

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2001

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 FIFTY-SECOND DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 11, 2001

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

Prayer was offered by Pastor Mark Asleson, Dilworth Lutheran Church, Dilworth, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Opatz, Solberg and Walker were excused.

Stanek was excused until 12:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Schumacher 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. 2142 and H. F. No. 2203, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

### SUSPENSION OF RULES

Clark, J., moved that the rules be so far suspended that S. F. No. 2142 be substituted for H. F. No. 2203 and that the House File be indefinitely postponed. The motion prevailed.

### PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2001</i>	<i>Date Filed 2001</i>
1611		77	2:49 p.m. May 10	May 10
1999		78	3:00 p.m. May 10	May 10
1932		79	2:51 p.m. May 10	May 10
773		80	3:02 p.m. May 10	May 10
110		81	2:46 p.m. May 10	May 10
1090		82	2:52 p.m. May 10	May 10
1155		83	2:48 p.m. May 10	May 10
1706		84	2:53 p.m. May 10	May 10
511		85	2:47 p.m. May 10	May 10
849		86	2:45 p.m. May 10	May 10
1432		87	3:03 p.m. May 10	May 10
1206		88	2:54 p.m. May 10	May 10

930	89	2:50 p.m. May 10	May 10
923	90	2:56 p.m. May 10	May 10
2006	91	3:05 p.m. May 10	May 10

Sincerely,

MARY KIFFMEYER  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Abrams from the Committee on Taxes to which was referred:

H. F. No. 362, A bill for an act relating to motor fuels; requiring that diesel fuel sold in the state contain a minimum of five percent biodiesel fuel oil by volume; requiring a study; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 239.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [239.77] [BIODIESEL MANDATE FOR GOVERNMENT VEHICLES.]

Subdivision 1. [BIODIESEL FUEL OIL DEFINED.] "Biodiesel fuel oil" means a biodegradable, combustible liquid fuel derived from vegetable oils or animal fats that meets ASTM specifications PS 121-99 and is suitable for blending with diesel fuel oil for use in internal combustion diesel engines.

Subd. 2. [STATE VEHICLE MANDATE.] On or after July 1, 2002, all diesel fuel consumed in Minnesota in internal combustion engines in vehicles owned or operated by the state of Minnesota must contain at least five percent biodiesel fuel by volume.

Subd. 3. [MONITOR AND REPORT.] The commissioner of transportation, in consultation with the commissioners of the pollution control agency, administration, and agriculture, shall monitor the performance of vehicles under subdivision 2 and report to the legislative committees with jurisdiction over transportation, environment, and state government policy and finance no later than January 1, 2004. The report must assess the operating costs, operational performance, and environmental impact of the mandate under subdivision 2.

Sec. 2. [239.775] [PRIVATE SECTOR BIODIESEL FUEL OIL DEMONSTRATION PROJECTS.]

The commissioner of transportation shall consult with representatives of the trucking, rail, utility, waste-hauling, mining, timber, agriculture, and passenger transit industries to develop protocols for biodiesel fuel demonstration projects. The commissioner shall report to the legislative committees with jurisdiction over transportation, environment, and state government policy and finance no later than January 1, 2002, on the cost, feasibility, and desirability of conducting biodiesel field demonstration projects.

Sec. 3. Minnesota Statutes 2000, section 296A.01, is amended by adding a subdivision to read:

Subd. 51. [BIODIESEL FUEL OIL.] "Biodiesel fuel oil" has the meaning given in section 239.77, subdivision 1.

Sec. 4. Minnesota Statutes 2000, section 296A.08, subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED.] There is imposed an excise tax on all special fuel at the rates specified in subdivision 2. For purposes of this section, "owner or operator" means the operation of licensed motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

(a) For undyed diesel fuel, biodiesel fuel oil, and undyed kerosene, the tax is imposed on the first licensed distributor who received the product in Minnesota.

(b) For dyed fuel being used illegally in a licensed motor vehicle, the tax is imposed on the owner or operator of the motor vehicle.

(c) For dyed fuel used in a motor vehicle but subject to a federal exemption, although no federal tax may be imposed, the owner or operator of the vehicle is liable for the state tax.

(d) For other fuels, including jet fuel, propane, and compressed natural gas, the tax is imposed on the distributor, special fuel dealer, or bulk purchaser.

(e) Any person delivering special fuel on which the excise tax has not previously been paid, into the supply tank of an aircraft or a licensed motor vehicle shall report such delivery and shall pay, or collect and pay the excise tax on the special fuel so delivered to the commissioner.

Sec. 5. [BIODIESEL SUPPLY AND DISTRIBUTION REPORT.]

By February 15 in 2002 and 2003, the commissioner of agriculture, in consultation with the commissioners of transportation and commerce, shall report to the legislative committees with jurisdiction over agriculture and transportation policy on (1) the production and distribution of biodiesel fuel oil in Minnesota, (2) the adequacy of biodiesel fuel oil supplies, and (3) the distribution system to achieve the requirement in Minnesota Statutes, section 239.77."

Delete the title and insert:

"A bill for an act relating to motor fuels; requiring that diesel fuel sold for state vehicles contain a minimum of five percent biodiesel fuel oil by volume; requiring demonstration projects, studies, and reports; amending Minnesota Statutes 2000, sections 296A.01, by adding a subdivision; 296A.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 239."

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

The report was adopted.

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

S. F. No. 722, A bill for an act relating to energy; providing for comprehensive energy conservation, production, and regulatory changes; amending Minnesota Statutes 2000, sections 16B.32, subdivision 2; 116C.52, subdivisions 4, 10; 116C.53, subdivisions 2, 3; 116C.57, subdivisions 1, 2, 4, by adding subdivisions; 116C.58; 116C.59, subdivisions 1, 4; 116C.60; 116C.61, subdivisions 1, 3; 116C.62; 116C.63, subdivision 2; 116C.645; 116C.65; 116C.66; 116C.69; 216B.095; 216B.097, subdivision 1; 216B.16, subdivision 15; 216B.241, subdivisions 1, 1a, 1b,

1c, 2; 216B.2421, subdivision 2; 216B.243, subdivisions 3, 4, 8; 216B.62, subdivision 5; 216C.41; proposing coding for new law in Minnesota Statutes, chapters 16B; 116C; 216B; 452; repealing Minnesota Statutes 2000, sections 116C.55, subdivisions 2, 3; 116C.57, subdivisions 3, 5, 5a; 116C.67; 216B.2421, subdivision 3.

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

Page 10, delete lines 6 to 21 and insert:

"(c) The department of commerce shall pay the certified general administrative costs of the administrator, and shall assess energy utilities for reimbursement for those administrative costs. The department shall apportion those costs among all energy utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year, and shall then render a bill to each utility on a regular basis. For the purposes of this subdivision, "energy utility" has the meaning given to it in section 216B.015, paragraph (b). The assessment authority of the legislative electric energy task force pursuant to section 216C.051, subdivision 6, shall be reduced by the amount of the administrator's certified general administrative costs. If sufficient assessment authority is not available under that subdivision or section 216C.051 expires, the administrator must not incur additional costs and the position of administrator must be vacated. In no event shall the general fund of the state treasury be responsible for any costs of the administrator."

Page 10, line 23, delete everything after "costs" and insert "The department shall pay those certified costs, and shall render a bill for reimbursement to the specific energy utility or utilities participating in the proceeding, analysis, or project directly"

Page 10, delete lines 24 to 26

Page 10, line 29, delete "The bill" and insert:

"(e) For the purposes of administrative efficiency, the department shall assess energy utilities and issue bills in accordance with the billing and assessment procedures provided in section 216B.62, to the extent that such procedures do not conflict with the provisions of this subdivision. A bill rendered by the department under paragraph (c) or (d)"

Page 10, line 31, delete "public" and insert "energy"

Page 10, line 32, delete "a" and insert "an account in the"

Page 10, line 33, delete "are" and insert "is"

Page 10, line 34, delete "administrator" and insert "commissioner"

Page 44, line 3, delete everything after the period

Page 44, delete line 4

With the recommendation that when so amended the bill pass.

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

S. F. No. 1367, A bill for an act relating to counties; providing a new standard of market value for new counties; providing for signatures from both affected areas on a petition to change county boundaries; requiring the secretary of state to certify the validity of the signatures; providing for a special election to fill vacancies or add members to a county board after the change of county boundaries; amending Minnesota Statutes 2000, sections 370.01; 370.02; 370.03; 370.07; 370.10; 370.12; 370.13; repealing Minnesota Statutes 2000, section 370.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 370.01, is amended to read:

370.01 [CHANGE OF BOUNDARIES; CREATION OF NEW COUNTIES.]

The boundaries of counties may be changed by taking territory from a county and attaching it to an adjoining county, and new counties may be established out of territory of one or more existing counties. A new county shall contain at least 400 square miles; and have at least 2,000 4,000 inhabitants; and have a market value of at least \$17,000,000. A proposed new county must have a total taxable market value of at least 35 percent of (i) the total taxable market value of the existing county, or (ii) the average total taxable market value of the existing counties, included in the proposition. The determination of the taxable market value of a county must be made by the commissioner of revenue. An existing county shall not be reduced in area below 400 square miles, have less than 2,000 4,000 inhabitants, or have a total taxable market value of less than \$17,000,000 that required of a new county.

~~In existing counties having an area of more than 3,500 and less than 6,000 square miles, boundaries may be changed and new counties established having a market value of at least \$10,000,000.~~

No change in the boundaries of any county having an area of more than 2,500 square miles, whether by the creation of a new county, or otherwise, shall detach from the existing county any territory within 12 miles of the county seat.

Sec. 2. Minnesota Statutes 2000, section 370.02, is amended to read:

370.02 [PETITION.]

A separate petition for each affected county signed by at least one-fourth of those voting in the county at the last preceding election, giving the residence of each signer, may be filed with the secretary of state, and a copy with the auditor of each county, at least 90 days before any general election, requesting a change of county boundaries, or that a new county is established out of territory taken from one or more existing counties. If the petition is for a change of boundaries, it must contain a description of the territory to be taken, the name of the county from which the territory is to be detached, and the county to which the territory is to be attached. If the petition is for the establishment of a new county, it must be signed by at least a number of registered voters equal to one-fourth of those voting in each portion of both the proposed new county and the remaining portion of the existing county in the last general election, state the name of the proposed new county, a description of the territory to be included, giving boundaries, the name and location of the proposed county seat for the new county and for the remainder of the existing county if not the current county seat, and the names and places of residence of the persons who shall constitute the first county board.

Sec. 3. Minnesota Statutes 2000, section 370.03, is amended to read:

370.03 [PROCLAMATION; ONLY ONE PROPOSITION.]

~~If each petition is signed by~~ The secretary of state must certify, on the basis of information supplied by the county auditor, that the signatures on the petition are registered voters of the affected county and that there is the requisite number of persons who are voters in each of the affected counties; them. Once this determination has been made,

the secretary of state shall notify the governor of the filing. ~~The affidavits of the persons obtaining the signatures shall be prima facie evidence that each petition is signed by persons who are voters in each of the affected counties.~~ The governor shall issue a proclamation, at least 60 days before the election, stating that the petitions have been filed, and the substance of the petitions, and directing that the question of change of boundaries, or the establishment of a new county and county seat as stated in the petition, as the case may be, be submitted to the voters of the affected counties at the election. No more than one proposition may be submitted at the same election, except for mutual exchange of territory between counties.

Sec. 4. Minnesota Statutes 2000, section 370.07, is amended to read:

370.07 [CANVASS; PROCLAMATION; SECRETARY OF STATE; AUDITOR; NOTICE TO COUNTY COMMISSIONERS.]

The state canvassing board shall canvass the returns at the time of canvassing the votes cast for state officers, and in the same manner. The board may use the returns received from the election judges to correct errors and supply omissions in the returns of the county canvassing board. When the canvass is completed, the board shall file a certificate declaring the result of the vote with the secretary of state. If the certificate shows that the proposition has received a majority of the votes cast in each affected county if changing county boundaries, and or has received a majority of the votes cast in the territory forming the proposed new county; and a majority of the votes cast in the remaining portion of the existing county if the proposition was for the establishment of a new county, the governor shall issue a proclamation declaring that the proposition has been adopted within ten days after completion of the canvass. The secretary of state shall record the certificate and proclamation, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected. The auditor shall, if the proposition was for the establishment of a new county, serve a certified copy on each of the persons elected as county commissioners of the new county. The proclamation shall also be published with the general laws enacted at the next session of the legislature.

Sec. 5. Minnesota Statutes 2000, section 370.10, is amended to read:

370.10 [FILLING VACANCY IN COMMISSIONER DISTRICT CAUSED BY CHANGE OF BOUNDARIES.]

If a change in the boundaries of a county abolishes a commissioner district or districts in the county, by the removal of all the territory of the district or districts from the original county, or otherwise, or creates a vacancy or vacancies in the board of county commissioners of the original county, ~~the filling of which is not provided for by law,~~ and the board of county commissioners is left with less than five members ~~or, with an even number of members, the governor shall immediately, upon the issuance of the proclamation declaring the change in the boundaries, appoint a sufficient number of members to complete a board of five commissioners for the county; or, if the board, after the change of boundaries, is left or~~ with more than five members, to complete a board consisting of an odd number of members, and shall designate, in the appointment, ~~the name of the retiring commissioner succeeded by each commissioner appointed or at least five members, a special election shall be held as provided by section 375.101, except that the person shall be elected at large within the changed boundaries of the original county.~~

Sec. 6. Minnesota Statutes 2000, section 370.12, is amended to read:

370.12 [DUTIES OF AUDITOR; MEETING OF BOARD.]

Immediately upon the ~~appointment~~ election and qualification of the commissioner or commissioners at large the county auditor shall give written notice, delivered personally or by mail, to each commissioner in the county, of a meeting of the board. The meeting shall be held at least five, but not more than ten, days after notice is given. The meeting's business shall include any business which may have been required by law, or by previous proceedings, to be transacted by the county board at a meeting held after the change of boundaries became effective and before the vacancies created were filled, and which was not transacted, after the qualification of the commissioner or

commissioners at large, and shall have the effect and validity as if accomplished at the prior meeting. Further proceedings required to follow the commissioners' action on these matters shall be taken within the times or on the dates provided by law, or within a reasonable time after giving notice as required by law.

Sec. 7. Minnesota Statutes 2000, section 370.13, is amended to read:

370.13 [REDISTRICTING OF COUNTY; SUBSEQUENT ELECTION.]

At least six months before the next general election in the county held after the ~~appointment election~~ and qualification of the commissioner or commissioners at large, unless there is less time between the ~~appointment at-large election~~ and qualification and the general election, in which event the action provided for shall be taken at the first meeting after the commissioners have qualified, the board shall proceed to redivide the county into five commissioner districts, numbered from 1 to 5, unless otherwise provided by law. At the next general election held in the county after the redistricting, a commissioner shall be elected from each district, the member from each odd-numbered district to hold a two-year term, and the member from each even-numbered district to hold a four-year term, and thereafter all commissioners, except those elected or appointed to fill vacancies for unexpired terms, shall be elected for four-year terms. If, the redistricting causes any new district to cover the same territory as any one of the old districts, the commissioner elected from the old district shall continue to act as commissioner from the new district for the remainder of the term for which elected. In case a contest, or other litigation, is pending involving the legality of the change of boundaries of the county, the redistricting shall not be made until after the contest, or other litigation, has been finally determined in favor of the change of boundaries. In this event, if the term of any commissioner at large expires before the county is redistricted, a successor shall be elected by the voters of the entire county for a term of four years, unless sooner ended, under this chapter, or otherwise.

Sec. 8. [REPEALER.]

Minnesota Statutes 2000, section 370.11, is repealed."

Delete the title and insert:

"A bill for an act relating to counties; providing a new standard of market value for new counties; providing for signatures from both affected areas on a petition to change county boundaries; requiring the secretary of state to certify the validity of the signatures; providing for canvass, proclamation, and certification of the vote on the proposition; providing for a special election to fill vacancies or add members to a county board after the change of county boundaries; amending Minnesota Statutes 2000, sections 370.01; 370.02; 370.03; 370.07; 370.10; 370.12; 370.13; repealing Minnesota Statutes 2000, section 370.11."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1495, A bill for an act relating to agriculture; modifying provisions of the value-added agricultural product processing and marketing grant program; eliminating the late fee for the license to use the Minnesota grown label; clarifying the term "private contributions" for the Minnesota grown matching account; modifying provisions of the shared savings loan program and the sustainable agriculture demonstration grant program; modifying provisions of the agriculture best management practices loan program; regulating pesticide application in certain schools; modifying financing limitations for the administration of the state meat inspection program; authorizing the state agricultural society to establish a nonprofit corporation for charitable purposes; modifying provisions relating to the rural finance authority; extending the sunset date and providing for designation of replacement members of the Minnesota agriculture education leadership council; modifying the definition of "agricultural land"



for the purpose of recreational trespass; extending the sunset of the dairy producers board, and conditionally voiding its repeal; providing for pesticide application on golf courses; changing certain membership provisions on the state agricultural society; defining biodiesel fuel and requiring it in diesel fuel oil; requiring reports on it; allowing natural gasoline as a petroleum component in E85 fuel; extending the sunset date for the farmer-lender mediation program; providing a temporary waiver of board of animal health rules for use of biological products on poultry; adding cultivated wild rice to the agricultural commodities promotion act provision; repealing obsolete agricultural statutes; amending Minnesota Statutes 2000, sections 17.101, subdivision 5; 17.102, subdivision 3; 17.109, subdivision 3; 17.115; 17.116; 17.117; 17.53, subdivisions 2, 8, 13; 17.63; 17.76, subdivision 2; 18B.01, by adding a subdivision; 31A.21, subdivision 2; 37.03, subdivision 1; 41B.025, subdivision 1; 41B.03, subdivision 2; 41B.043, subdivisions 1b, 2; 41B.046, subdivision 2; 41D.01, subdivisions 1, 3, 4; 97B.001, subdivision 1; 116O.09, subdivision 1a; 296A.01, subdivision 19; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 18B; 37; 239; repealing Minnesota Statutes 2000, sections 17.987; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 33.09; 33.111.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. 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. 2. Minnesota Statutes 2000, section 17.039, is amended to read:

17.039 [ETHICAL GUIDELINES FOR FARM ADVOCATES.]

~~The commissioner of agriculture shall establish not later than August 1, 1986, ethical guidelines for farm advocates who perform the duties of an advocate. The Ethical guidelines developed by the commissioner must be part of the contract with each farm advocate.~~

Sec. 3. Minnesota Statutes 2000, section 17.101, subdivision 5, is amended to read:

Subd. 5. [VALUE-ADDED AGRICULTURAL PRODUCT PROCESSING AND MARKETING GRANT PROGRAM.] (a) For purposes of this section:

(1) "agricultural commodity" means a material produced for use in or as food, feed, seed, or fiber and includes crops for fiber, food, oilseeds, seeds, livestock, livestock products, dairy, dairy products, poultry, poultry products, and other products or by-products of the farm produced for the same or similar use, except ethanol; and

(2) "agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agricultural commodities produced in Minnesota.

(b) The commissioner shall establish and implement a value-added agricultural product processing and marketing grant program to help farmers finance new cooperatives that organize for the purposes of operating agricultural product processing facilities, forming marketing cooperatives, and ~~for~~ marketing activities related to the sale and distribution of processed agricultural products.

(c) To be eligible for this program a grantee must:

- (1) be a cooperative organized under chapter 308A;
- (2) certify that all of the control and equity in the cooperative is from farmers or family farm corporations as defined in section 500.24, subdivision 2, who are actively engaged in agricultural commodity production;
- (3) be operated primarily for the processing of agricultural commodities produced in Minnesota;
- (4) receive agricultural commodities produced primarily by shareholders or members of the cooperative; and
- (5) have no direct or indirect involvement in the production of agricultural commodities.

(d) The commissioner may receive applications from and make grants up to \$50,000 for feasibility, marketing analysis, assistance with organizational development, financing and managing new cooperatives, product development, development of business and marketing plans, and predesign of facilities including site analysis, development of bid specifications, preliminary blueprints and schematics, and completion of purchase agreements and other necessary legal documents to eligible cooperatives. The commissioner shall give priority to applicants who use the grants for planning costs related to an application for financial assistance from the United States Department of Agriculture, Rural Business - Cooperative Service.

Sec. 4. Minnesota Statutes 2000, section 17.109, subdivision 3, is amended to read:

Subd. 3. [APPROPRIATIONS MUST BE MATCHED BY PRIVATE FUNDS.] Appropriations to the Minnesota grown matching account may be expended only to the extent that they are matched with contributions to the account from private sources on a basis of \$4 of the appropriation to each \$1 of private contributions. Matching funds are not available after the appropriation is encumbered. For the purposes of this subdivision, "private contributions" includes, but is not limited to, advertising revenue, listing fees, and revenues from the development and sale of promotional materials.

Sec. 5. Minnesota Statutes 2000, section 17.115, is amended to read:

17.115 [SHARED SAVINGS LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a shared savings loan program to provide loans that enable farmers to adopt best management practices that emphasize sufficiency and self-sufficiency in agricultural inputs, including energy efficiency, reduction or improved management of petroleum and chemical inputs, ~~and~~ increasing ~~the energy self-sufficiency of production by~~ agricultural producers, and environmental improvements.

Subd. 2. [LOAN CRITERIA.] (a) The shared savings loan program must provide loans for purchase of new or used machinery; ~~and installation of equipment, and for projects that reduce or make more efficient farm energy use~~ make environmental improvements or enhance farm profitability. Eligible loan uses do not include seed, fertilizer, or fuel.

(b) Loans may not exceed ~~\$15,000~~ \$25,000 per individual applying for a loan and may not exceed ~~\$75,000~~ \$100,000 for loans to ~~five~~ four or more individuals on joint projects. The loan repayment period may be up to seven years as determined by project cost and energy savings. The interest on the loans is six percent.

(c) Loans may only be made to residents of this state engaged in farming.

Subd. 3. [AWARDING OF LOANS.] (a) Applications for loans must be made to the commissioner on forms prescribed by the commissioner.

(b) The applications must be reviewed, ranked, and recommended by a loan review panel appointed by the commissioner. The loan review panel shall consist of two lenders with agricultural experience, two resident farmers of the state using sustainable agriculture methods, two resident farmers of the state using organic agriculture methods, a farm management specialist, a representative from a post-secondary education institution, and a chair from the department.

(c) The loan review panel shall rank applications according to the following criteria:

(1) realize savings to the cost of agricultural production ~~and project savings to repay the cost of the loan;~~

(2) reduce or make more efficient use of energy or inputs; ~~and~~

(3) ~~reduce production costs~~ increase overall farm profitability; ~~and~~

(4) result in environmental benefits.

(d) A loan application must show that the loan can be repaid by the applicant.

(e) The commissioner must consider the recommendations of the loan review panel and may make loans for eligible projects. ~~Priority must be given based on the amount of savings realized by adopting the practice implemented by the loan.~~

Subd. 4. [ADMINISTRATION; INFORMATION DISSEMINATION.] The amount in the revolving loan account is appropriated to the commissioner to make loans under this section and administer the loan program. The interest on the money in the revolving loan account and the interest on loans repaid to the state may be spent by the commissioner for administrative expenses. The commissioner shall collect and disseminate information relating to projects for which loans are given under this section.

Subd. 5. [FARM MANURE DIGESTER TECHNOLOGY.] Appropriations in Laws 1998, chapter 401, section 6, must be used for revolving loans for demonstration projects of farm manure digester technology. Notwithstanding the limitations of subdivision 2, paragraphs (b) and (c), loans under this subdivision are no-interest loans in principal amounts not to exceed \$200,000 and may be made to any resident of this state. Loans for one or more projects must be made only after the commissioner seeks applications. Loans under this program may be used as a match for federal loans or grants. Money repaid from loans must be returned to the revolving fund for future projects.

Sec. 6. Minnesota Statutes 2000, section 17.116, is amended to read:

17.116 [SUSTAINABLE AGRICULTURE DEMONSTRATION GRANTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner ~~of agriculture~~ shall establish a grant program for sustainable agriculture methods that demonstrates best management practices, including farm input reduction or management, enterprise diversification including new crops and livestock, farm energy efficiency; ~~or usable on-farm energy~~ production, or the transfer of technologies that enhance the environment and farm profitability. The commissioner shall use the program to demonstrate and publicize the energy efficiency, environmental benefit, and

profitability of sustainable agriculture techniques or systems from production through marketing. The grants must fund research or demonstrations on farms ~~of external input reduction techniques or farm scale energy production methods~~ consistent with the program objectives.

Subd. 2. [ELIGIBILITY.] (a) Grants may only be made to farmers, educational institutions, individuals at educational institutions, or nonprofit organizations residing or located in the state for research or demonstrations on farms in the state.

(b) Grants may only be made for projects that show:

- (1) the ability to maximize direct or indirect energy savings or production;
- (2) a positive effect or reduced adverse effect on the environment; and
- (3) increased profitability for the individual farm by reducing costs or improving marketing opportunities.

Subd. 3. [AWARDING OF GRANTS.] (a) Applications for grants must be made to the commissioner on forms prescribed by the commissioner.

(b) The applications must be reviewed, ranked, and recommended by a technical review panel appointed by the commissioner. The technical review panel shall consist of a soil scientist, an agronomist, a representative from a post-secondary educational institution, an agricultural marketing specialist, two resident farmers of the state using sustainable agriculture methods, two resident farmers of the state using organic agriculture methods, and a chair from the department.

(c) The technical review panel shall rank applications according to the following criteria:

- (1) direct or indirect energy savings or production;
- (2) environmental benefit;
- (3) farm profitability;
- (4) the number of farms able to apply the techniques or the technology proposed;
- (5) the effectiveness of the project as a demonstration;
- (6) the immediate transferability of the project to farms; and
- (7) the ability of the project to accomplish its goals.

(d) The commissioner shall consider the recommendations of the technical review panel and may award grants for eligible projects. Priority must be given to applicants who are farmers or groups of farmers.

(e) Grants for eligible projects may not exceed \$25,000 unless the portion above \$25,000 is matched on an equal basis by the applicant's cash or in-kind land use contribution. Grant funding of projects may not exceed \$50,000 under this section, but applicants may utilize other funding sources. A portion of each grant must be targeted for public information activities of the project.

(f) A project may continue for up to three years. Multiyear projects must be reevaluated by the technical review panel and the commissioner before second or third year funding is approved. A project is limited to one grant for its funding.

Sec. 7. Minnesota Statutes 2000, section 17.136, is amended to read:

17.136 [ANIMAL FEEDLOTS; POLLUTION CONTROL; FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.]

(a) The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management. In establishing the committee, the commissioner shall give first consideration to members of the existing feedlot advisory group.

(b) The committee must include representation from beef, dairy, pork, chicken, and turkey producer organizations. The committee shall not exceed 21 members, but, ~~after June 30, 1999,~~ must include representatives from at least four environmental organizations, eight livestock producers, four experts in soil and water science, nutrient management, and animal husbandry, one commercial solid manure applicator who is not a producer, one commercial liquid manure applicator who is not a producer, and one member from an organization representing local units of government, and chairs of the senate and the house of representatives committees that deal with agricultural policy or the designees of the chairs. In addition, the departments of agriculture, health, and natural resources, the pollution control agency, board of water and soil resources, soil and water conservation districts, the federal Natural Resource Conservation Service, the association of Minnesota counties, and the Farm Service Agency shall serve on the committee as ex officio nonvoting members.

(c) The advisory committee shall elect a chair and a vice-chair from its members. The department and the agency shall provide staff support to the committee.

(d) The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the development of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.

(e) The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.

(f) The advisory committee shall advise the commissioners on other appropriate matters.

(g) Nongovernment members of the advisory committee shall receive expenses, in accordance with section 15.059, subdivision 6. The advisory committee expires on June 30, ~~2001~~ 2004.

Sec. 8. Minnesota Statutes 2000, section 17.53, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL COMMODITY.] (a) Except as provided in paragraph (b), "agricultural commodity" means any agricultural product, including, without limitation, animals and animal products, grown, raised, produced, or fed within Minnesota for use as food, feed, seed, or any industrial or chemurgic purpose.

(b) For wheat ~~and~~ barley, and cultivated wild rice, "agricultural commodity" means wheat ~~and~~ barley, and cultivated wild rice including, without limitation, wheat ~~and~~ barley, and cultivated wild rice grown or produced within or outside Minnesota, for use as food, feed, seed, or any industrial or chemurgic purpose.

Sec. 9. Minnesota Statutes 2000, section 17.53, subdivision 8, is amended to read:

Subd. 8. [FIRST PURCHASER.] (a) Except as provided in paragraph (b), "first purchaser" means any person that buys agricultural commodities for movement into commercial channels from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge was created and regardless of

whether the first purchaser is domiciled within the state or without. "First purchaser" does not mean the commodity credit corporation when a commodity is used as collateral for a federal nonrecourse loan unless the commissioner determines otherwise.

(b) For wheat ~~and~~, barley, and cultivated wild rice, "first purchaser" means a person who buys, receives delivery of, or provides storage for the agricultural commodity from a producer for movement into commercial channels; or a lienholder, secured party, or pledgee, who gains title to the agricultural commodity from the producers as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee, regardless of when the lien, security interest, or pledge was created and regardless of whether or not the first purchaser is domiciled in the state. "First purchaser" does not mean the commodity credit corporation when the wheat ~~or~~, barley, or cultivated wild rice is used as collateral for a federal nonrecourse loan unless the commissioner determines otherwise.

Sec. 10. Minnesota Statutes 2000, section 17.53, subdivision 13, is amended to read:

Subd. 13. [PRODUCER.] (a) Except as provided in paragraph (b), "producer" means any person who owns or operates an agricultural producing or growing facility for an agricultural commodity and shares in the profits and risk of loss from such operation, and who grows, raises, feeds or produces the agricultural commodity in Minnesota during the current or preceding marketing year.

(b) For wheat ~~and~~, barley, and cultivated wild rice, "producer" means in addition to the meaning in paragraph (a) and for the purpose of the payment or the refund of the checkoff fee paid pursuant to sections 17.51 to 17.69 only, a person who delivers into, stores within, or makes the first sale of the agricultural commodity in Minnesota.

Sec. 11. Minnesota Statutes 2000, section 17.63, is amended to read:

17.63 [REFUND OF FEES.]

(a) Any producer, except a producer of potatoes in area number one, as listed in section 17.54, subdivision 9, a producer of wheat or barley, or a producer of ~~partly~~ cultivated wild rice, may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner requires, have the checkoff fee paid pursuant to sections 17.51 to 17.69 fully or partially refunded, provided the checkoff fee was remitted on a timely basis. The request for refund must be received in the office of the commissioner within the time specified in the promotion order following the payment of the checkoff fee. In no event shall these requests for refund be accepted more often than 12 times per year. Refund shall be made by the commissioner and council within 30 days of the request for refund provided that the checkoff fee sought to be refunded has been received. Rules governing the refund of checkoff fees for all commodities shall be formulated by the commissioner, shall be fully outlined in the promotion order, and shall be available for the information of all producers concerned with the referendum.

(b) The commissioner must allow partial refund requests from corn producers who have checked off and must allow for assignment of payment to the Minnesota corn growers association if the Minnesota corn research and promotion council requests such action by the commissioner.

(c) The Minnesota corn research and promotion council shall not elect to impose membership on any individual producer not requesting a partial refund or assignment of payment to the association.

(d) For any wheat ~~or~~, barley, or cultivated wild rice for which the checkoff fee must be paid pursuant to sections 17.51 to 17.69 and for which a checkoff fee or fee that serves a comparable purpose in a jurisdiction outside Minnesota had been previously paid for the same wheat ~~or~~, barley, or cultivated wild rice, the producer of the wheat ~~or~~, barley, or cultivated wild rice is exempt from payment of the checkoff fee. The commissioner, in consultation with the wheat research and promotion council ~~and~~, barley research and promotion council, and cultivated wild rice research and promotion council, shall determine jurisdictions outside of Minnesota which collect a checkoff fee or fee that serves a comparable purpose. In order to qualify for the exemption, the producer must demonstrate to the first purchaser that a checkoff fee or fee has been paid to such a jurisdiction.



Sec. 12. Minnesota Statutes 2000, section 18B.305, subdivision 3, is amended to read:

Subd. 3. [PESTICIDE APPLICATOR EDUCATION AND EXAMINATION REVIEW BOARD.] (a) The commissioner shall establish and chair a pesticide applicator education and examination review board. This board, consisting of 15 members, must meet at least once a year before the initiation of pesticide educational planning programs. The purpose of the board is to discuss topics of current concern that can be incorporated into pesticide applicator training sessions and appropriate examinations. This board shall review and evaluate the various educational programs recently conducted and recommend options to increase overall effectiveness.

(b) Membership on this board must include applicators representing various licensing categories, such as agriculture, turf and ornamental, aerial, aquatic, and structural pest control and private pesticide applicators, and other governmental agencies, including the University of Minnesota, the pollution control agency, department of health, department of natural resources, and department of transportation.

(c) Membership on the board must include representatives from environmental protection organizations.

(d) This board shall review licensing and certification requirements for private, commercial, and noncommercial applicators and provide a report to the commissioner with recommendations by January 15, 1998. This board shall review category requirements and provide recommendations to the commissioner. This board expires on June 30, ~~2001~~ 2004.

Sec. 13. Minnesota Statutes 2000, section 28A.20, is amended to read:

28A.20 [FOOD SAFETY ~~ADVISORY COMMITTEE~~ TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] A food safety ~~advisory committee~~ task force is established to advise the commissioner and the legislature on food issues and food safety.

Subd. 2. [MEMBERSHIP.] (a) The food safety ~~advisory committee~~ task force consists of:

- (1) the commissioner of agriculture;
  - (2) the commissioner of health;
  - (3) a representative of the United States Food and Drug Administration;
  - (4) a representative of the United States Department of Agriculture;
  - (5) a representative of the agricultural utilization research institute;
  - (6) one person from the University of Minnesota knowledgeable in food and food safety issues; and
  - (7) nine members appointed by the governor who are interested in food and food safety, of whom:
    - (i) two persons are health or food professionals;
    - (ii) one person represents a statewide general farm organization;
    - (iii) one person represents a local food inspection agency; and
    - (iv) one person represents a food-oriented consumer group.
- (b) Members shall serve without compensation. Members appointed by the governor shall serve four-year terms.

Subd. 3. [ORGANIZATION.] (a) The ~~committee~~ task force shall meet monthly or as determined by the chair.

(b) The members of the ~~committee~~ task force shall annually elect a chair and other officers as they determine necessary.

Subd. 4. [STAFF.] The commissioner of agriculture shall provide support staff, office space, and administrative services for the ~~committee~~ task force.

Subd. 5. [DUTIES.] The ~~committee~~ task force shall:

- (1) coordinate educational efforts about various aspects of food safety;
- (2) provide advice and coordination to state agencies as requested by the agencies;
- (3) serve as a source of information and referral for the public, news media, and others concerned with food safety; and
- (4) make recommendations to Congress, the legislature, and others about appropriate action to improve food safety in the state.

Subd. 6. [EXPIRATION.] This section expires on June 30, ~~2001~~ 2004.

Sec. 14. Minnesota Statutes 2000, section 29.23, subdivision 2, is amended to read:

Subd. 2. [EQUIPMENT.] The commissioner shall also by rule provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. Equipment in use before July 1, 1991, that does not meet the design and fabrication requirements of this chapter may remain in use if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of ~~50~~ 45 degrees Fahrenheit (~~10~~ 7 degrees Celsius) or less.

Sec. 15. Minnesota Statutes 2000, section 29.23, subdivision 3, is amended to read:

Subd. 3. [EGG TEMPERATURE.] Eggs must be held at a temperature not to exceed ~~50~~ 45 degrees Fahrenheit (~~10~~ 7 degrees Celsius) after being received by the egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius). ~~After August 1, 1992, eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius).~~ Equipment in use prior to August 1, 1991, is not subject to this requirement.

Sec. 16. Minnesota Statutes 2000, section 29.23, subdivision 4, is amended to read:

Subd. 4. [VEHICLE TEMPERATURE.] A vehicle used for the transportation of shell eggs from a warehouse, retail store, candling and grading facility, or egg holding facility must have an ambient air temperature of ~~50~~ 45 degrees Fahrenheit (~~10~~ 7 degrees Celsius) or below.

Sec. 17. Minnesota Statutes 2000, section 29.237, is amended to read:

29.237 [UNIFORMITY WITH FEDERAL LAW.]

Subdivision 1. [SHELL EGGS.] Federal regulations governing the grading of shell eggs and United States standards, grades, and weight classes for shell eggs, in effect on July 1, ~~1990~~ 2000, as provided by Code of Federal Regulations, title 7, part 56, are the grading and candling rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Subd. 2. [INSPECTION.] Federal regulations governing the inspection of eggs and egg products, in effect on May 1, ~~1990~~ 2000, as provided by Code of Federal Regulations, title 7, part 59, are the inspection of egg and egg products rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Sec. 18. Minnesota Statutes 2000, section 31.101, is amended by adding a subdivision to read:

Subd. 12. [DAIRY GRADE RULES; MANUFACTURING PLANT STANDARDS.] Federal grading and inspection standards for manufacturing dairy plants and products and amendments thereto in effect on January 1, 2001, as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

Sec. 19. Minnesota Statutes 2000, section 31A.21, subdivision 2, is amended to read:

Subd. 2. [FEDERAL ASSISTANCE.] In its cooperative efforts, the Minnesota department of agriculture may accept from the United States Secretary of Agriculture (1) advisory assistance in planning and otherwise developing the state program, (2) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and (3) financial and other aid for the administration of the program. ~~The Minnesota department of agriculture may spend a sum for administration of this chapter equal to 50 percent of the estimated total cost of the cooperative program.~~

Sec. 20. Minnesota Statutes 2000, section 32.21, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the dairy plant field service representative to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days and shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The Grade A or manufacturing grade permit may be restored if the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner within the 30-day temporary permit status period. If the producer does not comply

within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended. A milk producer whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pick-ups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the plant representative and the producer to determine the cause of the residue and actions required to prevent future violations.

(2) For the second violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pick-ups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the regulatory agency or its agent to determine the cause of the residue and actions required to prevent future violations.

(3) For the third violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pick-ups are prohibited until subsequent testing reveals the milk is free of drug residue. The commissioner or the commissioner's agent shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. A farm inspection must be completed by the plant representative and the producer to determine the cause of the residue and actions required to prevent future violations. The department shall suspend the producer's permit and count the violation on the producer's record. The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days during which time the producer must review the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, display the signed certificate in the milkhouse, and send verification to the commissioner. If these conditions are met, the Grade A or manufacturing grade permit must be reinstated. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain Grade A or manufacturing grade permit and shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 21. Minnesota Statutes 2000, section 32.394, subdivision 4, is amended to read:

Subd. 4. [RULES.] The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

In the exercise of the authority to establish requirements for Grade A milk, milk products and goat milk, the commissioner ~~may adopt~~ adopts definitions, standards of identity, and requirements for production and processing contained in the "1999 Grade A Pasteurized Milk Ordinance" and the "1995 Grade A Condensed and Dry Milk Ordinance" of the United States Department of Health and Human Services, in a manner provided for and not in conflict with law.

Sec. 22. Minnesota Statutes 2000, section 32.415, is amended to read:

32.415 [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, ~~Vol. 37 Federal Register, No. 68, Part II, April 7, 1972,~~ as revised through ~~March 1, 1997~~ November 12, 1996, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 23. Minnesota Statutes 2000, section 32.475, subdivision 2, is amended to read:

Subd. 2. [MINNESOTA GRADES.] It is unlawful to sell, offer or expose for sale, or have in possession with intent to sell any butter at retail unless it has been graded and labeled with such grades as follows:

(a) Grade, Minnesota, AA -- ~~93 score~~ U.S. Grade AA

(b) Grade, Minnesota, A -- ~~92 score~~ U.S. Grade A

(c) Grade, Minnesota, B -- ~~90 score~~ U.S. Grade B

(d) Grade, Minnesota, undergrade -- all butter below Minnesota B.

For the purposes of this section "sale at retail" shall include all sales to a restaurant or eating establishment that serves butter to its patrons or that uses butter in the preparation of any food which is served to its patrons.

Sec. 24. Minnesota Statutes 2000, section 32.70, subdivision 7, is amended to read:

Subd. 7. [SELECTED CLASS I DAIRY PRODUCTS.] "Selected class I dairy products" means milk for human consumption in fluid form and all other class I dairy products as defined by the Upper Midwest Milk Marketing Order, Code of Federal Regulations, title 7, part ~~1068.40~~ 1030.40, or successor orders.

Sec. 25. Minnesota Statutes 2000, section 32.70, subdivision 8, is amended to read:

Subd. 8. [SELECTED CLASS II DAIRY PRODUCTS.] "Selected class II dairy products" means milk for human consumption processed into fluid cream, eggnog, yogurt, and all other class II dairy products as defined by the Upper Midwest Milk Marketing Order, Code of Federal Regulations, title 7, part ~~1068.40~~ 1030.40, or successor orders.

Sec. 26. Minnesota Statutes 2000, section 41B.025, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] There is created a public body corporate and politic to be known as the "Minnesota rural finance authority," which shall perform the governmental functions and exercise the sovereign powers delegated to it in sections 41B.01 to 41B.23 and chapter 41C in furtherance of the public policies and purposes declared in section 41B.01. The board of the authority consists of the commissioners of agriculture, commerce, trade and economic development, and finance, the state auditor, and six public members appointed by the governor with the advice and consent of the senate. The state auditor may designate one staff member to serve in the auditor's place. No public member may reside within the metropolitan area, as defined in section 473.121, subdivision 2. Each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member is conclusive evidence of the proper appointment of the member.

Sec. 27. Minnesota Statutes 2000, section 41B.03, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY FOR RESTRUCTURED LOAN.] In addition to the eligibility requirements of subdivision 1, a prospective borrower for a restructured loan must:

(1) have received at least 50 percent of average annual gross income from farming for the past three years or, for homesteaded property, received at least 40 percent of average gross income from farming in the past three years, and farming must be the principal occupation of the borrower;

~~(2) have a debt-to-asset ratio equal to or greater than 50 percent and in determining this ratio, the assets must be valued at their current market value;~~

~~(3)~~ have projected annual expenses, including operating expenses, family living, and interest expenses after the restructuring, that do not exceed 95 percent of the borrower's projected annual income considering prior production history and projected prices for farm production, except that the authority may reduce the 95 percent requirement if it finds that other significant factors in the loan application support the making of the loan;

~~(4)~~ (3) demonstrate substantial difficulty in meeting projected annual expenses without restructuring the loan; and

~~(5)~~ (4) must have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than \$400,000 in 1999 and an amount in subsequent years which is adjusted for inflation by multiplying \$400,000 by the cumulative inflation rate as determined by the United States All-Items Consumer Price Index.

Sec. 28. Minnesota Statutes 2000, section 41B.036, is amended to read:

41B.036 [GENERAL POWERS OF THE AUTHORITY.]

For the purpose of exercising the specific powers granted in section 41B.04 and effectuating the other purposes of sections 41B.01 to 41B.23 the authority has the general powers granted in this section.

(a) It may sue and be sued.

(b) It may have a seal and alter the seal.

(c) It may make, and from time to time, amend and repeal rules consistent with sections 41B.01 to 41B.23.

(d) It may acquire, hold, and dispose of real or personal property for its corporate purposes.

(e) It may enter into agreements, contracts, or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization, including contracts or agreements for administration and implementation of all or part of sections 41B.01 to 41B.23.

(f) It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate.

(g) It may provide general technical services related to rural finance.

(h) It may provide general consultative assistance services related to rural finance.

(i) It may promote research and development in matters related to rural finance.

(j) It may enter into agreements with lenders, borrowers, or the issuers of securities for the purpose of regulating the development and management of farms financed in whole or in part by the proceeds of qualified agricultural loans.

(k) It may enter into agreements with other appropriate federal, state, or local governmental units to foster rural finance. It may give advance reservations of loan financing as part of the agreements, with the understanding that the authority will only approve the loans pursuant to normal procedures, and may adopt special procedures designed to meet problems inherent in such programs.

(l) It may undertake and carry out studies and analyses of rural financing needs within the state and ways of meeting such needs including: data with respect to geographical distribution; farm size; the distribution of farm credit needs according to debt ratios and similar factors; the amount and quality of available financing and its distribution according to factors affecting rural financing needs and the meeting thereof; and may make the results of such studies and analyses available to the public and may engage in research and disseminate information on rural finance.

(m) It may survey and investigate the rural financing needs throughout the state and make recommendations to the governor and the legislature as to legislation and other measures necessary or advisable to alleviate any existing shortage in the state.

(n) It may establish cooperative relationships with such county and multicounty authorities as may be established and may develop priorities for the utilization of authority resources and assistance within a region in cooperation with county and multicounty authorities.

(o) It may contract with, use, or employ any federal, state, regional, or local public or private agency or organization, legal counsel, financial advisors, investment bankers or others, upon terms it deems necessary or desirable, to assist in the exercise of any of the powers granted in sections 41B.01 to 41B.23 and to carry out the objectives of sections 41B.01 to 41B.23 and may pay for the services from authority funds.

(p) It may establish cooperative relationships with counties to develop priorities for the use of authority resources and assistance within counties and to consider county plans and programs in the process of setting the priorities.

(q) It may delegate any of its powers to its officers or staff.

(r) It may enter into agreements with qualified agricultural lenders or others insuring or guaranteeing to the state the payment of all or a portion of qualified agricultural loans.

(s) It may enter into agreements with eligible agricultural lenders providing for advance reservations of purchases of participation interests in restructuring loans, if the agreements provide that the authority may only purchase participation interests in restructuring loans under the normal procedure. The authority may provide in an agreement for special procedures or requirements designed to meet specific conditions or requirements.

(t) It may allow farmers who are natural persons to combine programs of the federal Agriculture Credit Act of 1987 with programs of the rural finance authority.

(u) From within available funds generated by program fees, it may provide partial or full tuition assistance for farm management programs required under section 41B.03, subdivision 3, clause (7).

(v) It may provide technical information and other services and assistance to state or local government departments, agencies, and offices to maximize the utilization of Minnesota-produced agricultural products, including but not limited to ethanol and other liquid fuels.

Sec. 29. Minnesota Statutes 2000, section 41B.043, subdivision 1b, is amended to read:

Subd. 1b. [LOAN PARTICIPATION.] The authority may participate in an agricultural improvement loan with an eligible lender to a farmer who meets the requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in farming. Participation is limited to 45 percent of the principal amount of the loan or \$~~100,000~~ \$125,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different than the interest rates and repayment terms of the lender's retained portion of the loan.

Sec. 30. Minnesota Statutes 2000, section 41B.043, subdivision 2, is amended to read:

Subd. 2. [SPECIFICATIONS.] No direct loan may exceed \$35,000 or \$125,000 for a loan participation ~~or be made to refinance an existing debt~~. Each direct loan and participation must be secured by a mortgage on real property and such other security as the authority may require.

Sec. 31. Minnesota Statutes 2000, section 41B.046, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT.] The authority shall establish and implement a value-added agricultural product loan program to help farmers finance the purchase of stock in a cooperative that is proposing to build or purchase and operate an agricultural product processing facility or already owns and operates an agricultural product processing facility.

Sec. 32. Minnesota Statutes 2000, section 97B.001, subdivision 1, is amended to read:

Subdivision 1. [AGRICULTURAL LAND DEFINITION.] For purposes of this section, "agricultural land" means land:

- (1) that is plowed or tilled;
- (2) that has standing crops or crop residues; ~~or~~
- (3) within a maintained fence for enclosing domestic livestock;
- (4) that is planted native or introduced grassland or hay land; or
- (5) that is planted to short rotation woody crops as defined in section 41B.048, subdivision 4.

Sec. 33. [239.77] [BIODIESEL MANDATE FOR GOVERNMENT VEHICLES.]

Subdivision 1. [BIODIESEL FUEL OIL, DEFINED.] "Biodiesel fuel oil" means a biodegradable, combustible liquid fuel derived from vegetable oils or animal fats that meets ASTM specifications PS 121-99 and is suitable for blending with diesel fuel oil for use in internal combustion diesel engines.

Subd. 2. [STATE VEHICLE MANDATE.] On or after July 1, 2002, all diesel fuel consumed in Minnesota in internal combustion engines in vehicles owned or operated by the state of Minnesota, the metropolitan council, and transit services receiving funding from the metropolitan council must contain at least two percent biodiesel fuel by volume.



Subd. 3. [MONITOR AND REPORT.] The commissioner of transportation, in consultation with the commissioners of the pollution control agency, administration, and agriculture, shall monitor the performance of vehicles under subdivision 2 and report to the legislative committees with jurisdiction over transportation, environment, and state government policy and finance no later than January 1, 2004. The report must assess the operating costs, operational performance, and environmental impact of the mandate under subdivision 2.

Sec. 34. [239.775] [PRIVATE SECTOR BIODIESEL FUEL OIL DEMONSTRATION PROJECTS.]

The commissioner of transportation shall consult with representatives of the trucking, rail, utility, waste-hauling, mining, timber, agriculture, and passenger transit industries to develop protocols for biodiesel fuel demonstration projects. The commissioner shall report to the legislative committees with jurisdiction over transportation, environment, and state government policy and finance no later than January 1, 2002, on the cost, feasibility, and desirability of conducting biodiesel field demonstration projects.

Sec. 35. Minnesota Statutes 2000, section 296A.01, is amended by adding a subdivision to read:

Subd. 51. [BIODIESEL FUEL OIL.] "Biodiesel fuel oil" has the meaning given in section 239.77, subdivision 1.

Sec. 36. Minnesota Statutes 2000, section 296A.08, subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED.] There is imposed an excise tax on all special fuel at the rates specified in subdivision 2. For purposes of this section, "owner or operator" means the operation of licensed motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

(a) For undyed diesel fuel, biodiesel fuel oil, and undyed kerosene, the tax is imposed on the first licensed distributor who received the product in Minnesota.

(b) For dyed fuel being used illegally in a licensed motor vehicle, the tax is imposed on the owner or operator of the motor vehicle.

(c) For dyed fuel used in a motor vehicle but subject to a federal exemption, although no federal tax may be imposed, the owner or operator of the vehicle is liable for the state tax.

(d) For other fuels, including jet fuel, propane, and compressed natural gas, the tax is imposed on the distributor, special fuel dealer, or bulk purchaser.

(e) Any person delivering special fuel on which the excise tax has not previously been paid, into the supply tank of an aircraft or a licensed motor vehicle shall report such delivery and shall pay, or collect and pay the excise tax on the special fuel so delivered to the commissioner.

Sec. 37. [325E.165] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325E.165 to 325E.167, the terms defined in this section have the meanings given them.

Subd. 2. [FARM TRACTOR.] "Farm tractor" means a self-propelled vehicle that is designed primarily for pulling or propelling agricultural machinery and implements and is used principally in the occupation or business of farming, including an implement of husbandry, as defined in section 169.01, subdivision 55, that is self-propelled.

Subd. 3. [PERSON.] "Person" means an individual, firm, partnership, incorporated and unincorporated association, or other legal or commercial entity.

Sec. 38. [325E.166] [CLOCK-HOUR METERS; PROHIBITED ACTS.]

Subdivision 1. [TAMPERING.] No person shall, with intent to defraud, knowingly tamper with, adjust, alter, change, set back, disconnect, or fail to connect the clock-hour meter of a farm tractor, or cause any of the foregoing to occur to a clock-hour meter of a farm tractor, so as to reflect fewer hours than the farm tractor has actually been in operation.

Subd. 2. [OPERATION WITH DISCONNECTED OR NONFUNCTIONAL METER.] No person shall, with intent to defraud, operate a farm tractor knowing that the clock-hour meter of the farm tractor is disconnected or nonfunctional.

Subd. 3. [TAMPERING DEVICE.] No person shall advertise for sale, sell, use, or install on any part of a farm tractor or on a clock-hour meter in a farm tractor a device that causes the clock-hour meter to register any hours of operation other than the true hours of operation that the clock-hour meter was designed to measure.

Subd. 4. [DISCLOSURE.] No person shall sell or offer for sale a farm tractor with knowledge that the hours registered on the clock-hour meter have been altered so as to reflect fewer hours than the farm tractor has actually been in operation, without disclosing the fact to prospective purchasers.

Subd. 5. [CONSPIRACY.] No person shall conspire with another person to violate this section.

Sec. 39. [325E.167] [PENALTIES; REMEDIES.]

Subdivision 1. [CRIMINAL PENALTY.] A person who is found to have violated sections 325E.165 to 325E.167 is guilty of a gross misdemeanor.

Subd. 2. [CIVIL PENALTY.] In addition to the penalties provided in subdivision 1, any person who is found to have violated sections 325E.165 to 325E.167 is subject to the penalties in section 8.31.

Subd. 3. [PRIVATE RIGHT OF ACTION.] A person injured by a violation of sections 325E.165 to 325E.167 may recover the actual damages sustained together with costs and disbursements, including reasonable attorney fees. The court in its discretion may increase the award of damages to an amount not to exceed three times the actual damages sustained or \$1,500, whichever is greater.

Sec. 40. [348.125] [COYOTE CONFLICT MANAGEMENT OPTION.]

A county board may, by resolution, offer a bounty for the destruction of coyotes (*Canis latrans*). The resolution may be made applicable to the whole or any part of the county. The bounty must apply during the months specified in the resolution and be in an amount determined by the board.

Sec. 41. [BIODIESEL SUPPLY AND DISTRIBUTION REPORT.]

By February 15 in 2002 and 2003, the commissioner of agriculture, in consultation with the commissioners of transportation and commerce, shall report to the legislative committees with jurisdiction over agriculture and transportation policy on (1) the production and distribution of biodiesel fuel oil in Minnesota, (2) the adequacy of biodiesel fuel oil supplies, and (3) the distribution system to achieve the requirement in Minnesota Statutes, section 239.77.

Sec. 42. [SUSPENSION OF RULE.]

The application of Minnesota Rules, part 1720.0620, is suspended from January 1, 2001, to June 1, 2002, for products used exclusively for poultry.

## Sec. 43. [APPROPRIATION; BIODIESEL.]

\$111,000 is appropriated to the metropolitan council in fiscal year 2003 for the cost of the biodiesel requirement. This is a one-time appropriation. The metropolitan council must report its actual cost of the biodiesel mandate by January 15, 2003.

## Sec. 44. [REPEALER.]

Minnesota Statutes 2000, sections 17.042; 17.06; 17.07; 17.108; 17.139; 17.45; 17.4996; 17.76; 17.861; 17A.091, subdivision 1; 17B.21; 17B.23; 17B.24; 17B.25; 17B.26; 17B.27; 18.205; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 25.47; 27.185; 29.025; 29.049; 30.50; 30.51; 31.185; 31.73; 31B.07; 32.11; 32.12; 32.18; 32.19; 32.20; 32.203; 32.204; 32.206; 32.208; 32.471, subdivision 1; 32.474; 32.481, subdivision 2; 32.529; 32.53; 32.531, subdivisions 1, 5, 6, and 7; 32.5311; 32.5312; 32.532; 32.533; 32.534; and 32.55, subdivisions 15, 16, and 17; 33.001; 33.002; 33.01; 33.011; 33.02; 33.03; 33.031; 33.032; 33.06; 33.07; 33.08; 33.09; 33.091; 33.111; 35.04; 35.14; and 35.84, are repealed.

## Sec. 45. [EFFECTIVE DATE.]

Sections 1, 3, 12, 13, 26, 27, 29, 30, 31, 42, and 44 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; extending certain advisory committees and a review board; changing provisions of the value-added agricultural product processing and marketing grant program; clarifying a term related to the Minnesota grown matching account; providing for uniformity with certain federal dairy regulations; changing provisions of the shared savings loan program and the sustainable agriculture demonstration grant program; changing certain shell egg regulations; changing financing provisions of a cooperative meat inspection program; expanding an agricultural checkoff fee refund program; imposing a biodiesel mandate on certain vehicles; requiring reports; clarifying the definition of agricultural land; modifying provisions relating to the rural finance authority; prohibiting tampering with clock-hour meters on farm tractors; prescribing criminal and civil penalties; providing a coyote conflict management option; suspending a rule; repealing obsolete or unnecessary provisions; appropriating money; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 17.039; 17.101, subdivision 5; 17.109, subdivision 3; 17.115; 17.116; 17.136; 17.53, subdivisions 2, 8, 13; 17.63; 18B.305, subdivision 3; 28A.20; 29.23, subdivisions 2, 3, 4; 29.237; 31.101, by adding a subdivision; 31A.21, subdivision 2; 32.21, subdivision 4; 32.394, subdivision 4; 32.415; 32.475, subdivision 2; 32.70, subdivisions 7, 8; 41B.025, subdivision 1; 41B.03, subdivision 2; 41B.036; 41B.043, subdivisions 1b, 2; 41B.046, subdivision 2; 97B.001, subdivision 1; 296A.01, by adding a subdivision; 296A.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 239; 325E; 348; repealing Minnesota Statutes 2000, sections 17.042; 17.06; 17.07; 17.108; 17.139; 17.45; 17.4996; 17.76; 17.861; 17A.091, subdivision 1; 17B.21; 17B.23; 17B.24; 17B.25; 17B.26; 17B.27; 18.205; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 25.47; 27.185; 29.025; 29.049; 30.50; 30.51; 31.185; 31.73; 31B.07; 32.11; 32.12; 32.18; 32.19; 32.20; 32.203; 32.204; 32.206; 32.208; 32.471, subdivision 1; 32.474; 32.481, subdivision 2; 32.529; 32.53; 32.531, subdivisions 1, 5, 6, 7; 32.5311; 32.5312; 32.532; 32.533; 32.534; 32.55, subdivisions 15, 16, 17; 33.001; 33.002; 33.01; 33.011; 33.02; 33.03; 33.031; 33.032; 33.06; 33.07; 33.08; 33.09; 33.091; 33.111; 35.04; 35.14; 35.84."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 2142, 722, 1367 and 1495 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Buesgens, Pelowski, Holberg, Seifert and Greiling introduced:

H. F. No. 2523, A bill for an act relating to rulemaking; making rules effective only after approval by the governor; requiring constitutional officers to sign their own rules to make them take effect; removing the governor's veto authority over rules; amending Minnesota Statutes 2000, section 14.18, subdivision 1; repealing Minnesota Statutes 2000, section 14.05, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Sykora introduced:

H. F. No. 2524, A bill for an act relating to local government; allowing statutory cities to provide for election of council members from wards; amending Minnesota Statutes 2000, section 412.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the following change in the membership of the Conference Committee on H. F. No. 2486:

The name of Lesewski has been stricken and the name of Knutson has been added.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1248, A bill for an act relating to veterans homes; changing certain resident deposit accounts; amending Minnesota Statutes 2000, section 198.265.

H. F. No. 926, A bill for an act relating to health; modifying content and format requirements for Minnesota uniform health care identification cards; requiring uniform prescription drug information to be included on cards; establishing requirements for issuance of cards; amending Minnesota Statutes 2000, section 62J.60.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1596, A bill for an act relating to transportation; expanding definition of small vehicle passenger service to include certain transportation provided in wheelchair-accessible vehicles; imposing restrictions on transfer of former metro mobility vehicles by the metropolitan council; amending Minnesota Statutes 2000, sections 221.011, subdivision 49; 473.386, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1515, A bill for an act relating to education; providing for family and early childhood education; modifying Head Start program; consolidating child care assistance programs; modifying early childhood screening, early childhood family education, and school readiness programs; directing allocation of federal child care development funds; consolidating certain advisory councils; establishing youth after-school enrichment program; modifying adult basic education program; requiring a report; providing for early childhood program evaluation; making various clarifying and technical changes; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.51, by adding a subdivision; 119A.52; 119A.53; 119B.011, subdivisions 5, 7, 11, 12, 18, 19, by adding subdivisions; 119B.02, subdivisions 1, 2, 3, by adding subdivisions; 119B.061, subdivisions 1, 2, 4, 5; 121A.17, subdivision 1; 121A.30; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.221, subdivisions 1, 2, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 119B; 124D; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03; 119B.04; 119B.05; 119B.06; 119B.07; 119B.074; 119B.08; 119B.09; 119B.10; 119B.11; 119B.12; 119B.13; 119B.14; 119B.15; 119B.16; 124D.16, subdivision 4; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

The Senate has appointed as such committee:

Senators Lourey, Sabo, Kinkel, Hottinger and Robling.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 555, A bill for an act relating to state government; modifying certain procedures relating to administrative rules; amending Minnesota Statutes 2000, sections 14.05, subdivision 6; 14.116; and 14.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Laws 1999, chapter 129, section 6.

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

Senators Betzold, Stevens and Hottinger.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Seifert moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 555. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1068, A bill for an act relating to government data; classifying data; codifying temporary classifications; including metropolitan area towns under the data practices act; clarifying effect of advisory opinions; modifying records management requirements; removing sunset on law governing access to juvenile records for gang investigations; extending authority for special law governing property taxpayer data; amending Minnesota Statutes 2000, sections 13.02, subdivision 11; 13.072, subdivision 2; 13.08, subdivision 4; 13.32, by adding a subdivision; 13.322, subdivision 3; 13.59; 13.594; 13.719, by adding a subdivision; 13.785, by adding a subdivision; 136A.243, by adding a subdivision; 138.17, subdivision 7; 182.659, subdivision 8; 260B.171, subdivision 1; 299C.095, subdivision 1; 299C.13; 299C.61, by adding a subdivision; 386.20, by adding a subdivision; 611A.19; Laws 1997, First Special Session chapter 3, section 27, as amended; repealing Minnesota Statutes 2000, sections 13.081; 13.5921.

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

Senators Betzold, Limmer and Orfield.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Holberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1068. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1464, A bill for an act relating to health; modifying provisions for lead poisoning prevention; requiring a real property seller provide buyer with well water test results; providing for certain alternative compliance methods for food, beverage, and lodging establishment inspections; repealing certain obsolete laws relating to hotel inspectors, duplication equipment, pay toilets, and enclosed sports arenas; amending Minnesota Statutes 2000, sections 144.9501, subdivisions 3, 4, 10, 11, 17, 17a, 18, 19, 20a, 20b, 20c, 21, 22, 22a, 23, 28a, 29, and by adding subdivisions; 144.9502, subdivision 8; 144.9503; 144.9504, subdivisions 1, 2, 5, 7, and 8; 144.9505; 144.9507, subdivision 5; 144.9508, subdivisions 1, 2, 3, 4, and 5; 144.9509, subdivisions 1 and 3; and 157.20, by adding a subdivision; repealing Minnesota Statutes 2000, sections 144.073; 144.08; 144.1222, subdivision 3; 144.9501, subdivision 32; 144.9502, subdivision 6; 144.9503, subdivision 6; 144.9504, subdivisions 4 and 11; 144.9505, subdivisions 2 and 5; 144.9506; 144.9508, subdivision 6; and 145.425.

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

Senators Lourey, Sams and Fischbach.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Nornes moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1464. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1944, 1908, 1485, 1208, 179 and 1249.

PATRICK E. FLAHAVEN, Secretary of the Senate

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

S. F. No. 1944, A bill for an act relating to support; clarifying and modifying the crime of nonsupport of a spouse or child; providing notice of criminal penalties for nonsupport of a spouse or child; specifying spousal liability for medical necessities; imposing criminal penalties; crediting child support payments to public authority; authorizing collection of child support in arrears under revenue recapture act under certain circumstances; amending Minnesota

Statutes 2000, sections 518.551, subdivision 1; 518.6111, by adding a subdivision; 518.68, subdivision 2; 519.05; 609.095; 609.375, subdivisions 1, 2, 2a, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 518; 609.

The bill was read for the first time.

Smith moved that S. F. No. 1944 and H. F. No. 1697, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1908, A bill for an act relating to human services; excluding the raw food cost adjustment from certain nursing facility rate computations; amending Minnesota Statutes 2000, section 256B.431, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 1485, A bill for an act relating to commerce; providing for the licensing of money transmitters; prescribing the powers and duties of the commissioner; amending Minnesota Statutes 2000, section 48.151; proposing coding for new law as Minnesota Statutes, chapter 53B.

The bill was read for the first time.

McElroy moved that S. F. No. 1485 and H. F. No. 1311, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1208, A bill for an act relating to impaired driving; permitting the results of a preliminary screening test to be admissible in a criminal prosecution for the crime of implied consent test refusal; prohibiting certain first-time DWI offenders from receiving a shortened license revocation period; amending a definition in the plate impoundment law to allow plate impoundment for certain first-time alcohol-related license revocations; creating a gross misdemeanor penalty for violation of an alcohol-related restriction on a person's driver's license if the violation occurs while driving a motor vehicle and authorizing consecutive sentences for these violations in certain cases; amending the definition of "prosecuting authority" in the DWI forfeiture law and changing how proceeds from the sale of forfeited vehicles are distributed; requiring health professionals to report injuries resulting from alcohol-related or controlled substance-related accidents when asked by a peace officer and granting civil and criminal immunity for these reports; amending Minnesota Statutes 2000, sections 169A.28, subdivision 2; 169A.41, subdivision 2; 169A.54, subdivision 6; 169A.60, subdivision 1; 169A.63, subdivisions 1, 10; 171.09; 609.035, subdivision 2; 626.52, by adding a subdivision; repealing Minnesota Statutes 2000, section 626.55, subdivision 2.

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

S. F. No. 179, A bill for an act relating to civil commitment; requiring certain hearings on neuroleptic medications to be combined with a civil commitment proceeding; amending Minnesota Statutes 2000, sections 253B.066, subdivision 1; 253B.07, subdivision 2.

The bill was read for the first time.

Greiling moved that S. F. No. 179 and H. F. No. 281, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1249, A bill for an act relating to utilities; modifying biomass mandate; amending Minnesota Statutes 2000, section 216B.2424, subdivision 5.

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



REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately preceding the remaining bills on the Calendar for the Day, for Friday, May 11, 2001:

S. F. Nos. 1269 and 1826; H. F. Nos. 1943 and 1310; S. F. Nos. 266, 1659, 1613, 1154, 560, 910 and 359; H. F. Nos. 1182 and 1828; S. F. Nos. 694 and 1821; H. F. Nos. 156 and 1424; S. F. Nos. 2046, 1264 and 1222; H. F. No. 281; S. F. No. 1610; and H. F. No. 1541.

**CALENDAR FOR THE DAY**

S. F. No. 1269, A bill for an act relating to veterans; providing for placement in the Capitol of a plaque commemorating the soldiers who participated in the Bataan Death March.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1826, A bill for an act relating to insurance; providing qualifications and procedures for the licensing of insurance producers; prescribing a criminal penalty; making conforming changes; amending Minnesota Statutes 2000, sections 13.7191, subdivision 6; 43A.317, subdivision 12; 60A.02, subdivision 7; 60A.14; 60A.171,

subdivision 1; 60A.198, subdivision 3; 62A.41, subdivision 4; 62C.17, subdivision 5; 62D.22, subdivision 8; 62H.10, subdivision 4; 62L.12, subdivision 3; 62S.30; 64B.33; 65B.09, subdivision 1; 72A.07; 72A.125, subdivision 2; 72A.201, subdivision 3; 270B.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60K; repealing Minnesota Statutes 2000, sections 60K.01; 60K.02; 60K.03; 60K.04; 60K.05; 60K.06; 60K.07; 60K.081; 60K.09; 60K.10; 60K.11; 60K.12; 60K.13; 60K.14; 60K.15; 60K.16; 60K.17; 60K.18; 60K.19; 60K.20.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1943 was reported to the House.

Stang moved that H. F. No. 1943 be returned to the General Register. The motion prevailed.

H. F. No. 1310 was reported to the House.

Abrams and Milbert moved to amend H. F. No. 1310, the second engrossment, as follows:

Page 4, after line 29, insert:

"Sec. 4. [16B.665] [PERMIT FEE LIMITATION ON MINOR RESIDENTIAL IMPROVEMENTS.]

A municipality as defined in section 16B.60, subdivision 3, or a town may not charge a permit fee that exceeds \$15 or 5 percent of the cost of the improvement, installation, or replacement, whichever is greater, for the improvement, installation, or replacement of a residential fixture or appliance that:

- (1) does not require modification to electric or gas service;  
 (2) has a total cost of \$500 or less, excluding the cost of the fixture or appliance; and  
 (3) is improved, installed, or replaced by the home owner or a licensed contractor."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Mahoney moved to amend H. F. No. 1310, the second engrossment, as amended, as follows:

Page 4, line 11, delete "five" and insert "three"

Page 4, line 12, after "officials" insert ", two inspectors from the affected field."

The motion prevailed and the amendment was adopted.

Abrams and Holberg moved to amend H. F. No. 1310, the second engrossment, as amended, as follows:

Page 2, lines 27 and 28, delete the new language and insert "A municipality may, with the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance. Any loss that results from failure to grant a more restrictive ordinance shall be the sole responsibility of the state."

The motion prevailed and the amendment was adopted.

H. F. No. 1310, A bill for an act relating to construction; giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement; requiring municipalities to submit annual reports on construction-related fees; regulating construction-related fees; prohibiting municipalities from requiring waivers of rights as a condition for issuance of a construction-related permit; amending Minnesota Statutes 2000, sections 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 326.90, subdivision 1; 462.353, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 16B; 462.

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 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Boudreau	Cassell	Davnie	Dorman
Abrams	Bernardy	Bradley	Clark, J.	Dehler	Dorn
Anderson, B.	Biernat	Buesgens	Daggett	Dempsey	Eastlund
Anderson, I.	Bishop	Carlson	Dauids	Dibble	Entenza

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

Those who voted in the negative were:

Clark, K.	Gray	Mariani	Mullery
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The bill was passed, as amended, and its title agreed to.

S. F. No. 266 was reported to the House.

Workman moved that S. F. No. 266 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 1659 was reported to the House.

Kuisle, Pelowski, Rifenberg and Peterson offered an amendment to S. F. No. 1659.

Kuisle requested a division of the Kuisle et al amendment to S. F. No. 1659.

Kuisle further requested that the second portion of the Kuisle et al amendment be voted on first.

The second portion of the Kuisle et al amendment to S. F. No. 1659 reads as follows:

Page 2, after line 23, insert:

"Sec. 4. [REQUIRED RULE CHANGE; WASTEWATER FROM MILKHOUSES ON SMALL DAIRIES.]

Not later than August 1, 2001, the commissioner of the pollution control agency shall allow alternative methods for disposal of milkhouse process wastewaters by a dairy operation having 300 animal units or fewer. The intent of this section is to provide reasonable alternative means for small dairy producers to dispose of milkhouse process wastewaters. Allowable alternatives must include, among others, surface discharge of process wastewaters onto agricultural land as defined in Minnesota Statutes, section 103G.005, subdivision 2a, except discharge into type 4, 5, 6, or 7 wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 17b."

Page 2, line 25, delete "and 2" and insert "to 4"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the second portion of the Kuisle et al amendment was adopted.

The first portion of the Kuisle et al amendment to S. F. No. 1659, as amended, reads as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2000, section 116.07, is amended by adding a subdivision to read:

Subd. 7d. [EXEMPTION.] Notwithstanding subdivision 7 or Minnesota Rules, chapter 7020, to the contrary, and notwithstanding the proximity to public or private waters, an owner or resident of agricultural land on which livestock have been allowed to pasture as defined by Minnesota Rules chapter 7020 at any time during the ten-year period beginning January 1, 1990, is permanently exempt from requirements related to feedlot or manure management on that land for so long as the property remains in pasture."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first portion of the Kuisle et al amendment was adopted.

Dorman moved to amend S. F. No. 1659, as amended, as follows:

Page 2, after line 23, insert:

"Sec. 3. Minnesota Statutes 2000, section 561.19, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Agricultural operation" means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.

(b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation. As used in this paragraph, "expanded ~~or significantly altered~~" means:

~~(1) an expansion by at least 25 percent in the amount of a particular crop grown or the number of a particular kind of animal or livestock located on an agricultural operation; or,~~

~~(2) a distinct change in the kind of agricultural operation, as in changing from one kind of crop, livestock, animal, or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product. "Significantly altered" does not mean:~~

(1) a transfer of an ownership interest to and held by persons or the spouses of persons related to each other within the third degree of kindred according to the rules of civil law to the person making the transfer so long as at least one of the related persons is actively operating the farm, or to a family farm trust under section 500.24;

(2) temporary cessation or interruption of cropping activities;

(3) adoption of new technologies; or

(4) a change in the crop product produced."

Page 2, line 24, delete "Sec. 3." and insert "Sec. 4."

Page 2, line 25, delete "and 2" and insert "to 3"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1659, A bill for an act relating to agriculture; modifying provisions relating to feedlots; providing for a level 1 feedlot inventory; proposing coding for new law in Minnesota Statutes, chapter 116.

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 86 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lipman	Penas	Thompson
Abrams	Eastlund	Howes	Mares	Rhodes	Tingelstad
Anderson, B.	Erhardt	Jacobson	Marquart	Rifenberg	Tuma
Anderson, I.	Erickson	Jennings	McElroy	Rukavina	Vandever
Bakk	Finseth	Johnson, J.	Milbert	Ruth	Walz
Bishop	Folliard	Juhnke	Molnau	Schumacher	Wenzel
Boudreau	Fuller	Kielkucki	Mulder	Seagren	Westrom
Bradley	Gerlach	Knoblach	Ness	Seifert	Wilkin
Buesgens	Gleason	Krinkie	Nornes	Sertich	Wolf
Cassell	Goodno	Kuisle	Olson	Skoe	Workman
Clark, J.	Gunther	Larson	Osskopp	Smith	Spk. Sviggum
Daggett	Haas	Lenczewski	Ozment	Stanek	
Davids	Hackbarth	Leppik	Paulsen	Stang	
Dehler	Harder	Lieder	Pawlenty	Swenson	
Dempsey	Holberg	Lindner	Pelowski	Sykora	

Those who voted in the negative were:

Bernardy	Dawkins	Goodwin	Huntley	Kalis	Luther
Biernat	Dibble	Greiling	Jaros	Kelliher	Mahoney
Carlson	Dorn	Hausman	Johnson, R.	Koskinen	Mariani
Clark, K.	Entenza	Hilstrom	Johnson, S.	Kubly	Marko
Davnie	Evans	Hilty	Kahn	Leighton	McGuire

Mullery	Otremba	Pugh	Swapinski	Westerberg
Murphy	Paymar	Skoglund	Wagenius	Winter
Osthoff	Peterson	Slawik	Wasiluk	

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

The Speaker called Dehler to the Chair.

S. F. No. 1613, A bill for an act relating to the environment; expanding the pollution control agency's authority to expedite permits; amending Minnesota Statutes 2000, section 116.07, subdivision 4d.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Olson

The bill was passed and its title agreed to.

S. F. No. 1154 was reported to the House.

Rhodes moved to amend S. F. No. 1154 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1218, the second engrossment:

"Section 1. Laws 1995, chapter 195, article 1, section 18, as amended by Laws 1999, chapter 238, article 2, section 78, is amended to read:

Sec. 18. [SUNSET.]

The metropolitan radio board is abolished effective July 1, ~~2002~~ 2003. Effective July 1, ~~2002~~ 2003, the board's duties and responsibilities are transferred to ~~the metropolitan council~~ or an appropriate state agency, as provided by law, ~~based on the reports submitted by the metropolitan council under section 7, subdivision 3, of this article.~~ The designated agency is the successor to all the property, interests, obligations, and rules of the metropolitan radio board. By February 1, 2002, the board shall submit to the legislature a report and plan for the board's transition from its current status. The report shall include financial projections on future capital and operating costs, including sources and uses of funds, and a recommendation on whether to transfer its duties and responsibilities to a specific state agency, to remain an independent agency, or to become an association of local units of government working jointly with state agencies. If the recommendation is to become an independent agency, the board shall submit recommendations on changing its size, its name, and the makeup of its geographical and functional representation."

Delete the title and insert:

"A bill for an act relating to the metropolitan radio board; abolishing the board; providing for the transfer of its duties and responsibilities; requiring the submission to the legislature of a report and plan on the board's transition; amending Laws 1995, chapter 195, article 1, section 18, as amended."

The motion prevailed and the amendment was adopted.

S. F. No. 1154, A bill for an act relating to the metropolitan radio board; extending the expiration date for the board to 2005; amending Laws 1995, chapter 195, article 1, section 18, as amended.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Dawkins	Erickson	Gray	Holberg
Abrams	Buesgens	Dehler	Evans	Greiling	Holsten
Anderson, B.	Carlson	Dempsey	Finseth	Gunther	Howes
Anderson, I.	Cassell	Dibble	Folliard	Haas	Huntley
Bakk	Clark, J.	Dorman	Fuller	Hackbarth	Jacobson
Bernardy	Clark, K.	Dorn	Gerlach	Harder	Jaros
Biernat	Daggett	Eastlund	Gleason	Hausman	Jennings
Bishop	Davids	Entenza	Goodno	Hilstrom	Johnson, J.
Boudreau	Davnie	Erhardt	Goodwin	Hilty	Johnson, R.



Johnson, S.	Lenczewski	Milbert	Pawlenty	Sertich	Vandever
Juhnke	Leppik	Molnau	Paymar	Skoe	Wagenius
Kahn	Lieder	Mulder	Pelowski	Skoglund	Walz
Kalis	Lindner	Mullery	Penas	Slawik	Wasiluk
Kelliher	Lipman	Murphy	Peterson	Smith	Wenzel
Kielkucki	Luther	Ness	Pugh	Stanek	Westerberg
Knoblach	Mahoney	Nornes	Rhodes	Stang	Westrom
Koskinen	Mares	Olson	Rifenberg	Swapinski	Wilkin
Krinkie	Mariani	Osskopp	Rukavina	Swenson	Winter
Kubly	Marko	Osthoff	Ruth	Sykora	Wolf
Kuisle	Marquart	Otremba	Schumacher	Thompson	Workman
Larson	McElroy	Ozment	Seagren	Tingelstad	Spk. Sviggum
Leighton	McGuire	Paulsen	Seifert	Tuma	

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

S. F. No. 266, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Workman moved to amend S. F. No. 266, the second unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 473.859, subdivision 2, is amended to read:

Subd. 2. [LAND USE PLAN.] A land use plan shall include the water management plan required by section 103B.235, and shall designate the existing and proposed location, intensity and extent of use of land and water, including lakes, wetlands, rivers, streams, natural drainage courses, and adjoining land areas that affect water natural resources, for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites, the matters listed in the water management plan required by section 103B.235, and an element for protection and development of access to direct sunlight for solar energy systems. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing. A land use plan shall also include the local government's goals, intentions, and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities, taking into account information regarding supplies and demands as provided by the metropolitan council.

Sec. 2. [APPLICATION.]

Section 1 applies only for land use plans adopted or amended after August 1, 2001, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 266, A bill for an act relating to government; requiring that local governmental units in the metropolitan area include consideration of the protection and development of aggregate resources in their land use plan as a part of their comprehensive plan; amending Minnesota Statutes 2000, section 473.859, 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 120 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gleason	Huntley	Kahn	Krinkie	Swapinski
Hausman	Jaros	Koskinen	Osthoff	Wagenius

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

S. F. No. 560 was reported to the House.

Pugh, Leighton, Smith and Koskinen moved to amend S. F. No. 560 as follows:

Page 5, line 3, after the period, insert "Any materials, facts, or other data, which would otherwise be available to a litigant in the course of discovery from other sources, shall also be available to the litigant from the peer review organization. Any publicly disseminated data shall not be deemed data from a peer review organization."

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

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

The question was taken on the Pugh et al amendment and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Johnson, R.	Mahoney	Pelowski	Swapinski
Bakk	Evans	Johnson, S.	Mariani	Peterson	Thompson
Bernardy	Folliard	Juhnke	Marko	Pugh	Tuma
Biernat	Gleason	Kahn	Marquart	Rhodes	Wagenius
Carlson	Goodwin	Kalis	McGuire	Rukavina	Wasiluk
Clark, K.	Greiling	Kelliher	Milbert	Schumacher	Wenzel
Davnie	Hausman	Koskinen	Mullery	Sertich	Westrom
Dawkins	Hilstrom	Larson	Murphy	Skoglund	Winter
Dehler	Hilty	Leighton	Osskopp	Slawik	
Dibble	Jaros	Lenczewski	Osthoff	Smith	
Dorn	Jennings	Lieder	Paymar	Stang	

Those who voted in the negative were:

Abeler	Dempsey	Hackbarth	Kubly	Nornes	Stanek
Abrams	Dorman	Harder	Kuisle	Olson	Swenson
Anderson, B.	Eastlund	Holberg	Leppik	Otremba	Sykora
Bishop	Erhardt	Holsten	Lindner	Ozment	Tingelstad
Boudreau	Erickson	Howes	Lipman	Paulsen	Vandever
Bradley	Finseth	Huntley	Luther	Pawlenty	Walz
Buesgens	Fuller	Jacobson	Mares	Penas	Westerberg
Cassell	Gerlach	Johnson, J.	McElroy	Rifenberg	Wilkin
Clark, J.	Goodno	Kielkucki	Molnau	Ruth	Wolf
Daggett	Gunther	Knoblach	Mulder	Seagren	Workman
Davids	Haas	Krinkie	Ness	Seifert	Spk. Sviggum

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

Leighton, Mullery and Skoglund moved to amend S. F. No. 560 as follows:

Page 6, line 9, after the first comma, insert "incident reports." and after "acquired" insert "or compiled"

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Leighton 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	Johnson, S.	Luther	Paymar	Swapinski
Bakk	Folliard	Juhnke	Mahoney	Pelowski	Thompson
Bernardy	Gleason	Kahn	Mariani	Peterson	Tuma
Biernat	Goodwin	Kalis	Marko	Pugh	Wagenius
Carlson	Greiling	Kelliher	Marquart	Rhodes	Wasiluk
Clark, K.	Hausman	Koskinen	McGuire	Rukavina	Wenzel
Davnie	Hilstrom	Kubly	Milbert	Schumacher	Winter
Dawkins	Hilty	Larson	Mullery	Sertich	
Dibble	Jaros	Leighton	Murphy	Skoglund	
Dorn	Jennings	Lenczewski	Osskopp	Slawik	
Entenza	Johnson, R.	Lieder	Osthoff	Smith	

Those who voted in the negative were:

Abeler	Dehler	Haas	Krinkie	Olson	Swenson
Abrams	Dempsey	Hackbarth	Kuisle	Ozment	Sykora
Anderson, B.	Dorman	Harder	Leppik	Paulsen	Tingelstad
Bishop	Eastlund	Holberg	Lindner	Pawlenty	Vandever
Boudreau	Erhardt	Holsten	Lipman	Penas	Walz
Bradley	Erickson	Howes	Mares	Rifenberg	Westerberg
Buesgens	Finseth	Huntley	McElroy	Ruth	Westrom
Cassell	Fuller	Jacobson	Molnau	Seagren	Wilkin
Clark, J.	Gerlach	Johnson, J.	Mulder	Seifert	Wolf
Daggett	Goodno	Kielkucki	Ness	Stanek	Workman
Davids	Gunther	Knoblach	Nornes	Stang	Spk. Sviggum

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

S. F. No. 560, A bill for an act relating to health; modifying review organization provisions; allowing review organizations to participate in Internet-based information sharing systems; amending Minnesota Statutes 2000, sections 145.61, subdivision 5; and 145.64, subdivision 1, and by adding subdivisions.

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

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Dorman	Goodno	Holsten	Kielkucki
Abrams	Clark, J.	Dorn	Goodwin	Howes	Knoblach
Anderson, B.	Daggett	Eastlund	Gunther	Huntley	Krinkie
Biernat	Davids	Erhardt	Haas	Jacobson	Kubly
Bishop	Davnie	Erickson	Hackbarth	Johnson, J.	Kuisle
Boudreau	Dehler	Finseth	Harder	Johnson, R.	Larson
Bradley	Dempsey	Fuller	Hilstrom	Juhnke	Lenczewski
Buesgens	Dibble	Gerlach	Holberg	Kelliher	Leppik

Lindner	Molnau	Ozment	Rifenberg	Swenson	Westrom
Lipman	Mulder	Paulsen	Ruth	Sykora	Wilkin
Luther	Ness	Pawlenty	Schumacher	Thompson	Winter
Mares	Nornes	Pelowski	Seifert	Tingelstad	Wolf
Marko	Olson	Penas	Slawik	Vandever	Workman
Marquart	Osskopp	Peterson	Stanek	Walz	Spk. Sviggum
McElroy	Otremba	Rhodes	Stang	Westerberg	

Those who voted in the negative were:

Anderson, I.	Evans	Johnson, S.	Mariani	Pugh	Wagenius
Bakk	Folliard	Kahn	McGuire	Rukavina	Wasiluk
Bernardy	Gleason	Kalis	Milbert	Sertich	Wenzel
Carlson	Greiling	Koskinen	Mullery	Skoglund	
Clark, K.	Hausman	Leighton	Murphy	Smith	
Dawkins	Hilty	Lieder	Osthoff	Swapinski	
Entenza	Jaros	Mahoney	Paymar	Tuma	

The bill was passed and its title agreed to.

S. F. No. 910, A bill for an act relating to traffic regulations; redefining "residential roadway"; amending Minnesota Statutes 2000, section 169.01, subdivision 81.

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

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Finseth	Kuisle	Marko	Rifenberg
Anderson, B.	Juhnke	Lieder	Osskopp	Smith
Anderson, I.	Krinkie	Mariani	Otremba	Swenson

The bill was passed and its title agreed to.

S. F. No. 359, A bill for an act relating to health occupations; modifying licensing requirements for the board of chiropractic examiners; modifying grounds for disciplinary action and penalties; allowing specified individuals to practice chiropractic in this state without being licensed in this state; amending Minnesota Statutes 2000, sections 148.06, subdivision 1; 148.10, subdivisions 1 and 3; 148.104; 148.105, subdivision 2; and 148.106, subdivision 10; repealing Minnesota Statutes 2000, section 148.106, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Skoglund

The bill was passed and its title agreed to.

H. F. No. 1182, A bill for an act relating to commerce; modifying requirements for invention developers; amending Minnesota Statutes 2000, sections 325A.04, by adding a subdivision; 325A.06, subdivisions 1 and 2; and 325A.09, subdivision 5, and by adding a subdivision; repealing Minnesota Statutes 2000, section 325A.06, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Otremba                      Vanderveer

The bill was passed and its title agreed to.

H. F. No. 1828 was reported to the House.

Ozment moved to amend H. F. No. 1828, the first engrossment, as follows:

Pages 8 and 9, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Howes moved to amend H. F. No. 1828, the first engrossment, as amended, as follows:

Page 9, after line 10, insert:

"Sec. 11. [BIELOH POND WETLAND RESTORATION.]

The department of natural resources, working with the city of Walker, shall restore the Bieloh pond."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1828, A bill for an act relating to water; modifying provisions relating to wetland classification and replacement; modifying provisions relating to consumptive use of water; amending Minnesota Statutes 2000, sections 103F.516, subdivisions 1, 2, 3; 103F.612, by adding a subdivision; 103G.201; 103G.2242, subdivisions 9, 12; 103G.2372, subdivision 1; 103G.245, subdivision 5.

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 119 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Kielkucki	Kuisle	Rifenberg	Swenson
Anderson, I.	Finseth	Krinkie	Olson	Stang	

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



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

There being no objection, the order of business reverted to Reports of Standing Committees.

### **REPORTS OF STANDING COMMITTEES**

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1080, A bill for an act proposing an amendment to the Minnesota Constitution, article I, sections 2, 6, 7, 8, 16, and 17; article IV, sections 5, 8, 21, 23, and 24; article V, sections 2, 3, 5, and 6; article VI, sections 4, 6, 9, 10, and 13; article VII, sections 1, 2, 3, 6, and 8; article VIII, sections 3 and 4; article XI, section 13; and article XIII, sections 7 and 11; changing gender-specific language to gender-neutral language in the constitution.

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

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2205, A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, article XI, section 6; changing state fiscal biennium used for purposes of issuing certificates of indebtedness; limiting the odd-numbered year session; providing for reconvention on extraordinary occasions; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The report was adopted.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1080 and 2205 were read for the second time.

### **MOTIONS AND RESOLUTIONS**

Erickson moved that S. F. No. 795 be recalled from the Committee on Environment and Natural Resources Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

### **ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 555:

Seifert, Pelowski and Lipman.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1068:

Holberg, Smith and Luther.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1464:

Nornes, Tingelstad and Clark, K.

#### ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 10:30 a.m., Monday, May 14, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 10:30 a.m., Monday, May 14, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives