was adopted.

Clark, K.; Mahoney; Bernardy; Mariani; Johnson, R.; Dawkins; Carlson; Sertich; Leighton; Gray; Koskinen; Paymar; Dibble; Walker; Davnie and Kahn moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 11, line 48, delete "\$12,004,000" and insert "\$39,504,000"

Page 11, line 49, delete "\$12,004,000" and insert "\$39,504,000"

Page 13, line 30, delete "\$4,623,000" and insert "\$13,623,000"

Page 13, line 31, delete "\$4,623,000" and insert "\$13,623,000"

Page 45, line 29, delete "contingency account in the special revenue fund" and insert "the housing development fund under Minnesota Statutes, section 462A.20"

Adjust fund totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Clark, K., et al amendment and the roll was called. There were 59 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Leighton	Murphy	Skoe
Bakk	Evans	Jaros	Lenczewski	Opatz	Skoglund
Bernardy	Folliard	Jennings	Lieder	Osthoff	Swapinski
Biernat	Gleason	Johnson, R.	Luther	Paymar	Thompson
Carlson	Goodwin	Johnson, S.	Mahoney	Pelowski	Wagenius
Clark, K.	Gray	Kahn	Mariani	Peterson	Walker
Davnie	Greiling	Kalis	Marko	Pugh	Wasiluk
Dawkins	Hausman	Koskinen	McGuire	Rukavina	Wenzel
Dibble	Hilstrom	Kubly	Milbert	Schumacher	Winter
Dorn	Hilty	Larson	Mullery	Sertich	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandeveer
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Workman
Clark, J.	Goodno	Krinkie	Osskopp	Stang	Spk. Sviggum
Daggett	Gunther	Kuisele	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

The Speaker called Dehler to the Chair.

Kubly moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 17, line 40, delete "27" and insert "29"

Page 17, line 49, delete "27" and insert "29"

Page 17, after line 49, insert:

"Of the amount transferred under this subdivision, \$50,000 is for a grant to the city of Granite Falls for grants to citizens whose homes were destroyed by the Granite Falls tornado. Grants shall be used to allow citizens who can no longer build on existing lots because of a lack of city services to purchase new lots, up to \$10,000 per family."

The motion prevailed and the amendment was adopted.

Kubly moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 6, after line 34, insert:

"(1) \$500,000 the first year is from the workforce development fund for a one-time grant to the city of Granite Falls to attract businesses to develop property that has been left vacant due to damage from the Granite Falls tornado."

Page 10, delete lines 15 to 24

Adjust amounts accordingly

Re-number or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kubly amendment and the roll was called. There were 61 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lieder	Paymar	Thompson
Bakk	Folliard	Johnson, R.	Luther	Pelowski	Wagenius
Bernardy	Gleason	Johnson, S.	Mahoney	Peterson	Walker
Biernat	Goodwin	Juhnke	Mariani	Pugh	Wasiluk
Carlson	Gray	Kahn	Marko	Rukavina	Wenzel
Clark, K.	Greiling	Kalis	McGuire	Schumacher	Winter
Davnie	Hausman	Koskinen	Milbert	Seifert	
Dawkins	Hilstrom	Kubly	Mullery	Sertich	
Dibble	Hilty	Larson	Murphy	Skoe	
Dorn	Huntley	Leighton	Opatz	Skoglund	
Entenza	Jaros	Lenczewski	Otremba	Swapinski	

Those who voted in the negative were:

Abeler	Bishop	Buesgens	Daggett	Dempsey	Erhardt
Abrams	Boudreau	Cassell	Dauids	Dorman	Erickson
Anderson, B.	Bradley	Clark, J.	Dehler	Eastlund	Finseth

Fuller	Howes	Lipman	Ozment	Stanek	Westrom
Gerlach	Jacobson	Mares	Paulsen	Stang	Wilkin
Goodno	Johnson, J.	McElroy	Pawlenty	Swenson	Wolf
Gunther	Kielkucki	Molnau	Penas	Sykora	Workman
Haas	Knoblach	Mulder	Rhodes	Tingelstad	Spk. Sviggum
Hackbarth	Krinkie	Ness	Rifenberg	Tuma	
Harder	Kuisle	Nornes	Ruth	Vandever	
Holberg	Leppik	Olson	Seagren	Walz	
Holsten	Lindner	Osskopp	Smith	Westerberg	

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

Olson moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 41, after line 34, insert:

"(f) The legislature shall establish guidelines prior to the transfer of a program under the Workforce Investment Act (United States Code, title 29), title I and title III, to local workforce boards."

Page 42, line 9, delete "including those programs"

Page 42, line 11, before the period, insert "pursuant to the guidelines established under section 27, paragraph (f)"

Page 43, line 36, delete "references to" and insert "accommodations to or implementation of" and delete "federally mandated" and insert "federal"

A roll call was requested and properly seconded.

McElroy moved to amend the Olson amendment to H. F. No. 2486, the first engrossment, as amended, as follows:

Page 1, line 4, delete "shall establish guidelines prior to" and insert "must approve"

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

The question recurred on the Olson amendment, as amended, and the roll was called. There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Howes	McElroy	Rifenberg	Walz
Anderson, B.	Erickson	Jacobson	Molnau	Ruth	Westrom
Bishop	Fuller	Johnson, J.	Mulder	Seifert	Wilkin
Bradley	Gerlach	Kielkucki	Nornes	Smith	Spk. Sviggum
Cassell	Gunther	Knoblach	Olson	Stanek	
Clark, J.	Haas	Krinkie	Osskopp	Sykora	
Davids	Hackbarth	Kuisle	Ozment	Tingelstad	
Dehler	Harder	Lindner	Paulsen	Tuma	
Eastlund	Holberg	Lipman	Pawlenty	Vandever	

Those who voted in the negative were:

Abeler	Dorman	Huntley	Lieder	Paymar	Swenson
Anderson, I.	Dorn	Jaros	Luther	Pelowski	Thompson
Bakk	Entenza	Jennings	Mahoney	Penas	Wagenius
Bernardy	Evans	Johnson, R.	Mares	Peterson	Walker
Biernat	Finseth	Johnson, S.	Mariani	Pugh	Wasiluk
Boudreau	Folliard	Juhnke	Marko	Rhodes	Wenzel
Buesgens	Goodno	Kahn	McGuire	Rukavina	Westerberg
Carlson	Goodwin	Kalis	Milbert	Schumacher	Winter
Clark, K.	Gray	Koskinen	Mullery	Seagren	Wolf
Daggett	Greiling	Kubly	Murphy	Sertich	Workman
Davnie	Hausman	Larson	Ness	Skoe	
Dawkins	Hilstrom	Leighton	Opatz	Skoglund	
Dempsey	Hilty	Lenczewski	Osthoff	Stang	
Dibble	Holsten	Leppik	Otremba	Swapinski	

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

Sertich moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 45, line 29, after the period, insert "Notwithstanding any other law passed during the 2001 legislative session, funds transferred under this section may only be appropriated for purposes directly related to economic development. Any appropriation of funds in violation of this section is void."

A roll call was requested and properly seconded.

The question was taken on the Sertich amendment and the roll was called. There were 59 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Leighton	Murphy	Skoe
Bakk	Folliard	Jennings	Lenczewski	Opatz	Skoglund
Bernardy	Gleason	Johnson, R.	Lieder	Otremba	Swapinski
Biernat	Goodwin	Johnson, S.	Luther	Paymar	Thompson
Carlson	Gray	Juhnke	Mahoney	Pelowski	Wagenius
Clark, K.	Greiling	Kahn	Mariani	Peterson	Walker
Davnie	Hausman	Kalis	Marko	Pugh	Wasiluk
Dibble	Hilstrom	Koskinen	McGuire	Rukavina	Wenzel
Dorn	Hilty	Kubly	Milbert	Schumacher	Winter
Entenza	Huntley	Larson	Mullery	Sertich	

Those who voted in the negative were:

Abeler	Buesgens	Dempsey	Fuller	Harder	Kielkucki
Abrams	Cassell	Dorman	Gerlach	Holberg	Knoblach
Anderson, B.	Clark, J.	Eastlund	Goodno	Holsten	Krinkie
Bishop	Daggett	Erhardt	Gunther	Howes	Kuisle
Boudreau	Davids	Erickson	Haas	Jacobson	Leppik
Bradley	Dehler	Finseth	Hackbarth	Johnson, J.	Lindner

Lipman	Nornes	Penas	Smith	Tuma	Wolf
Mares	Olson	Rhodes	Stanek	Vandever	Workman
McElroy	Osskopp	Rifenberg	Stang	Walz	Spk. Sviggum
Molnau	Ozment	Ruth	Swenson	Westerberg	
Mulder	Paulsen	Seagren	Sykora	Westrom	
Ness	Pawlenty	Seifert	Tingelstad	Wilkin	

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

Clark, K.; Dibble; Hilstrom; Gray; Mullery; Mariani; Paymar; Huntley; Carlson; Sertich; Mahoney; Johnson, S.; Leighton; Hilty; Marko; Murphy; Entenza; Folliard; Kahn and Walker moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Pages 23 to 27, delete section 6

Page 38, delete section 22

Pages 38 and 39, delete section 23 and insert:

"Sec. 23. Minnesota Statutes 2000, section 268.022, subdivision 2, is amended to read:

Subd. 2. [DISBURSEMENT OF SPECIAL ASSESSMENT FUNDS.] (a) The money collected under this section shall be deposited in the state treasury and credited to the workforce development fund to provide for employment and training programs. The workforce development fund is created as a special account in the state treasury.

(b) All money in the fund not otherwise appropriated or transferred is appropriated to the commissioner who must act as the fiscal agent for the money and must disburse that money for the purposes of this section, not allowing the money to be used for any other obligation of the state. All money in the workforce development fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other special accounts in the state treasury, except that all interest or net income resulting from the investment or deposit of money in the fund shall accrue to the fund for the purposes of the fund.

(c) No more than five percent of the funds collected in each fiscal year may be used by the department of economic security for its administrative costs.

(d) Reimbursement for costs related to collection of the special assessment shall be in an amount negotiated between the commissioner and the United States Department of Labor.

(e) The funds appropriated to the commissioner, less amounts under paragraphs (c) and (d) shall be allocated as follows:

(1) ~~40~~ 60 percent to be allocated annually to substate grantees for provision of expeditious response activities under section 268.9771 and worker adjustment services under section 268.9781; and

(2) ~~60~~ 40 percent to be allocated to activities and programs authorized under sections 268.975 to 268.98.

(f) The commissioner shall, to the greatest possible extent, allocate funds made available for the purposes of this section by the end of the fiscal year in which the funds become available.

Any funds not allocated, obligated, or expended in a fiscal year shall be available for allocation, obligation, and expenditure in the following fiscal year.

Sec. 24. Minnesota Statutes 2000, section 268.98, subdivision 3, is amended to read:

Subd. 3. [COST LIMITATIONS.] (a) For purposes of sections 268.9781 and 268.9782, funds allocated to a grantee are subject to the following limitations:

(1) a maximum of 15 percent for administration in a worker adjustment services plan and ten percent in a dislocation event services grant;

(2) a minimum of 50 percent for provision of training assistance;

(3) a maximum of 15 percent may be allocated for support services, as defined in section 268.975, subdivision 13; except, that if the commissioner finds it essential for a specific grant or plan the maximum that may be allocated for support services is ~~20~~ 30 percent; and

(4) the balance used for provision of basic readjustment assistance.

(b) A waiver of the cost limitation on providing training assistance may be requested. The waiver may not permit less than 30 percent of the funds be spent on training assistance.

(c) The commissioner shall prescribe the form and manner for submission of an application for a waiver under paragraph (b). Criteria for granting a waiver shall be established by the commissioner in consultation with the workforce development council."

Pages 46 to 48, delete sections 34 to 36

Page 49, delete lines 23 through 25

Reletter the remaining paragraphs

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 Clark, K., et al amendment and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Larson	Mullery	Sertich
Bakk	Evans	Jaros	Leighton	Murphy	Skoe
Bernardy	Folliard	Jennings	Lenczewski	Opatz	Skoglund
Biernat	Gleason	Johnson, R.	Lieder	Otremba	Swapinski
Carlson	Goodwin	Johnson, S.	Luther	Paymar	Thompson
Clark, K.	Gray	Juhnke	Mahoney	Pelowski	Wagenius
Davnie	Greiling	Kahn	Mariani	Peterson	Walker
Dawkins	Hausman	Kalis	Marko	Pugh	Wasiluk
Dibble	Hilstrom	Koskinen	McGuire	Rukavina	Wenzel
Dorn	Hilty	Kubly	Milbert	Schumacher	Winter

Those who voted in the negative were:

Abeler	Bishop	Buesgens	Daggett	Dempsey	Erhardt
Abrams	Boudreau	Cassell	Dauids	Dorman	Erickson
Anderson, B.	Bradley	Clark, J.	Dehler	Eastlund	Finseth

Fuller	Howes	Lipman	Ozment	Smith	Westerberg
Gerlach	Jacobson	Mares	Paulsen	Stanek	Westrom
Goodno	Johnson, J.	McElroy	Pawlenty	Stang	Wilkin
Gunther	Kielkucki	Molnau	Penas	Swenson	Wolf
Haas	Knoblach	Mulder	Rhodes	Sykora	Workman
Hackbarth	Krinkie	Ness	Rifenberg	Tingelstad	Spk. Sviggum
Harder	Kuisle	Nornes	Ruth	Tuma	
Holberg	Leppik	Olson	Seagren	Vandeveer	
Holsten	Lindner	Osskopp	Seifert	Walz	

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

The Speaker resumed the Chair.

Mahoney, Sertich and Mullery moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 41, delete lines 24 to 27

Reletter remaining paragraphs accordingly

Page 43, after line 26, insert:

"(k) The head of the transition team shall not recommend the transfer of the responsibility for administering the apprenticeship program to any state agency other than the department of labor and industry. The legislature finds that the department of labor and industry is the appropriate agency to retain responsibility for this program."

Reletter remaining paragraphs accordingly

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 Mahoney et al amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Leighton	Murphy	Skoe
Bakk	Folliard	Jennings	Lenczewski	Opatz	Skoglund
Bernardy	Gleason	Johnson, R.	Lieder	Otremba	Swapinski
Biernat	Goodwin	Johnson, S.	Luther	Paymar	Thompson
Carlson	Gray	Juhnke	Mahoney	Pelowski	Wagenius
Clark, K.	Greiling	Kahn	Mariani	Peterson	Walker
Davnie	Hausman	Kalis	Marko	Pugh	Wasiluk
Dibble	Hilstrom	Koskinen	McGuire	Rukavina	Wenzel
Dorn	Hilty	Kubly	Milbert	Schumacher	
Entenza	Huntley	Larson	Mullery	Sertich	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Winter
Cassell	Gerlach	Knoblach	Olson	Stanek	Wolf
Clark, J.	Goodno	Krinkie	Osskopp	Stang	Workman
Daggett	Gunther	Kuisle	Ozment	Swenson	Spk. Sviggum
Dauids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

Rukavina; Clark, K.; Mahoney; Sertich and Paymar moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 8, delete lines 53 to 57

Page 9, delete line 1

Pages 21 and 22, delete section 1

Page 41, delete section 27

Pages 41 and 42, delete section 28

Page 45, delete section 29

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 Rukavina et al amendment and the roll was called. There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dawkins	Goodwin	Jaros	Koskinen	Mariani
Bakk	Dibble	Gray	Jennings	Kubly	Marko
Bernardy	Dorn	Greiling	Johnson, R.	Larson	McGuire
Biernat	Entenza	Hausman	Johnson, S.	Leighton	Milbert
Carlson	Evans	Hilstrom	Juhnke	Lieder	Mullery
Clark, K.	Folliard	Hilty	Kahn	Luther	Murphy
Davnie	Gleason	Huntley	Kalis	Mahoney	Otremba

Paymar	Pugh	Sertich	Wagenius	Wenzel
Pelowski	Rukavina	Skoglund	Walker	Winter
Peterson	Schumacher	Swapinski	Wasiluk	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lindner	Pawlenty	Sykora
Abrams	Dorman	Holberg	Lipman	Penas	Thompson
Anderson, B.	Eastlund	Holsten	Mares	Rhodes	Tingelstad
Bishop	Erhardt	Howes	McElroy	Rifenberg	Tuma
Boudreau	Erickson	Jacobson	Molnau	Ruth	Vandever
Bradley	Finseth	Johnson, J.	Mulder	Seagren	Walz
Buesgens	Fuller	Kielkucki	Ness	Seifert	Westerberg
Cassell	Gerlach	Knoblach	Nornes	Skoe	Westrom
Clark, J.	Goodno	Krinkie	Opatz	Smith	Wilkin
Daggett	Gunther	Kuisle	Osskopp	Stanek	Wolf
Davids	Haas	Lenczewski	Ozment	Stang	Workman
Dehler	Hackbarth	Leppik	Paulsen	Swenson	Spk. Sviggum

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

Swapinski and Jaros moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 49, after line 3, insert:

"Sec. 39. [EXEMPTION FROM ADDITIONAL BENEFITS REQUIREMENTS.]

Notwithstanding Minnesota Statutes, section 268.125, subdivisions 1 and 3, clauses (1) and (5), an applicant is eligible to receive additional benefits under Minnesota Statutes, section 268.125, effective the week following the week in which the applicant exhausted regular benefits if:

(1) the applicant was laid off due to lack of work from M. E. International in St. Louis county on February 25, 2000; and

(2) the commissioner of economic security finds that the applicant satisfies the conditions of Minnesota Statutes, section 268.125, subdivision 3, clauses (2) to (4).

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Swapinski and Jaros amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Biernat	Davnie	Entenza	Gleason	Greiling
Bakk	Carlson	Dibble	Evans	Goodwin	Hilstrom
Bernardy	Clark, K.	Dorn	Folliard	Gray	Hilty

Huntley	Kalis	Mariani	Otremba	Sertich	Wenzel
Jaros	Koskinen	McGuire	Paymar	Skoglund	Winter
Jennings	Kubly	Milbert	Pelowski	Smith	
Johnson, R.	Leighton	Mullery	Peterson	Swapinski	
Johnson, S.	Lieder	Murphy	Pugh	Wagenius	
Juhnke	Luther	Osskopp	Rukavina	Walker	
Kahn	Mahoney	Osthoff	Schumacher	Wasiluk	

Those who voted in the negative were:

Abeler	Dempsey	Holberg	Lipman	Penas	Tuma
Abrams	Dorman	Holsten	Mares	Rhodes	Vandever
Anderson, B.	Eastlund	Howes	Marko	Rifenberg	Walz
Bishop	Erhardt	Jacobson	McElroy	Ruth	Westerberg
Boudreau	Erickson	Johnson, J.	Molnau	Seagren	Westrom
Bradley	Finseth	Kielkucki	Mulder	Seifert	Wilkin
Buesgens	Fuller	Knoblach	Ness	Skoe	Wolf
Cassell	Gerlach	Krinkie	Nornes	Stanek	Workman
Clark, J.	Goodno	Kuisle	Olson	Stang	Spk. Sviggum
Daggett	Gunther	Larson	Opatz	Swenson	
Davids	Haas	Lenczewski	Ozment	Sykora	
Dawkins	Hackbarth	Leppik	Paulsen	Thompson	
Dehler	Harder	Lindner	Pawlenty	Tingelstad	

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

Goodwin; Koskinen; Johnson, S., and Biernat moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 27, after line 13, insert:

"Sec. 7. Minnesota Statutes 2000, section 119A.42, subdivision 3, is amended to read:

Subd. 3. [STATEWIDE FUEL ACCOUNT; APPROPRIATION.] The commissioner must establish a statewide fuel account. The commissioner may develop and implement a program to solicit contributions, manage the receipts, and distribute emergency energy assistance to low-income households, as defined in the federal Low-Income Home Energy Assistance Program, on a statewide basis. Household income limitations on eligibility to receive federal funds may not be more restrictive than necessary to comply with federal law. All money remitted to the commissioner for deposit in the statewide fuel account is appropriated to the commissioner for the purpose of developing and implementing the program. No more than ten percent of the money received in the first two years of the program may be used for the administrative expenses of the commissioner to implement the program and no more than five percent of the money received in any subsequent year may be used for administration of the program."

Reorder the sections in sequence and correct internal references

Amend the title accordingly

POINT OF ORDER

Seifert raised a point of order pursuant to rule 3.21 that the Goodwin et al amendment was not in order. The Speaker ruled the point of order not well taken and the Goodwin et al amendment in order.

The question recurred on the Goodwin et al amendment to H. F. No. 2486, the first engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Mullery moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 110, after line 9, insert:

"Sec. 4. [62A.81] [DEFINITIONS.]

Subdivision 1. [ENROLLEE.] "Enrollee" means an individual who is covered by a health carrier, health insurance, or health coverage plan, including an insured, policy holder, subscriber, contract holder, member-covered person, or certificate holder.

Subd. 2. [HEALTH CARE PROVIDER.] "Health care provider" or "provider" means a person defined in section 144.335, subdivision 1, paragraph (b).

Subd. 3. [HEALTH CARE TREATMENT DECISION.] "Health care treatment decision" means a determination or decision made that affects the quality of the diagnosis, care, or treatment provided to an enrollee. A health care treatment decision includes, but is not limited to, a determination that a service, treatment, or procedure is not medically necessary.

Subd. 4. [HEALTH CARRIER.] "Health carrier" means an insurance company licensed under chapter 60A to offer, sell, or issue an individual or group policy of accident and sickness insurance as defined in section 62A.01; a nonprofit health service plan corporation operating under chapter 62C; a health maintenance organization operating under chapter 62D; a joint self-insurance employee health plan operating under chapter 62H; a community integrated systems network licensed under chapter 62N; a fraternal benefit society operating under chapter 64B; or an association, partnership, corporation, or limited liability corporation organized for the purpose of providing, arranging, or administering health care services or treatment.

Subd. 5. [MEDICALLY NECESSARY CARE.] "Medically necessary care" means diagnostic testing, preventative services, and health care services that are appropriate, in terms of types, frequency, level, setting, and duration, to the enrollee's diagnosis or condition. Medically necessary care must be consistent with generally accepted practice parameters, as determined by licensed health care providers in the same or similar general specialty as typically manages the condition, procedure, or treatment at issue and must:

- (1) help restore, establish, maintain, or improve the enrollee's health condition or function;
- (2) prevent deterioration of the enrollee's health condition or function; or
- (3) prevent the reasonably likely onset of a health problem or detect an incipient problem.

Subd. 6. [ORDINARY CARE.] "Ordinary care" means, in the case of a health carrier, that degree of care that a health carrier of ordinary prudence would use under the same or similar circumstances. In the case of a person who is an employee, agent, or representative of a health carrier, ordinary care means that degree of care that a person of ordinary prudence in the same profession, specialty, or area of practice would use in the same or similar circumstances.

[EFFECTIVE DATE.] This section applies to claims arising from events that occur on or after January 1, 2002, for health plan contracts issued or renewed on or after that date.

Sec. 5. [62A.82] [APPLICATION.]

Subdivision 1. [DUTY OF ORDINARY CARE.] A health carrier has the duty to exercise ordinary care when making health care treatment decisions and is liable for damages to an enrollee for harm proximately caused by its failure to exercise ordinary care.

Subd. 2. [RESPONSIBILITY FOR ACTIONS OF OTHERS.] A health carrier is also liable for damages to an enrollee for harm proximately caused by a health care treatment decision made by its:

(1) employees;

(2) agents; or

(3) representatives who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control that results in the failure to exercise ordinary care.

In an action against a health carrier, a finding that a health care provider is an employee, agent, or representative of the health carrier shall not be based solely on proof that the person's name appears in a listing of approved health care providers made available to enrollees under a health plan.

Subd. 3. [DEFENSES.] It shall be a defense to an action asserted against a health carrier that:

(1) neither the health carrier, nor any employee, agent, or representative for whose conduct the health carrier is liable under subdivision 2, controlled, influenced, or participated in the health care treatment decision; and

(2) the health carrier did not deny or delay payment for any service, treatment, or procedure prescribed or recommended by a provider to the enrollee.

Subd. 4. [LIMITATIONS.] (a) The standards in subdivisions 1 and 2 create no obligation on the part of the health carrier to provide to an enrollee a service, treatment, or procedure that is not covered by the health plan.

(b) This section does not create liability on the part of an employer or an employer group purchasing organization that purchases coverage or assumes risk on behalf of its employees.

Subd. 5. [LIMITATION ON DEFENSES.] Nothing in any law of this state prohibiting a health carrier from practicing medicine or being licensed to practice medicine may be asserted as a defense by the health carrier in an action brought against it pursuant to this section or any other law.

Subd. 6. [NONAPPLICATION.] This section does not apply to workers' compensation insurance coverage under chapter 79, workers' compensation self-insurance under chapter 79A, or health coverage for state employees. This section does not apply to governmental programs. For the purposes of this subdivision, "governmental programs" means the prepaid medical assistance program, the MinnesotaCare program, the prepaid general assistance medical care program, and the federal Medicare program.

Subd. 7. [RECOVERY OF ATTORNEY FEES AND OTHER EXPENSES.] If an enrollee is the prevailing party in a proceeding under this section, the court may award attorney fees and other reasonable expenses to the enrollee. This subdivision does not preclude an enrollee from recovering costs, disbursements, fees, and expenses under other applicable law.

Subd. 8. [TRANSFER OF LIABILITY.] Any agreement or directive that attempts to transfer to a health care provider, by indemnification or otherwise, any tort liability relating to the activities, actions, or omissions of a health carrier is contrary to state public policy and is null and void.

Subd. 9. [WAIVER OF LIABILITY.] Any agreement or waiver by an enrollee of the provisions of this section is contrary to state public policy and is null and void.

Subd. 10. [EXHAUSTION OF APPEALS.] An enrollee must exhaust the external review process to the extent authorized by law before a claim can be brought against a health carrier under this chapter.

[EFFECTIVE DATE.] This section applies to claims arising from events that occur on or after January 1, 2002, for health plan contracts issued or renewed on or after that date."

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 Mullery amendment and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lieder	Otremba	Thompson
Bakk	Folliard	Johnson, R.	Luther	Paymar	Wagenius
Bernardy	Gleason	Johnson, S.	Mahoney	Pelowski	Walker
Biernat	Goodwin	Juhnke	Mariani	Peterson	Wasiluk
Carlson	Gray	Kahn	Marko	Pugh	Wenzel
Clark, K.	Greiling	Kalis	McGuire	Rukavina	Westerberg
Davnie	Hausman	Koskinen	Milbert	Schumacher	Winter
Dawkins	Hilstrom	Kubly	Mullery	Sertich	
Dibble	Hilty	Larson	Murphy	Skoe	
Dorn	Huntley	Leighton	Opatz	Skoglund	
Entenza	Jaros	Lenczewski	Osthoff	Swapinski	

Those who voted in the negative were:

Abrams	Dempsey	Hackbarth	Leppik	Paulsen	Swenson
Anderson, B.	Dorman	Harder	Lindner	Pawlenty	Sykora
Bishop	Eastlund	Holberg	Lipman	Penas	Tingelstad
Boudreau	Erhardt	Holsten	Mares	Rhodes	Tuma
Bradley	Erickson	Howes	McElroy	Rifenberg	Vandever
Buesgens	Finseth	Jacobson	Molnau	Ruth	Walz
Cassell	Fuller	Johnson, J.	Mulder	Seagren	Westrom
Clark, J.	Gerlach	Kielkucki	Ness	Seifert	Wilkin
Daggett	Goodno	Knoblach	Nornes	Smith	Wolf
Davids	Gunther	Krinkie	Osskopp	Stanek	Workman
Dehler	Haas	Kuisle	Ozment	Stang	Spk. Sviggum

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

Knoblach and McElroy moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 5, line 52, after the period, insert "No further state appropriation is authorized or envisioned by this language."

The motion prevailed and the amendment was adopted.

Koskinen and Skoglund moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 152, after line 18, insert:

"Sec. 15. Minnesota Statutes 2000, section 62E.06, subdivision 1, is amended to read:

Subdivision 1. [NUMBER THREE PLAN.] A plan of health coverage shall be certified as a number three qualified plan if it otherwise meets the requirements established by chapters 62A and 62C, and the other laws of this state, whether or not the policy is issued in Minnesota, and meets or exceeds the following minimum standards:

(a) The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed \$150 per person. The coverage shall include a limitation of \$3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage shall be subject to a maximum lifetime benefit of not less than \$500,000.

The \$3,000 limitation on total annual out-of-pocket expenses and the \$500,000 maximum lifetime benefit shall not be subject to change or substitution by use of an actuarially equivalent benefit.

(b) Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

- (1) hospital services;
- (2) professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a physician or at the physician's direction;
- (3) drugs requiring a physician's prescription;
- (4) services of a nursing home for not more than 120 days in a year if the services would qualify as reimbursable services under Medicare;
- (5) services of a home health agency if the services would qualify as reimbursable services under Medicare;
- (6) use of radium or other radioactive materials;
- (7) oxygen;
- (8) anesthetics;
- (9) prostheses other than dental but including scalp hair prostheses worn for hair loss suffered as a result of alopecia areata;
- (10) rental or purchase, as appropriate, of durable medical equipment ~~other than~~, including, for persons age 21 or younger, eyeglasses for individuals who are deaf or hard of hearing and rely upon visual communication, whether that be manual communication, lip reading, or other forms of visual communication, and hearing aids, covered under section 62Q.501;
- (11) diagnostic X-rays and laboratory tests;
- (12) oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth;

(13) services of a physical therapist;

(14) transportation provided by licensed ambulance service to the nearest facility qualified to treat the condition; or a reasonable mileage rate for transportation to a kidney dialysis center for treatment; and

(15) services of an occupational therapist.

(c) Covered expenses for the services and articles specified in this subdivision do not include the following:

(1) any charge for care for injury or disease either (i) arising out of an injury in the course of employment and subject to a workers' compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health insurance, Medicare, or any other governmental program except as otherwise provided by section 62A.04, subdivision 3, clause (4);

(2) any charge for treatment for cosmetic purposes other than for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness, or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician;

(3) care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under Medicare;

(4) any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician, provided, however, that if the institution does not have semiprivate rooms, its most common semiprivate room charge shall be considered to be 90 percent of its lowest private room charge;

(5) that part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and

(6) any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

(d) The minimum benefits for a qualified plan shall include, in addition to those benefits specified in clauses (a) and (e), benefits for well baby care, effective July 1, 1980, subject to applicable deductibles, coinsurance provisions, and maximum lifetime benefit limitations.

(e) Effective July 1, 1979, the minimum benefits of a qualified plan shall include, in addition to those benefits specified in clause (a), a second opinion from a physician on all surgical procedures expected to cost a total of \$500 or more in physician, laboratory, and hospital fees, provided that the coverage need not include the repetition of any diagnostic tests.

(f) Effective August 1, 1985, the minimum benefits of a qualified plan must include, in addition to the benefits specified in clauses (a), (d), and (e), coverage for special dietary treatment for phenylketonuria when recommended by a physician.

(g) Outpatient mental health coverage is subject to section 62A.152, subdivision 2."

Page 154, after line 7, insert:

"Sec. 17. Minnesota Statutes 2000, section 62L.05, subdivision 4, is amended to read:

Subd. 4. [BENEFITS.] The medical services and supplies listed in this subdivision are the benefits that must be covered by the small employer plans described in subdivisions 2 and 3. Benefits under this subdivision may be provided through the managed care procedures practiced by health carriers.

(1) inpatient and outpatient hospital services, excluding services provided for the diagnosis, care, or treatment of chemical dependency or a mental illness or condition, other than those conditions specified in clauses (10), (11), and (12). The health care services required to be covered under this clause must also be covered if rendered in a nonhospital environment, on the same basis as coverage provided for those same treatments or services if rendered in a hospital, provided, however, that this sentence must not be interpreted as expanding the types or extent of services covered;

(2) physician, chiropractor, and nurse practitioner services for the diagnosis or treatment of illnesses, injuries, or conditions;

(3) diagnostic X-rays and laboratory tests;

(4) ground transportation provided by a licensed ambulance service to the nearest facility qualified to treat the condition, or as otherwise required by the health carrier;

(5) services of a home health agency if the services qualify as reimbursable services under Medicare;

(6) services of a private duty registered nurse if medically necessary, as determined by the health carrier;

(7) the rental or purchase, as appropriate, of durable medical equipment, ~~other than~~ including, for persons age 21 or younger, eyeglasses for individuals who are deaf or hard of hearing and rely upon visual communication, whether that be manual communication, lip reading, or other forms of visual communication, and hearing aids, covered under section 62Q.501;

(8) child health supervision services up to age 18, as defined in section 62A.047;

(9) maternity and prenatal care services, as defined in sections 62A.041 and 62A.047;

(10) inpatient hospital and outpatient services for the diagnosis and treatment of certain mental illnesses or conditions, as defined by the International Classification of Diseases-Clinical Modification (ICD-9-CM), seventh edition (1990) and as classified as ICD-9 codes 295 to 299;

(11) ten hours per year of outpatient mental health diagnosis or treatment for illnesses or conditions not described in clause (10);

(12) 60 hours per year of outpatient treatment of chemical dependency; and

(13) 50 percent of eligible charges for prescription drugs, up to a separate annual maximum out-of-pocket expense of \$1,000 per individual for prescription drugs, and 100 percent of eligible charges thereafter."

Page 155, after line 11, insert:

"Sec. 19. [62Q.501] [COVERAGE OF HEARING AIDS AND OF EYEGASSES FOR THE DEAF OR HARD OF HEARING; AGE 21 OR YOUNGER.]

Subdivision 1. [EYEGASSES.] A health plan must provide coverage for eyeglasses for individuals who are age 21 or younger deaf or hard of hearing and rely upon manual communication, lip reading, or other forms of visual

communication. Coverage for eyeglasses must be provided when prescribed or ordered by a licensed health care provider if the prescription or order is within the scope of licensure of the provider.

Subd. 2. [HEARING AIDS.] A health plan must provide coverage for a hearing aid for persons age 21 or younger when the hearing aid is ordered or prescribed by a certified audiologist or certified hearing aid specialist. The hearing aid may be obtained from anyone who is certified within the scope of practice.

Subd. 3. [LIMITATIONS ON COVERAGE.] No special deductible, coinsurance, copayment, or other limitation on the coverage under this section that is not generally applicable to other coverages under the plan may be imposed.

Subd. 4. [PROVIDER NETWORK.] All services covered under this section must be provided by a health care provider within the health plan company's provider network available to the enrollee pursuant to the terms of the enrollee's health plan.

Subd. 5. [HEALTH PLAN.] For purposes of this section, "health plan" includes coverage that is excluded under section 62A.011, subdivision 3, clause (7)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Koskinen and Skoglund amendment and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lieder	Paymar	Wagenius
Bakk	Folliard	Johnson, R.	Luther	Pelowski	Walker
Bernardy	Gleason	Johnson, S.	Mahoney	Peterson	Wasiluk
Biernat	Goodwin	Juhnke	Mariani	Pugh	Wenzel
Carlson	Gray	Kahn	Marko	Rukavina	Westerberg
Clark, K.	Greiling	Kalis	McGuire	Schumacher	Winter
Davnie	Hausman	Koskinen	Milbert	Sertich	
Dawkins	Hilstrom	Kubly	Murphy	Skoe	
Dibble	Hilty	Larson	Olson	Skoglund	
Dorn	Huntley	Leighton	Opatz	Swapinski	
Entenza	Jaros	Lenczewski	Otremba	Thompson	

Those who voted in the negative were:

Abeler	Dehler	Haas	Kuistle	Paulsen	Swenson
Abrams	Dempsey	Hackbarth	Lindner	Pawlenty	Sykora
Anderson, B.	Dorman	Harder	Lipman	Penas	Tingelstad
Bishop	Eastlund	Holberg	Mares	Rhodes	Tuma
Boudreau	Erhardt	Holsten	McElroy	Rifenberg	Vandever
Bradley	Erickson	Howes	Molnau	Ruth	Walz
Buesgens	Finseth	Jacobson	Mulder	Seagren	Westrom
Cassell	Fuller	Johnson, J.	Ness	Seifert	Wilkin
Clark, J.	Gerlach	Kielkucki	Nornes	Smith	Wolf
Daggett	Goodno	Knoblach	Osskopp	Stanek	Workman
Davids	Gunther	Krinkie	Ozment	Stang	Spk. Sviggum

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

The Speaker called Boudreau to the Chair.

Goodwin moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 117, after line 9, insert:

"Sec. 14. Minnesota Statutes 2000, section 62J.71, is amended by adding a subdivision to read:

Subd. 5. [CERTAIN REFERRAL OR PRESCRIPTION AGREEMENTS PROHIBITED.] An agreement or directive that provides either a financial or other reward or penalty to a health care provider for making or not making a referral or for prescribing or not prescribing a good or service to be provided by other providers not owned, operated, or otherwise subject to the control of the provider, is void and unenforceable.

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

Page 140, after line 12, insert:

"Sec. 58. [COST PROVISION.] Any increased costs incurred by a state agency as a result of section 14 of this article must be absorbed internally by the state agency within its appropriations for consulting services."

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 Goodwin amendment and the roll was called. There were 61 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Evans	Johnson, R.	Luther	Otremba	Thompson
Anderson, I.	Folliard	Johnson, S.	Mahoney	Paymar	Wagenius
Bakk	Gleason	Juhnke	Mariani	Pelowski	Walker
Bernardy	Goodwin	Kahn	Marko	Peterson	Wasiluk
Biernat	Gray	Kalis	McGuire	Pugh	Westerberg
Carlson	Greiling	Koskinen	Milbert	Rukavina	Winter
Clark, K.	Hausman	Kubly	Mullery	Schumacher	
Davnie	Hilstrom	Larson	Murphy	Sertich	
Dibble	Hilty	Leighton	Olson	Skoe	
Dorn	Jaros	Lenczewski	Opatz	Skoglund	
Entenza	Jennings	Lieder	Osthoff	Swapinski	

Those who voted in the negative were:

Abrams	Dauids	Gerlach	Huntley	Lipman	Paulsen
Anderson, B.	Dehler	Goodno	Jacobson	Mares	Pawlenty
Bishop	Dempsey	Gunther	Johnson, J.	McElroy	Penas
Boudreau	Dorman	Haas	Kielkucki	Molnau	Rhodes
Bradley	Eastlund	Hackbarth	Knoblach	Mulder	Rifenberg
Buesgens	Erhardt	Harder	Krinkie	Ness	Ruth
Cassell	Erickson	Holberg	Kuisle	Nornes	Seagren
Clark, J.	Finseth	Holsten	Leppik	Osskopp	Seifert
Daggett	Fuller	Howes	Lindner	Ozment	Smith

Stanek	Sykora	Vandev eer	Westrom	Workman
Stang	Tingelstad	Walz	Wilkin	Spk. Sviggum
Swenson	Tuma	Wenzel	Wolf	

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

McElroy and Knoblach moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 1, line 4, of the Knoblach and McElroy amendment adopted earlier today, delete "envisioned" and insert "given special preference"

The motion prevailed and the amendment was adopted.

Entenza moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 159, after line 4, insert:

"Subd. 4. [TELECOMMUNICATIONS CONSUMER PRIVACY ACT.] (a) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Affiliated interest" has the meaning given in section 237.65, subdivision 1. Affiliated interest also includes a person who directly or indirectly owns or controls, is owned or controlled by, or is under the common ownership or control of a telecommunications service provider.

(2) "Aggregate information" means collective data that relate to a group or category of services or customers from which individual customer identities have been removed or cannot be ascertained.

(3) "Customer" means an individual or entity or authorized representative of an individual or entity to whom a telecommunications service provider is providing or has provided a telecommunications service.

(4) "Customer information" means individually identifiable information about a customer that is available to a telecommunications service provider by virtue of the relationship between the customer and the provider, including information regarding the identity of persons called or from whom calls were received, length and dates of calls, account balances, bank account information for automatic withdrawal and other purposes, payment records, transaction histories, or credit information. Aggregate information is not customer information.

(5) "Person" includes:

(i) an individual;

(ii) a commercial or business entity, however organized, including, but not limited to, a firm, company, limited liability company, partnership, limited liability partnership, corporation, or cooperative;

(iii) a political subdivision, including a county, statutory or home rule charter city, or town; and

(iv) an affiliated interest of a telecommunications service provider.

(6) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(7) "Telecommunications service" includes providing telecommunications for a fee directly to the public, or to classes of users as to be effectively available directly to the public, regardless of the facilities used; and any service subject to this chapter, provided to a customer at retail for ultimate consumption. Telecommunications service does not include a service furnished by one provider to another for resale.

(8) "Telecommunications service provider" means a provider of a telecommunications service, including an independent telephone company, telephone company, or telecommunications carrier; a municipality that provides a telecommunications service; or a cellular or other wireless telecommunications service provider.

(b) A telecommunications service provider has a duty to protect the privacy, confidentiality, and security of customer information.

(1) A telecommunications service provider that receives or obtains customer information may not disclose or permit access to that customer information to or by any other person except:

(i) as required otherwise by law; or

(ii) with the specific, express, prior consent of the customer pursuant to paragraph (c), and only to the extent of that consent.

(2) This subdivision does not prohibit a telecommunications service provider from disclosing or permitting access to customer information if disclosing or permitting access to the information is necessary to:

(i) initiate, render, bill, or collect for telecommunications services;

(ii) protect the rights or property of the telecommunications service provider or to protect other users of the telecommunications service provider's services and other providers from fraudulent, abusive, or unlawful use of or subscription to telecommunications services; or

(iii) accommodate a request by a government entity pursuant to any lawful authority or process.

(3) Customer information obtained by a government entity from a telecommunications service provider is private data on individuals, as defined in section 13.02, subdivision 12, unless specifically classified otherwise by law.

(4) Disclosure of aggregate customer information by a telecommunications service provider must be made on reasonable and nondiscriminatory terms and conditions.

(c) (1) Before an initial request for customer consent to the release of customer information and annually after that time, a telecommunications service provider shall notify the customer of the customer's right to control disclosure of and access to information on the customer. A telecommunications service provider shall provide this notice in writing directly to the customer. The notice must be labeled "IMPORTANT PRIVACY INFORMATION." The notice must provide sufficient information to enable the customer to make an informed decision as to whether to consent to disclosure of or access to information on the customer. A telecommunications service provider shall notify each customer annually of any currently valid consents the customer has executed.

(2) A consent to the release of customer information must be in writing and signed by the customer. The consent must be contained on a separate page that clearly and conspicuously discloses and allows the customer to specify:

(i) the time during which the consent is effective, which may not be longer than five years;

(ii) each category of customer information that may be disclosed, including identities of persons called or from whom calls were received, length and dates of calls, account balances, bank account information, payment records, transaction histories, or credit information; and

(iii) the persons to whom disclosures may be made.

(d) The attorney general may use the remedies under section 8.31, subdivision 3, against a telecommunications service provider who violates section 237.83 or 237.84.

(e) (1) If the commission finds that access is necessary to promote fair and reasonable competition for local telecommunications services, the commission may, by order or rule, allow a telecommunications carrier that is certified by the commission to provide local service access to the list of telecommunications services a customer currently subscribes to and the characteristics and capabilities of telecommunications facilities used to provide telecommunications services to the customer. A telecommunications carrier that obtains information under paragraph (a) may only disclose or permit access to that information as provided in paragraphs (b) and (c).

(2) The public utilities commission shall require a telecommunications service provider that provides local telecommunications services to provide subscriber list information gathered in its capacity as a provider of those services in a timely and unbundled basis under nondiscriminatory and reasonable rates, terms, and conditions to any person upon request for the purpose of publishing telephone directories, to the extent required by federal law and consistent with the purposes of sections 237.82 to 237.86.

(3) For the purposes of this section, "subscriber list information" means the list of names of subscribers of a telecommunications service provider and the subscribers' telephone numbers and addresses that the telecommunications service provider, or an affiliate, has published, caused to be published, or accepted for publication in any directory format."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Pawlenty raised a point of order pursuant to rule 3.21 that the Entenza amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Boudreau submitted the following question to the House: "Is it the judgment of the House that the Pawlenty point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Pawlenty point of order and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abrams	Eastlund	Holberg	Mares	Rifenberg	Vandever
Anderson, B.	Erhardt	Holsten	McElroy	Ruth	Walz
Boudreau	Erickson	Howes	Molnau	Seagren	Westerberg
Bradley	Finseth	Jacobson	Mulder	Seifert	Westrom
Buesgens	Fuller	Johnson, J.	Ness	Smith	Wilkin
Cassell	Gerlach	Kielkucki	Nornes	Stanek	Wolf
Clark, J.	Goodno	Knoblach	Osskopp	Stang	Workman
Daggett	Gunther	Krinkie	Ozment	Swenson	Spk. Sviggum
Dehler	Haas	Kuisele	Pawlenty	Sykora	
Dempsey	Hackbarth	Leppik	Penas	Tingelstad	
Dorman	Harder	Lipman	Rhodes	Tuma	

Those who voted in the negative were:

Anderson, I.	Dorn	Huntley	Leighton	Murphy	Schumacher
Bakk	Entenza	Jaros	Lenczewski	Olson	Sertich
Bernardy	Evans	Jennings	Lieder	Opatz	Skoe
Biernat	Folliard	Johnson, R.	Lindner	Osthoff	Skoglund
Bishop	Gleason	Johnson, S.	Luther	Otremba	Swapinski
Carlson	Goodwin	Juhnke	Mahoney	Paulsen	Thompson
Clark, K.	Gray	Kahn	Mariani	Paymar	Wagenius
Davids	Greiling	Kalis	Marko	Pelowski	Walker
Davnie	Hausman	Koskinen	McGuire	Peterson	Wasiluk
Dawkins	Hilstrom	Kubly	Milbert	Pugh	Wenzel
Dibble	Hilty	Larson	Mullery	Rukavina	Winter

So it was the judgment of the House that the Pawlenty point of order was not well taken and the Entenza amendment was in order.

The Speaker resumed the Chair.

The question recurred on the Entenza amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lieder	Otremba	Swapinski
Bakk	Folliard	Johnson, R.	Luther	Paymar	Thompson
Bernardy	Gleason	Johnson, S.	Mahoney	Pelowski	Vandever
Biernat	Goodwin	Juhnke	Mariani	Peterson	Wagenius
Carlson	Gray	Kahn	Marko	Pugh	Walker
Clark, K.	Greiling	Kalis	McGuire	Rukavina	Wasiluk
Davnie	Hausman	Koskinen	Milbert	Schumacher	Wenzel
Dawkins	Hilstrom	Kubly	Mullery	Sertich	Winter
Dibble	Hilty	Larson	Murphy	Skoe	
Dorn	Huntley	Leighton	Opatz	Skoglund	
Entenza	Jaros	Lenczewski	Osthoff	Solberg	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Walz
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Westerberg
Bishop	Erhardt	Howes	Molnau	Ruth	Westrom
Boudreau	Erickson	Jacobson	Mulder	Seagren	Wilkin
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wolf
Buesgens	Fuller	Kielkucki	Nornes	Smith	Workman
Cassell	Gerlach	Knoblach	Olson	Stanek	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Osskopp	Stang	
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

Kubly; Peterson; Lieder; Hausman; Dorn; Juhnke; Mariani; Rukavina; Sertich; Johnson, R.; Mullery; Pelowski and Kahn moved to amend H. F. No. 2486, the first engrossment, as amended, as follows:

Page 45, line 29, delete "contingency" and insert "flood relief"

Page 45, line 29, after the period, insert:

"The commissioner of trade and economic development shall distribute grants from the account to cities and towns suffering spring 2001 flood damage along the Minnesota river, the Red river of the north, and the Mississippi river. The grants must be prorated based on the population of the affected cities and towns. The amounts necessary to make the grants is appropriated to the commissioner of trade and economic development from the flood relief account."

A roll call was requested and properly seconded.

The question was taken on the Kubly et al amendment and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lieder	Paymar	Swapinski
Bakk	Folliard	Johnson, R.	Luther	Pelowski	Thompson
Bernardy	Gleason	Johnson, S.	Mahoney	Peterson	Wagenius
Biernat	Goodwin	Juhnke	Mariani	Pugh	Walker
Carlson	Gray	Kahn	Marko	Rukavina	Wasiluk
Clark, K.	Greiling	Kalis	McGuire	Schumacher	Wenzel
Davnie	Hausman	Koskinen	Milbert	Seagren	Winter
Dawkins	Hilstrom	Kubly	Murphy	Sertich	
Dibble	Hilty	Larson	Opatz	Skoe	
Dorn	Huntley	Leighton	Osskopp	Skoglund	
Entenza	Jaros	Lenczewski	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Dehler	Haas	Leppik	Paulsen	Sykora
Abrams	Dempsey	Hackbarth	Lindner	Pawlenty	Tingelstad
Anderson, B.	Dorman	Harder	Lipman	Penas	Tuma
Bishop	Eastlund	Holberg	Mares	Rhodes	Vandever
Boudreau	Erhardt	Holsten	McElroy	Rifenberg	Walz
Bradley	Erickson	Howes	Molnau	Ruth	Westerberg
Buesgens	Finseth	Jacobson	Mulder	Seifert	Westrom
Cassell	Fuller	Johnson, J.	Ness	Smith	Wilkin
Clark, J.	Gerlach	Kielkucki	Nornes	Stanek	Wolf
Daggett	Goodno	Knoblach	Olson	Stang	Workman
Davids	Gunther	Kuisle	Ozment	Swenson	Spk. Sviggum

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

H. F. No. 2486, A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; transferring certain duties and funds; establishing an account; consolidating housing programs; regulating activities and practices; modifying

fees; making conforming changes; requiring reports; revising certain provisions involving state regulation of private health coverage; transferring certain regulatory control; establishing requirements for managed care plans; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; modifying provisions of the Minnesota Electrical Act; providing for power limited technician licensing; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 62A.021, subdivision 1; 62A.041, subdivisions 1, 2; 62A.042; 62A.043, subdivision 1; 62A.105; 62A.14; 62A.149, subdivision 1; 62A.15, subdivision 1; 62A.152, subdivision 1; 62A.153; 62A.20; 62A.21; 62A.615; 62A.616; 62A.65, subdivision 5; 62D.02, subdivisions 3, 8; 62D.12, subdivisions 1, 1a; 62D.15, subdivision 1; 62D.24; 62E.05, subdivision 2; 62E.11, subdivision 13; 62E.14, subdivision 6; 62E.16; 62J.041, subdivision 4; 62J.701; 62J.74, subdivisions 1, 2; 62J.75; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10, 11; 62L.09, subdivision 3; 62L.10, subdivision 4; 62L.11, subdivision 2; 62L.12, subdivision 2; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62Q.01, subdivision 2; 62Q.03, subdivision 5a; 62Q.07; 62Q.106; 62Q.22, subdivisions 2, 6, 7; 62Q.32; 62Q.33, subdivision 2; 62Q.49, subdivision 2; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62Q.68, subdivision 1; 62Q.69, subdivisions 2, 3; 62Q.71; 62Q.72; 62Q.73, subdivisions 3, 4, 5, 6; 62R.04, subdivision 5; 62R.06, subdivision 1; 62T.01, subdivision 4; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03, subdivisions 2, 3, 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.06, by adding a subdivision; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 256B.692, subdivisions 2, 7; 257.34, subdivision 1; 268.022, subdivisions 1, 2; 325E.11; 325E.115, subdivision 2; 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.243; 326.244, subdivisions 1a, 2, 5, 6; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 484.50; Laws 1993, chapter 301, section 1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116L; 122A; 462A; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2000, sections 62A.049; 62A.21, subdivision 3; 62C.14, subdivisions 5, 5a, 5b, 14; 62C.142; 62D.09, subdivision 3; 62D.101; 62D.105; 62D.12, subdivision 19; 62D.123, subdivisions 2, 3, 4; 62D.124; 62Q.095, subdivisions 1, 2, 3, 4, 6; 62Q.45; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.96; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7; Minnesota Rules, parts 3800.3500, subpart 12; 4685.0801, subpart 7; 4685.1010; 4685.1300; 4685.1900; 4685.2000; 4685.2200, subpart 3; 4685.1105; 4685.1110; 4685.1115; 4685.1120; 4685.1125; 4685.1130.

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 72 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kuise	Ozment	Swenson
Abrams	Dawkins	Haas	Leppik	Paulsen	Sykora
Anderson, B.	Dehler	Hackbarth	Lindner	Pawlentz	Tingelstad
Anderson, I.	Dempsey	Harder	Lipman	Penas	Tuma
Bishop	Dorman	Holberg	Mares	Rhodes	Vandever
Boudreau	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bradley	Erhardt	Howes	Molnau	Ruth	Westerberg
Buesgens	Erickson	Jacobson	Mulder	Seagren	Westrom
Cassell	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Clark, J.	Fuller	Kielkucki	Nornes	Smith	Wolf
Clark, K.	Gerlach	Knoblach	Osskopp	Stanek	Workman
Daggett	Goodno	Krinkie	Osthoff	Stang	Spk. Sviggum

Those who voted in the negative were:

Bakk	Gleason	Johnson, R.	Lieder	Opatz	Skoglund
Bernardy	Goodwin	Johnson, S.	Luther	Otremba	Solberg
Biernat	Gray	Juhnke	Mahoney	Paymar	Swapinski
Carlson	Greiling	Kahn	Mariani	Pelowski	Thompson
Davnie	Hausman	Kalis	Marko	Peterson	Wagenius
Dibble	Hilstrom	Koskinen	McGuire	Pugh	Walker
Dorn	Hilty	Kubly	Milbert	Rukavina	Wasiluk
Entenza	Huntley	Larson	Mullery	Schumacher	Wenzel
Evans	Jaros	Leighton	Murphy	Sertich	Winter
Folliard	Jennings	Lenczewski	Olson	Skoe	

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 1266.

H. F. No. 1266 was reported to the House.

Ness moved to amend H. F. No. 1266, the second engrossment, as follows:

Page 2, line 19, delete "\$1,746,000" and insert "\$1,702,000"

Page 3, line 1, delete "\$1,452,000" and insert "\$1,408,000"

Page 3, after line 51, insert:

"[DAIRY SERVICES ACCOUNT.] \$306,000 the first year and \$429,000 the second year is one-time supplemental funding for the dairy services account.

[FERTILIZER INSPECTION ACCOUNT.] \$155,000 the first year and \$253,000 the second year is one-time supplemental funding for the fertilizer inspection account.

[FOOD HANDLER PLAN REVIEW ACCOUNT.] \$12,000 the first year and \$12,000 the second year is one-time supplemental funding for the food handler plan review account.

[COMMERCIAL CANNERIES ACCOUNT.] \$22,000 the first year and \$25,000 the second year is one-time supplemental funding for the commercial canneries account.

[LABORATORY SERVICES ACCOUNT.] \$19,000 in the second year is one-time supplemental funding for the laboratory services account."

Page 4, line 11, delete "\$200,000" and insert "\$162,000"

Page 4, line 11, delete "\$400,000" and insert "\$163,000"

Page 5, line 19, delete "\$250,000" and insert "\$150,000"

Page 5, line 20, delete "\$250,000" and insert "\$150,000"

Page 7, line 13, delete both instances of "\$360,000" and insert "\$320,000"

Page 7, line 32, delete "\$100,000" and insert "\$60,000"

Page 8, after line 29, insert:

"[WHOLESALE PRODUCE DEALERS LICENSE ACCOUNT.] \$17,000 the first year and \$17,000 the second year is one-time supplemental funding for the wholesale produce dealers account.

[GRAIN BUYERS AND STORAGE ACCOUNT.] \$60,000 in the second year is one-time supplemental funding for the grain buyers and storage account."

Page 8, line 36, delete the first instance of "\$300,000" and insert "\$109,000"

Page 8, line 36, delete the second instance of "\$300,000" and insert "\$119,000"

Page 12, line 16, delete "; FEES" and delete "(a)"

Page 12, delete lines 21 to 30

Page 33, delete lines 4 to 10

Page 36, delete lines 8 to 36

Page 37, delete lines 1 to 19

Page 38, delete lines 18 to 36

Delete pages 39 to 49

Page 50, delete lines 1 to 10 and 20 to 36

Page 51, delete lines 1 and 2

Page 62, delete lines 32 to 36

Delete page 63

Page 64, delete lines 1 to 34

Adjust the totals accordingly

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

CALL OF THE HOUSE

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

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

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

Kubly; Winter; Johnson, R.; Juhnke and Peterson moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 5, delete lines 19 to 23 and 42 to 65

Page 6, delete lines 1 to 19

Page 6, line 50, delete "\$720,000" and insert "\$1,945,000"

Page 6, line 59, delete "\$6,000,000" and insert "\$6,400,000"

Page 6, after line 59, insert "Funding under this paragraph is to be equally divided between production facilities covered by this paragraph."

Page 7, line 1, delete "an"

Page 7, line 2, delete "facility that" and insert "facilities, one of which"

Page 7, line 3, after the period, insert "Base-level funding for the 2006-2007 biennium is \$12,000,000."

Page 7, after line 3, insert:

"[ETHANOL PAYMENT RECAPTURE.] \$1,273,000 in fiscal year 2006 and \$2,349,000 in fiscal year 2007 are for deposit in the value-added agricultural product revolving fund under Minnesota Statutes, section 41B.046, subdivision 3. This funding level represents a recapture of the uncaptured balance of ethanol producer payments previously made under the original ethanol producer payment program of Minnesota Statutes, section 41A.09."

Page 8, delete lines 50 to 55

Page 55, line 22, after the period, insert "If, because of the insufficiency of appropriations to cover all claims in a quarter, a second-generation ethanol producer received less than the full producer payment to which the producer would be entitled, the eligibility period is extended to the number of additional quarters necessary so that the producer may receive the all prescribed payments."

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Kubly et al amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark, K.	Entenza	Gray	Huntley	Juhnke
Bakk	Davnie	Evans	Greiling	Jaros	Kahn
Bernardy	Dawkins	Folliard	Hausman	Jennings	Kalis
Biernat	Dibble	Gleason	Hilstrom	Johnson, R.	Kelliher
Carlson	Dorn	Goodwin	Hilty	Johnson, S.	Koskinen

Kubly	Mahoney	Murphy	Peterson	Skoglund	Walker
Larson	Mariani	Opatz	Pugh	Slawik	Wasiluk
Leighton	Marko	Osthoff	Rukavina	Solberg	Wenzel
Lenczewski	McGuire	Otremba	Schumacher	Swapinski	Winter
Lieder	Milbert	Paymar	Sertich	Thompson	
Luther	Mullery	Pelowski	Skoe	Wagenius	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Workman
Clark, J.	Goodno	Krinkie	Osskopp	Stang	Spk. Sviggum
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

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

CALL OF THE HOUSE LIFTED

Peterson moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Kalis moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 4, delete lines 10 to 32

A roll call was requested and properly seconded.

The question was taken on the Kalis amendment and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lenczewski	Osthoff	Skoglund
Bakk	Folliard	Johnson, R.	Lieder	Otremba	Slawik
Bernardy	Gleason	Johnson, S.	Luther	Paymar	Solberg
Biernat	Goodwin	Juhnke	Mahoney	Pelowski	Swapinski
Carlson	Gray	Kahn	Mariani	Peterson	Thompson
Clark, K.	Greiling	Kalis	Marko	Pugh	Wagenius
Davnie	Hausman	Kelliher	McGuire	Rukavina	Walker
Dawkins	Hilstrom	Koskinen	Milbert	Ruth	Wasiluk
Dibble	Hilty	Kubly	Mullery	Schumacher	Wenzel
Dorn	Huntley	Larson	Murphy	Sertich	Winter
Entenza	Jaros	Leighton	Opatz	Skoe	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Mares	Rhodes	Walz
Abrams	Dorman	Holberg	McElroy	Rifenberg	Westerberg
Anderson, B.	Eastlund	Holsten	Molnau	Seagren	Westrom
Bishop	Erhardt	Howes	Mulder	Seifert	Wilkin
Boudreau	Erickson	Jacobson	Ness	Smith	Wolf
Bradley	Finseth	Johnson, J.	Nornes	Stanek	Workman
Buesgens	Fuller	Kielkucki	Olson	Stang	Spk. Sviggum
Cassell	Gerlach	Knoblach	Osskopp	Swenson	
Clark, J.	Goodno	Kuisle	Ozment	Sykora	
Daggett	Gunther	Leppik	Paulsen	Tingelstad	
Dauids	Haas	Lindner	Pawlenty	Tuma	
Dehler	Hackbarth	Lipman	Penas	Vandever	

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

Peterson moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 5, line 22, after the period insert "For the biennium ending June 30, 2003, the feedlot permit specialist program is to serve applicants and owners of feedlots with under 300 animal units."

Page 5, line 30, delete "500" and insert "300"

Page 31, line 21, delete "500" and insert "300"

Page 57, line 26, delete "500" and insert "300"

A roll call was requested and properly seconded.

The question was taken on the Peterson amendment and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jennings	Lenczewski	Osskopp	Slawik
Bakk	Folliard	Johnson, R.	Luther	Osthoff	Solberg
Bernardy	Gleason	Johnson, S.	Mahoney	Otremba	Swapinski
Biernat	Goodwin	Juhnke	Mariani	Paymar	Thompson
Carlson	Gray	Kahn	Marko	Pelowski	Wagenius
Clark, K.	Greiling	Kalis	McGuire	Peterson	Walker
Davnie	Hausman	Kelliher	Milbert	Pugh	Wasiluk
Dawkins	Hilstrom	Koskinen	Mullery	Rukavina	Wenzel
Dibble	Hilty	Kubly	Murphy	Schumacher	Winter
Dorn	Huntley	Larson	Olson	Sertich	
Entenza	Jaros	Leighton	Opatz	Skoglund	

Those who voted in the negative were:

Abeler	Bishop	Buesgens	Daggett	Dempsey	Erhardt
Abrams	Boudreau	Cassell	Dauids	Dorman	Erickson
Anderson, B.	Bradley	Clark, J.	Dehler	Eastlund	Finseth

Fuller	Howes	Lipman	Pawlenty	Stang	Wilkin
Gerlach	Jacobson	Mares	Penas	Swenson	Wolf
Goodno	Johnson, J.	McElroy	Rhodes	Sykora	Workman
Gunther	Kielkucki	Molnau	Rifenberg	Tingelstad	Spk. Sviggum
Haas	Knoblach	Mulder	Ruth	Tuma	
Hackbarth	Krinkie	Ness	Seagren	Vandever	
Harder	Kuistle	Nornes	Seifert	Walz	
Holberg	Leppik	Ozment	Smith	Westerberg	
Holsten	Lindner	Paulsen	Stanek	Westrom	

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

Dorman moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 7, line 38, after the period insert "An institution receiving funding from the appropriation in this paragraph must not provide resources, exposure, or benefits to organizations involved in public policy advocacy."

The motion prevailed and the amendment was adopted.

Dawkins was excused between the hours of 5:20 p.m. and 5:55 p.m.

Otremba moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 50, after line 19, insert:

"Sec. 34. [32A.01] [CITATION.]

This chapter may be cited as the "Minnesota Dairy Supply Management Act."

Sec. 35. [32A.02] [APPLICATION.]

This chapter does not apply to foreign or interstate commerce except insofar as it may be effective in compliance with the United States Constitution and with the laws of the United States.

Sec. 36. [32A.03] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

Subd. 2. [ADMINISTRATIVE FUNCTION.] "Administrative function" means duties and procedures concerning the execution and enforcement of the laws, rules, orders, directives, duties, and obligations imposed for the control and government of the persons or businesses regulated, together with related investigative activities and procedures inherently administrative or executive in character.

Subd. 3. [ADMINISTRATOR.] "Administrator" means the board's executive arm.

Subd. 4. [BOARD.] "Board" means the milk control board created under section 32A.05.

Subd. 5. [CLASS I; CLASS II; CLASS III; AND CLASS IV MILK.] "Class I milk," "Class II milk," "Class III milk," and "Class IV milk" have the meanings given in Code of Federal Regulations, title 7, part 1000.40, or successor regulations.

Subd. 6. [DISTRIBUTOR.] "Distributor" means a person buying milk from a producer and distributing it for consumption in this state. The term includes what are commonly known as jobbers and independent contractors. The term excludes a person purchasing milk from a distributor, for resale over the counter at retail, or for consumption on the premises.

Subd. 7. [LEGISLATIVE FUNCTION.] "Legislative function" means the establishment and adoption of all rules, orders, and directives of general or particular applicability governing the conduct of the regulated persons or businesses, related investigative procedures, and all other valid acts and procedures that are historically or functionally legislative in character.

Subd. 8. [PROCESSOR.] "Processor" means a person engaged in manufacturing or processing dairy products from producers' milk in the person's own plant for sale.

Subd. 9. [PRODUCER.] "Producer" means a person who operates a dairy herd or herds in Minnesota producing milk commercially and whose milk is sold to, or received or handled by, a distributor or processor.

Subd. 10. [PRODUCER PRICE.] "Producer price" means the price at which milk owned by a producer is sold in bulk to a distributor or processor.

Sec. 37. [32A.04] [DUTIES AND POWERS OF ADMINISTRATOR.]

In enforcing this chapter, the administrator and the administrator's assistants, agents, and employees have the power and authority granted under sections 31.02 to 31.171. This authority must be exercised at the request of and in coordination with the board.

Sec. 38. [32A.05] [MILK CONTROL BOARD.]

Subdivision 1. [CREATION; MEMBERSHIP; APPOINTMENT.] The milk control board consists of five members appointed by the governor under section 15.0575. Members may serve four consecutive terms. The board shall elect a chair from among its members. No member may be connected in any way with the production, processing, distribution, or wholesale or retail sale of milk or dairy products. A member may not have held an elective or appointive public office during the two years immediately preceding appointment and a member may not hold a public office, either elective or appointive, during a term on the board. Not more than three members may be of the same political party.

Subd. 2. [ASSIGNMENT; FISCAL AGENT.] The board is to be housed in the department of agriculture for administrative purposes. The commissioner of agriculture shall serve as fiscal agent to the board.

Sec. 39. [32A.06] [FEES AND ASSESSMENTS.]

(a) In addition to license fees and other assessments imposed under chapters 17 and 32, the fiscal agent shall, for the purpose of securing funds to administer and enforce this chapter, levy an assessment upon producers and distributors as follows:

(1) a fee of \$0.01285 per hundredweight on the total volume of all milk subject to this chapter sold by a producer;

(2) a fee of \$0.01285 per hundredweight on the total volume of all milk subject to this chapter sold by a processor or distributor, except that which is sold to another processor or distributor; and

(3) the amounts collected do not exceed levels sufficient to provide for the administration of this chapter, and the costs of the administration of this chapter must not exceed the fees collected.

(b) The board shall recommend to the legislature changes in the fees for the next biennium to accomplish the purposes of paragraph (a), clause (3).

(c) The assessments upon producers and distributors must be paid monthly. The amount of the assessments must be computed by applying the fee to the volume of milk sold in the preceding month.

(d) All assessments required by this chapter must be deposited by the fiscal agent in the milk price control account in the agricultural fund. Money in the milk price control account is appropriated first to the fiscal agent for the purpose of establishing the milk control board and following the establishment of the board, to the administrator for administering this chapter, including the salaries of employees and assistants, per diem and expenses of board members, and all other disbursements necessary to carry out the purpose of this chapter.

(e) If costs of administering and enforcing this chapter can be derived from lower rates, the board may announce a temporary suspension in the collection of fees for a period of one, two, or three months.

Sec. 40. [32A.07] [PRODUCER COMMITTEE.]

A producer committee must be elected by district in proportion to the number of farms in each district consisting of not fewer than ten members nor more than 15 members to deal primarily with producer issues and make recommendations to the board.

Sec. 41. [32A.08] [REGULATION OF MILK PRICES.]

Subdivision 1. [ESTABLISHMENT OF MINIMUM PRICES.] (a) The board shall fix minimum producer prices for Class I, Class II, Class III, and Class IV milk by adopting rules pursuant to chapter 14.

(b) Notwithstanding paragraph (a), the minimum price of Class I milk must be no lower than \$15.50 per hundredweight.

Subd. 2. [FORMULAS.] (a) Except as provided in subdivision 1, the board shall establish minimum and maximum prices by means of flexible formulas that must be devised so that they bring about automatic changes in all minimum prices that are justified on the basis of changes in production, supply, processing, distribution, and retailing costs.

(b) The board shall consider the balance between production and consumption of milk, the costs of production and distribution, and prices in adjacent and neighboring areas and states so that prices result that are fair and equitable to producers and consumers.

(c) The board shall, when publishing notice of proposed rulemaking under authority of this section, specify the factors that must be taken into consideration in establishing the formulas and, in particular, in determining costs of production and of the actual financial costs of production that preliminary studies and investigations of auditors or accountants in its employment indicate will or should be shown at the hearing so that all interested parties will have opportunity to be heard and to question or rebut the considerations as a matter of record.

(d) Specific factors may include, but are not limited to:

(1) current and prospective supplies of milk in relation to current and prospective demands for milk for all purposes; and

(2) the cost factors in producing milk, including the prices paid by farmers generally, as used in parity calculations of the United States Department of Agriculture, prices paid by farmers for dairy feed in particular, and farm wage rates in this state.

(e) The board, after consideration of the evidence produced, shall make written findings and conclusions and set by rule the formula under which minimum producer prices for milk in classes I, II, III, and IV must be computed. Generally the minimum price for Class I milk must be no lower than the federal milk market order price for the order covering the majority of Minnesota's dairy industry. In no case may the minimum price for Class I milk be lower than \$15.50 per hundredweight.

(f) This section may not be construed as requiring the board to promulgate a specific number of formulas, but it must be construed liberally so that the board may adopt a reasonable method of expression to accomplish the objectives of this chapter.

(g) Each rule establishing or revising milk pricing formulas must classify milk by forms, classes, grades, or uses that the board considers advisable and must specify the minimum prices for the forms, classes, grades, and uses.

(h) All milk purchased by a distributor must be purchased on a uniform basis established by the board after the producers and the distributors have been consulted.

Subd. 3. [QUOTA PLAN.] Upon petition of a processor or distributor or a majority of a processor's or distributor's producers, the board shall hold a hearing to receive and consider evidence regarding the advisability and need for a quota plan. If the board finds that the evidence presented at the hearing warrants the establishment of a quota plan, the board shall proceed to establish the quota plan.

Subd. 4. [PAYMENT POOLING PLAN.] (a) Upon petition by ten percent of the dairy producers in Minnesota, or upon petition by a processor or distributor, the board shall hold a hearing to receive and consider evidence regarding the advisability and need for a statewide pooling arrangement as a method of payment of producer prices. At the hearing, the board shall, among other things, specifically receive and consider evidence concerning production and marketing practices that have historically prevailed statewide. If the board finds that the evidence presented at the hearing warrants the establishment of a statewide pooling arrangement, the board shall proceed to establish the arrangement. An order is not effective until it is approved in a referendum conducted by individually mailed ballots to affected producers. The order must be approved by a simple majority of the producers who vote in the referendum. If the board finds it necessary, the board may conduct more than one referendum on any order.

(b) The order of the board establishing the statewide pooling arrangement may include other provisions that the board considers necessary for the proper and efficient operation of the pool. These provisions may include, but are not limited to:

(1) a statewide base or quota plan;

(2) the establishment of a pool settlement fund to be administered by the board for the purpose of receiving payments from pool distributors or making payments to them as necessary in order to operate and administer the statewide pool; and

(3) the establishment of a pool expense fund for the purpose of offsetting the costs to the board of administering the pool, funded by a levy assessed against each pool producer.

(c) An order of the board establishing a statewide pooling arrangement that has been approved in a referendum may be rescinded in the same manner as provided for approval of the order. The order may be amended without a referendum if, prior to amending the order, the board gives written notice of its intended action and holds a public hearing.

Sec. 42. [32A.09] [ENFORCEMENT.]

Subdivision 1. [REPORTS OF DEALERS; ACCOUNTING SYSTEM; RECORDS.] (a) The board may require producers, processors, and distributors to file, either under oath or otherwise, reports showing the person's production, sale, or distribution of milk and any information considered necessary by the board that pertains to the production, sale, or distribution of milk.

(b) The board shall adopt a uniform system of accounting to be used by distributors to account for the usage of all milk received by each distributor.

(c) A distributor must keep a record of:

(1) milk, cream, or dairy products received, detailed as to location, names and addresses of suppliers, prices paid, deductions or charges made, and the use to which the milk or cream was put;

(2) the quantity of each kind of milk or dairy product manufactured and the quantity and price of milk or dairy products sold;

(3) milk, cream, or dairy products sold, classified as to kind and grade, showing where sold, and the amount received in payment;

(4) the waste or loss of milk or dairy products;

(5) the items of handling expense;

(6) refrigeration facilities sold for storage purposes to any person, showing types, sizes, and location of the facilities and the original or duplicate original of all agreements covering sales for them; and

(7) other items the board considers necessary for the proper enforcement of this chapter.

Subd. 2. [COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.] In order to secure a uniform system of milk price control, the board shall confer and cooperate with the proper authorities of other states and of the United States, including the Secretary of Agriculture of the United States, and for those purposes, the board may conduct joint hearings, issue joint or concurrent orders, and exercise all its powers 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 Otremba amendment and the roll was called. There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Davnie	Gleason	Huntley	Kalis	Lieder
Bakk	Dehler	Goodwin	Jaros	Kelliher	Luther
Bernardy	Dibble	Gray	Jennings	Koskinen	Mahoney
Biernat	Dorn	Greiling	Johnson, R.	Kubly	Mariani
Carlson	Entenza	Hausman	Johnson, S.	Larson	Marko
Clark, K.	Evans	Hilstrom	Juhnke	Leighton	McGuire
Daggett	Folliard	Hilty	Kahn	Lenczewski	Milbert

Mullery	Otremba	Pugh	Skoe	Stang	Walker
Murphy	Paymar	Rukavina	Skoglund	Swapinski	Wasiluk
Opatz	Pelowski	Schumacher	Slawik	Thompson	Wenzel
Osthoff	Peterson	Sertich	Solberg	Wagenius	Winter

Those who voted in the negative were:

Abeler	Dorman	Harder	Lindner	Paulsen	Sykora
Abrams	Eastlund	Holberg	Lipman	Pawlenty	Tingelstad
Anderson, B.	Erhardt	Holsten	Mares	Penas	Tuma
Bishop	Erickson	Howes	McElroy	Rhodes	Vandever
Boudreau	Finseth	Jacobson	Molnau	Rifenberg	Walz
Bradley	Fuller	Johnson, J.	Mulder	Ruth	Westerberg
Buesgens	Gerlach	Kielkucki	Ness	Seagren	Westrom
Cassell	Goodno	Knobloch	Nornes	Seifert	Wilkin
Clark, J.	Gunther	Krinkie	Olson	Smith	Wolf
Davids	Haas	Kuisle	Osskopp	Stanek	Workman
Dempsey	Hackbarth	Leppik	Ozment	Swenson	Spk. Sviggum

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

The Speaker resumed the Chair.

Winter; Johnson, R.; Skoe; Lieder; Leighton; Peterson; Kalis; McGuire; Kubly and Hausman moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 5, line 20, delete "the first year and \$250,000"

Page 5, delete lines 42 to 65

Page 6, delete lines 1 to 19

Page 7, after line 3, insert:

"[SOYBEAN OILSEED PROCESSING FACILITY.] \$300,000 the first year and \$150,000 the second year for a grant to a political subdivision that is chosen as the site for a soybean oilseed processing facility constructed by a Minnesota-based cooperative. The grant may be used for site preparation, predevelopment, and infrastructure improvements including public and private utility upgrades that are necessary for development of the processing facility. If the appropriation for either year is insufficient, the appropriation for the other year is available. Any unencumbered balance does not cancel at the end of the first year and remains available until June 30, 2003."

A roll call was requested and properly seconded.

The Speaker called Boudreau to the Chair.

The question was taken on the Winter et al amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Jaros	Leighton	Opatz	Skoglund
Bakk	Folliard	Jennings	Lenczewski	Osthoff	Slawik
Bernardy	Gleason	Johnson, R.	Lieder	Otremba	Solberg
Biernat	Goodwin	Johnson, S.	Luther	Paymar	Swapinski
Carlson	Gray	Juhnke	Mahoney	Pelowski	Thompson
Clark, K.	Greiling	Kahn	Mariani	Peterson	Wagenius
Davnie	Harder	Kalis	Marko	Pugh	Walker
Dawkins	Hausman	Kelliher	McGuire	Rukavina	Wasiluk
Dibble	Hilstrom	Koskinen	Milbert	Schumacher	Wenzel
Dorn	Hilty	Kubly	Mullery	Sertich	Winter
Entenza	Huntley	Larson	Murphy	Skoe	

Those who voted in the negative were:

Abeler	Dempsey	Holberg	Mares	Rhodes	Vandever
Abrams	Dorman	Holsten	McElroy	Rifenberg	Walz
Anderson, B.	Eastlund	Howes	Molnau	Ruth	Westerberg
Bishop	Erhardt	Jacobson	Mulder	Seagren	Westrom
Boudreau	Erickson	Johnson, J.	Ness	Seifert	Wilkin
Bradley	Finseth	Kielkucki	Nornes	Smith	Wolf
Buesgens	Fuller	Knoblach	Olson	Stanek	Workman
Cassell	Gerlach	Krinkie	Osskopp	Stang	Spk. Sviggum
Clark, J.	Goodno	Kuisle	Ozment	Swenson	
Daggett	Gunther	Leppik	Paulsen	Sykora	
Davids	Haas	Lindner	Pawlenty	Tingelstad	
Dehler	Hackbarth	Lipman	Penas	Tuma	

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

Kahn; Abeler; Swapinski; Kalis; Osskopp; Otremba; Kelliher; Juhnke; Winter; Johnson, R.; Wagenius; Hilty and Peterson moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 11, line 8, after "businesses" insert ", including claims that agricultural products do not contain material that has been modified directly or indirectly using genetic engineering, as defined in section 18F.02, subdivision 4"

The motion prevailed and the amendment was adopted.

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

Workman, Juhnke, Molnau, Lieder and Kalis moved to amend H. F. No. 1266, the second engrossment, as amended, as follows:

Page 62, delete line 2

Page 62, line 3, delete "first processing"

Page 62, line 17, delete the new language

Page 62, line 18, strike "30" and insert "14"

Page 62, delete lines 23 to 25

Page 62, line 26, delete "(c)" and insert "(b)"

The motion prevailed and the amendment was adopted.

H. F. No. 1266, A bill for an act relating to agriculture; providing funding for the department of agriculture, the board of animal health, the Minnesota horticultural society, and the agricultural utilization research institute; changing certain fees and charges; creating, extending, and expanding certain programs; establishing, changing, and clarifying terms and procedures; refunding certain fines; providing a civil penalty; appropriating money; amending Minnesota Statutes 2000, sections 17.102, subdivision 3; 17.1025; 17.117; 17.85; 18B.065, subdivision 5; 18E.04, subdivisions 2, 4, 5; 28A.04, subdivision 1; 32.394, subdivision 8e; 38.02, subdivision 1; 41A.09, subdivision 2a; 103B.3369, subdivision 5; 116.07, subdivision 7; 116O.09, subdivision 1a; 169.871, subdivision 1; 169.872, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 41A; repealing Minnesota Statutes 2000, section 31.11, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lipman	Penas	Tuma
Abrams	Dorman	Holberg	Mares	Rhodes	Vandev eer
Anderson, B.	Eastlund	Holsten	McElroy	Rifenberg	Walz
Bishop	Erhardt	Howes	Molnau	Ruth	Westerberg
Boudreau	Erickson	Jacobson	Mulder	Seagren	Westrom
Bradley	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Buesgens	Fuller	Kielkucki	Nornes	Smith	Wolf
Cassell	Gerlach	Knoblach	Olson	Stanek	Workman
Clark, J.	Goodno	Krinkie	Osskopp	Stang	Spk. Sviggum
Daggett	Gunther	Kuisle	Ozment	Swenson	
Davids	Haas	Leppik	Paulsen	Sykora	
Dehler	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Davnie	Folliard	Hilty	Juhnke	Larson
Bakk	Dawkins	Gleason	Huntley	Kahn	Leighton
Bernardy	Dibble	Goodwin	Jaros	Kalis	Lenczewski
Biernat	Dorn	Greiling	Jennings	Kelliher	Lieder
Carlson	Entenza	Hausman	Johnson, R.	Koskinen	Luther
Clark, K.	Evans	Hilstrom	Johnson, S.	Kubly	Mahoney

Mariani	Murphy	Pelowski	Sertich	Swapinski	Wenzel
Marko	Opatz	Peterson	Skoe	Thompson	Winter
McGuire	Osthoff	Pugh	Skoglund	Wagenius	
Milbert	Otremba	Rukavina	Slawik	Walker	
Mullery	Paymar	Schumacher	Solberg	Wasiluk	

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

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Gunther moved that the name of Ruth be added as an author on H. F. No. 957. The motion prevailed.

Holsten moved that the name of Bernardy be added as an author on H. F. No. 1671. The motion prevailed.

Dawkins moved that the name of Bernardy be stricken as an author on H. F. No. 2465. The motion prevailed.

Workman moved that H. F. No. 1393 be returned to its author. The motion prevailed.

The Speaker resumed the Chair.

Wolf moved that H. F. No. 659, now on the General Register, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Mulder moved that H. F. No. 754 be recalled from the Committee on Crime Prevention and be re-referred to the Committee on Regulated Industries. The motion prevailed.

Ozment moved that H. F. No. 1386 be recalled from the Committee on Environment and Natural Resources Finance and be re-referred to the Committee on Environment and Natural Resources Policy. The motion prevailed.

House Resolution No. 10 was reported to the House.

HOUSE RESOLUTION NO. 10

A house resolution commending Chaska Police Officers Brady Juell and Mike Kleber.

Whereas, police officers who risk their lives to save others are modern day heroes, and are deserving of special legislative recognition; and

Whereas, responding to an early morning 911 call on Tuesday, February 6, 2001, Chaska Police Officers Brady Juell and Mike Kleber arrived at the Creekside Apartments to find flames shooting out of a sublevel apartment; and

Whereas, acting quickly, the officers rescued more than a dozen people from the burning building, crawling through smoke to awaken the sleeping residents and frequently using their shoulders to break down doors; and

Whereas, Officers Juell and Kleber endangered their own lives as they searched tirelessly for residents who had collapsed or were trapped, pulling them to safety and catching one resident as she jumped from a third-floor apartment; and

Whereas, without the courageous actions of Officers Juell and Kleber, the fire might have claimed several more lives; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it commends Chaska police officers Brady Juell and Mike Kleber for their heroic efforts and life-saving actions.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to Chaska Police Officers Brady Juell and Mike Kleber.

Molnau moved that House Resolution No. 10 be now adopted. The motion prevailed and House Resolution No. 10 was adopted.

SUSPENSION OF RULES

Pawlenty moved that rule 6.30 relating to Committee Reports be suspended. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2489, A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; establishing an account in the state enterprise fund; authorizing expenditures from the medical education endowment fund; modifying appropriations for certain enrollments; modifying reciprocity provisions; adjusting assigned family responsibility; modifying grant provisions; establishing a grant program for certain students; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; authorizing transfers from the tobacco use prevention and local public health endowment fund; deleting obsolete references; making various clarifying and technical changes; establishing a commission on University of Minnesota excellence; amending Minnesota Statutes 2000, sections 62J.694, subdivision 2, by adding a subdivision; 135A.031, subdivision 2; 136A.08, subdivisions 2 and 3; 136A.101, subdivisions 5a, 8; 136A.121, subdivisions 6, 9; 136A.125, subdivisions 2, 4; 136F.13, subdivision 1; 136F.60, subdivision 2; 137.10; 144.395, subdivisions 1, 2; 169.966; 299A.45, subdivisions 1, 4; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 136A; 136F; repealing Minnesota Statutes 2000, sections 16A.87; 135A.06, subdivision 1; 136F.13, subdivision 2; Laws 1986, chapter 398, article 1, section 18; Laws 1994, chapter 643, section 66.

Reported the same back with the following amendments:

Page 3, line 10, delete "\$8,590" and insert "\$8,764" and delete "\$8,804" and insert "\$8,983"

Page 3, line 12, delete "\$6,611" and insert "\$6,744"

Page 3, line 13, delete "\$6,776" and insert "\$6,913"

Page 16, delete section 6

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the first semicolon

Page 1, line 24, delete "subdivisions 2 and 3" and insert "subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2489 was read for the second time.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2343.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2343, A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting obsolete references; making various

technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

The bill was read for the first time.

Leppik moved that S. F. No. 2343 and H. F. No. 2489, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, April 27, 2001. The motion prevailed.

Seifert moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Friday, April 27, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

