

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

THIRTY-THIRD DAY

St. Paul, Minnesota, Wednesday, April 11, 2001

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Metzen imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Craig Richter.

The roll was called, and the following Senators answered to their names:

Anderson	Johnson, Dave	Larson	Ourada	Samuelson
Bachmann	Johnson, Dean	Lesewski	Pappas	Scheevel
Belanger	Johnson, Debbie	Lessard	Pariseau	Scheid
Betzold	Johnson, Doug	Limmer	Pogemiller	Schwab
Chaudhary	Kelley, S.P.	Lourey	Price	Solon
Cohen	Kelly, R.C.	Marty	Ranum	Stevens
Day	Kierlin	Metzen	Reiter	Stumpf
Dille	Kinkel	Moe, R.D.	Rest	Terwilliger
Foley	Kiscaden	Murphy	Ring	Tomassoni
Fowler	Kleis	Neuville	Robertson	Vickerman
Frederickson	Knutson	Oliver	Robling	Wiener
Higgins	Krentz	Olson	Sabo	Wiger
Hottinger	Langseth	Orfield	Sams	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Senators Berg, Berglin and Fischbach were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 9, 2001

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 400.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 225, 702, 1204 and 883.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 2001

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 2001

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1892, 1958, 708, 326, 525, 757, 949 and 1360.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 2001

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 47, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 47 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 47

A bill for an act relating to economic development; requiring a closed iron mine and related facilities to be maintained for a period of time; providing extra unemployment benefits for certain workers laid off from the LTV Mining Company; amending Minnesota Statutes 2000, section 93.003.

April 5, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 47, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 47 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 93.003, is amended to read:

93.003 [IRON MINING; CONDITIONS.]

Legal authority to mine and process iron ore, a basic irreplaceable natural resource of the people of the state of Minnesota, is subject to the conditions of this section. When the owner or operator of an iron mine or related production or beneficiation facilities determines to discontinue the operation of the mine or facilities for any reason it shall maintain the mine or facilities in salable operating condition for at least ~~one year~~ two years after it discontinues operation in order to allow the state of Minnesota and other interested public and private bodies to seek a new owner and operator. The requirement imposed by this section is a preliminary and permanent requirement on the right of an owner to commence or continue the operation of an iron mine or related facilities. This requirement is enforceable on all owners and operators and successors of owners and operators and shall be enforced by the state in any action in bankruptcy or other litigation that may affect it.

Sec. 2. [IRON ORE MINING EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant if the applicant was permanently laid off due to lack of work after August 1, 2000, from the LTV Mining Company in St. Louis county, including the LTV Mining Company power plant operation at Taconite Harbor in Cook county.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra unemployment benefits are payable from the fund. Extra unemployment benefits shall not affect the future tax rate of a taxpaying employer nor be charged to the reimbursing account of a government or nonprofit employer.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant is eligible to receive extra unemployment benefits under this section for any week during the 95-week period following the effective date of the applicant's benefit account of regular unemployment benefits, as a result of a layoff described under subdivision 1, if:

(1) a majority of the applicant's wage credits were with LTV Mining Company, including the power plant operation at Taconite Harbor in Cook county;

(2) except as provided in subdivision 6, the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to regular unemployment benefits and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week; and

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under Minnesota Statutes, section 268.035, subdivision 21a, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days.

If an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular unemployment benefits.

Subd. 4. [WEEKLY AMOUNT OF EXTRA BENEFITS.] (a) The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

(b) If an applicant qualifies for a new benefit account in this or any other state, after exhausting regular unemployment benefits as a result of a layoff under subdivision 1 and the weekly benefit amount on that new benefit account is less than the applicant's extra unemployment benefit amount, the applicant shall be entitled to receive a weekly benefit amount under this section equal to the difference between the weekly benefit amount on the new benefit account and the applicant's weekly amount of extra unemployment benefits. If the weekly benefit amount on the new benefit account exceeds the weekly amount of extra unemployment benefits, the applicant shall not be entitled to any extra unemployment benefits until the applicant exhausts unemployment benefits on that new benefit account.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 26 times the applicant's weekly extra unemployment benefits amount.

Subd. 6. [WORKERS' COMPENSATION/DISABILITY INSURANCE OFFSET.] (a) An applicant laid off from LTV Mining Company on or after August 1, 2000, who is otherwise eligible for regular or extra unemployment benefits is not subject to the deductible payment provisions of Minnesota Statutes, section 268.085, subdivision 3, paragraph (a), clause (3). Instead, the applicant is subject to the limitations of this subdivision.

(b) An applicant shall not be eligible to receive unemployment benefits for any week with respect to which the applicant is receiving or has received compensation for loss of wages equal to or in excess of the applicant's weekly unemployment benefit amount under:

- (1) the workers' compensation law of this state;
- (2) the workers' compensation law of any other state or similar federal law; or
- (3) any insurance or fund paid in whole or in part by an employer.

If an applicant receives compensation for loss of wages under clauses (1) to (3) that is less than the applicant's weekly unemployment benefit amount, then unemployment benefits requested for that week shall be reduced by the amount of the compensation payment.

(c) An applicant is not ineligible to receive unemployment benefits because the applicant has a claim pending for loss of wages under paragraph (b); however, such a pending claim shall raise an issue of the applicant's ability to work under Minnesota Statutes, section 268.085, subdivision 1, clause (2), that the commissioner shall determine. If the applicant later receives compensation as a result of the pending claim, then that compensation is subject to the provisions of paragraph (b), and shall be subject to recoupment by the commissioner to the extent that the compensation constitutes overpaid unemployment benefits.

(d) If the commissioner intervenes, in accordance with Minnesota Statutes, section 268.18, subdivision 5, in a workers' compensation matter under Minnesota Statutes, section 176.361, in order to recoup overpaid unemployment benefits paid to an applicant laid off under paragraph (a), the commissioner shall not be required to pay any portion of the applicant's attorney fees, and the applicant shall be liable to repay the total amount of the overpaid unemployment benefits.

This subdivision continues in effect until January 1, 2004.

Subd. 7. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires on January 1, 2004. No extra unemployment benefits shall be paid for any week after the expiration of this program.

Sec. 3. [FINDINGS.]

The legislature finds that extra unemployment benefits in addition to those provided for under Minnesota Statutes, chapter 268, may be appropriate in the event of a large layoff only where the following conditions are met:

(1) the employer involved in the layoff has permanently ceased operations and has commenced bankruptcy proceedings;

(2) the community or communities in which the affected employees live is disproportionately affected by the layoff;

(3) the community or communities in which the affected employees live is in a remote location where opportunities for reemployment are limited; and

(4) employees receive extra benefits only while they are making satisfactory progress in an education or job training program.

In cases where these criteria are not fully met, the legislature finds that the availability of benefits should be limited to the amount and duration provided by Minnesota Statutes, chapter 268, including any additional benefits available under Minnesota Statutes, section 268.125.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment and are retroactive to August 1, 2000."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing criteria for future unemployment benefit extensions;"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Tom Rukavina, Dan McElroy, Thomas Bakk, Ron Abrams, Mary Liz Holberg

Senate Conferees: (Signed) Douglas J. Johnson, Ann H. Rest, Dick Day, David L. Knutson, Bob Lessard

Senator Johnson, Doug moved that the foregoing recommendations and Conference Committee Report on H.F. No. 47 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 47 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dave	Larson	Ourada	Samuelson
Bachmann	Johnson, Dean	Lesewski	Pappas	Scheevel
Belanger	Johnson, Debbie	Lessard	Pariseau	Scheid
Betzold	Johnson, Doug	Limmer	Pogemiller	Schwab
Chaudhary	Kelley, S.P.	Lourey	Price	Solon
Cohen	Kelly, R.C.	Marty	Ranum	Stevens
Day	Kierlin	Metzen	Reiter	Stumpf
Dille	Kinkel	Moe, R.D.	Rest	Terwilliger
Foley	Kiscaden	Murphy	Ring	Tomassoni
Fowler	Kleis	Neuville	Robertson	Vickerman
Frederickson	Knutson	Oliver	Robling	Wiener
Higgins	Krentz	Olson	Sabo	Wiger
Hottinger	Langseth	Orfield	Sams	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 1892: A bill for an act relating to human rights; making technical changes; amending Minnesota Statutes 2000, sections 363.03, subdivision 8; 363.05, subdivision 1; 363.073, subdivision 1; and 363.074; repealing Minnesota Statutes 2000, sections 363.01, subdivision 20; and 363.03, subdivision 8b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1545, now on General Orders.

H.F. No. 1958: A resolution memorializing the President and the Congress of the United States to take whatever action is necessary to reduce or eliminate the disparities between the states in Medicare+Choice benefits.

Referred to the Committee on Health and Family Security.

H.F. No. 708: A bill for an act relating to motor vehicles; clarifying exemption from registration taxes for certain well drilling machines, pump hoists, and other equipment; requiring safety inspection of special mobile equipment that is mounted on a commercial motor vehicle chassis; amending Minnesota Statutes 2000, sections 168.012, subdivision 5; 169.781, subdivisions 2, 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1113, now on General Orders.

H.F. No. 326: A bill for an act relating to agencies; clarifying the operation of deadlines for certain state and local agency actions; amending Minnesota Statutes 2000, section 15.99, subdivisions 1 and 2.

Referred to the Committee on State and Local Government Operations.

H.F. No. 525: A bill for an act relating to state government; revising conditions under which public employees receive daily payments for service on boards and councils; requiring groups to adopt standards for daily payments; amending Minnesota Statutes 2000, sections 15.0575, subdivision 3; 15.059, subdivision 3; and 214.09, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1604, now on General Orders.

H.F. No. 757: A bill for an act relating to highways; designating a route as the King of Trails; amending Minnesota Statutes 2000, section 161.14, by adding a subdivision.

Referred to the Committee on Finance.

H.F. No. 949: A bill for an act relating to qualified newspapers; modifying requirements for qualified newspapers serving smaller local public corporations; amending Minnesota Statutes 2000, section 331A.02, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 771, now on General Orders.

H.F. No. 1360: A bill for an act relating to public safety; enacting the Minnesota Citizens' Personal Protection Act of 2001; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; appropriating money; amending

Minnesota Statutes 2000, sections 609.66, subdivision 1d; 624.714, subdivisions 2, 3, 4, 6, 7, 8, 10, 12, by adding subdivisions; repealing Minnesota Statutes 2000, section 624.714, subdivisions 1, 5.

Referred to the Committee on Crime Prevention.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2249 and 1760 and the report pertaining to appointments. The motion prevailed.

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2046: A bill for an act relating to workers' compensation; making technical changes; requiring interest earned on revenue collected by the special compensation fund to be deposited into the fund; extending a pilot program; providing for payment of various penalties to the commissioner of labor and industry; amending Minnesota Statutes 2000, sections 176.042, subdivision 2; 176.102, subdivisions 3a, 11, 14; 176.103, subdivision 3; 176.129, subdivisions 10, 13, by adding a subdivision; 176.1351, subdivision 5; 176.138; 176.1812, subdivision 6; 176.191, subdivision 1a; 176.194, subdivision 4; 176.221, subdivisions 1, 3, 3a, 6; 176.231, subdivisions 2, 6, 10; 176.238, subdivision 10; repealing Minnesota Statutes 2000, section 176.445.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, after line 18, insert:

"Sec. 13. Minnesota Statutes 2000, section 176.192, is amended to read:

176.192 [BOMB DISPOSAL UNIT EMPLOYEES.]

For purposes of this chapter, a member of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01, is considered an employee of the department of public safety solely for the purposes of this chapter when disposing of or neutralizing bombs or other similar hazardous explosives, as defined in section 299C.063, ~~for another municipality or otherwise outside the jurisdiction of the employer-municipality but within the state.~~

Page 16, line 34, after "insurer" insert "or self-insured employer"

Page 17, line 29, delete "22" and insert "23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "1a;" insert "176.192;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 1277: A bill for an act relating to unemployment insurance; making technical and substantive changes; providing that certain applicants on leaves of absence are ineligible for benefits; modifying definitions; clarifying procedures; providing eligibility for benefits for certain victims of domestic abuse; instructing the revisor to renumber sections and change terms; amending Minnesota Statutes 2000, sections 268.03, subdivision 1; 268.035, subdivisions 4, 5, 29,

and by adding subdivisions; 268.042, subdivision 1; 268.045; 268.047; 268.051, subdivisions 1a, 3, 4, and 7; 268.052, subdivisions 1, 2, and by adding a subdivision; 268.053, subdivisions 1 and 3; 268.059; 268.07, subdivisions 1, 2, 3a, and 3b; 268.085, subdivisions 1, 2, 3, 6, 7, 14, 15, and by adding a subdivision; 268.086, subdivisions 1 and 7; 268.095, subdivisions 1, 2, 8, and 11; 268.101, subdivisions 1 and 2; 268.105, subdivision 7; 268.131, subdivision 2; 268.18, subdivision 2b; 268.184; 268.192, subdivision 1; 268.6715; and 268.976, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Laws 1999, chapter 107, section 22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 32, insert:

"Sec. 7. Minnesota Statutes 2000, section 268.035, subdivision 20, is amended to read:

Subd. 20. [NONCOVERED EMPLOYMENT.] "Noncovered employment" means:

(1) employment for the United States government or an instrumentality thereof, including military service;

~~(2) employment for an Indian, an Indian-controlled employer, and Indian tribe, or any wholly controlled subsidiaries or subdivisions, if the employment is performed on an Indian reservation or Indian Trust Land;~~

(3) employment for a state, other than Minnesota, or a political subdivision or instrumentality thereof;

~~(4)~~ (3) employment for a foreign government;

~~(5)~~ (4) employment for an instrumentality wholly owned by a foreign government, if the employment is of a character similar to that performed in foreign countries by employees of the United States government or an instrumentality thereof and the United States Secretary of State has certified that the foreign government grants an equivalent exemption to similar employment performed in the foreign country by employees of the United States government and instrumentalities thereof;

~~(6)~~ (5) employment covered under United States Code, title 45, section 351, the Railroad Unemployment Insurance Act;

~~(7)~~ (6) employment covered by a reciprocal arrangement between the commissioner and another state or the federal government which provides that all employment performed by an individual for an employer during the period covered by the reciprocal arrangement is considered performed entirely within another state;

~~(8)~~ (7) employment for a church or convention or association of churches, or an organization operated primarily for religious purposes that is operated, supervised, controlled, or principally supported by a church or convention or association of churches described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);

~~(9)~~ (8) employment of a duly ordained or licensed minister of a church in the exercise of a ministry or by a member of a religious order in the exercise of duties required by the order, for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);

~~(10)~~ (9) employment of an individual receiving rehabilitation of "sheltered" work in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or a program providing "sheltered" work for individuals who because of an impaired physical or mental capacity cannot be readily absorbed in the competitive labor market. This clause applies only to services performed for Minnesota or a political subdivision or an organization described in United

States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a) in a facility certified by the rehabilitation services branch of the department or in a day training or habilitation program licensed by the department of human services;

~~(11)~~ (10) employment of an individual receiving work relief or work training as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof. This clause applies only to employment for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a). This clause shall not apply to programs that require unemployment benefit coverage for the participants;

~~(12)~~ (11) employment for Minnesota or a political subdivision as an elected official, a member of a legislative body, or a member of the judiciary;

~~(13)~~ (12) employment as a member of the Minnesota national guard or air national guard;

~~(14)~~ (13) employment for Minnesota, a political subdivision, or instrumentality thereof, as an employee serving only on a temporary basis in case of fire, flood, tornado, or similar emergency;

~~(15)~~ (14) employment as an election official or election worker for Minnesota or a political subdivision, but only if the compensation for that employment was less than \$1,000 in a calendar year;

~~(16)~~ (15) employment for Minnesota that is a major policy making or advisory position in the unclassified service, including those positions established pursuant to section 43A.08, subdivision 1a;

~~(17)~~ (16) employment for a political subdivision of Minnesota that is a nontenured major policy making or advisory position;

~~(18)~~ (17) domestic employment in a private household, local college club, or local chapter of a college fraternity or sorority performed for a person, only if the wages paid in any calendar quarter in either the current or preceding calendar year to all individuals in domestic employment totaled less than \$1,000.

"Domestic employment" includes all service in the operation and maintenance of a private household, for a local college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade or business;

~~(19)~~ (18) employment of an individual by a son, daughter, or spouse, and employment of a child under the age of 18 by the child's father or mother;

~~(20)~~ (19) employment of an inmate of a custodial or penal institution;

~~(21)~~ (20) employment for a school, college, or university by a student who is enrolled and is regularly attending classes at the school, college, or university;

~~(22)~~ (21) employment of an individual who is enrolled as a student in a full-time program at a nonprofit or public educational institution that maintains a regular faculty and curriculum and has a regularly organized body of students in attendance at the place where its educational activities are carried on, taken for credit at the institution, that combines academic instruction with work experience, if the employment is an integral part of the program, and the institution has so certified to the employer, except that this clause shall not apply to employment in a program established for or on behalf of an employer or group of employers;

~~(23)~~ (22) employment of university, college, or professional school students in an internship or other training program with the city of St. Paul or the city of Minneapolis pursuant to Laws 1990, chapter 570, article 6, section 3;

(24) ~~(23)~~ employment for a hospital by a patient of the hospital. "Hospital" means an institution that has been licensed by the department of health as a hospital;

~~(25)~~ (24) employment as a student nurse for a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in an accredited nurses' training school;

~~(26)~~ (25) employment as an intern for a hospital by an individual who has completed a four-year course in an accredited medical school;

(27) ~~(26)~~ employment as an insurance salesperson, by other than a corporate officer, if all the compensation for the employment is solely by way of commission. The word "insurance" shall include an annuity and an optional annuity;

(28) ~~(27)~~ employment as an officer of a township mutual insurance company or farmer's mutual insurance company operating pursuant to chapter 67A;

~~(29)~~ (28) employment as a real estate salesperson, by other than a corporate officer, if all the compensation for the employment is solely by way of commission;

(30) ~~(29)~~ employment as a direct seller as defined in United States Code, title 26, section 3508;

~~(31)~~ (30) employment of an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(32) ~~(31)~~ casual employment performed for an individual, other than domestic employment under clause ~~(48)~~ (17), that does not promote or advance that employer's trade or business;

(33) ~~(32)~~ employment in "agricultural employment" unless considered "covered agricultural employment" under subdivision 11; or

(34) ~~(33)~~ if employment during one-half or more of any pay period was covered employment, all the employment for the pay period shall be considered covered employment; but if during more than one-half of any pay period the employment was noncovered employment, then all of the employment for the pay period shall be considered noncovered employment. "Pay period" means a period of not more than a calendar month for which a payment or compensation is ordinarily made to the employee by the employer.

[EFFECTIVE DATE.] This section is effective retroactive to December 31, 2000.

Page 9, line 12, strike "or"

Page 9, line 14, before the period, insert "; or"

(9) the fund was reimbursed for the unemployment benefits by the federal government"

Page 9, line 36, delete the new language and strike the old language

Page 10, lines 1 to 5, delete the new language and strike the old language

Page 10, line 6, delete "6" and reinstate the stricken "5"

Page 16, after line 36, insert:

"Sec. 19. [268.0525] [INDIAN TRIBES.]

(a) An Indian tribe, as defined under United States Code, title 25, section 450b(e) of the Indian Self-Determination and Education Assistance Act, and any subdivision, subsidiary, or business enterprise owned by the Indian tribe, shall be treated the same as the state of Minnesota, or a political subdivision of the state, for all purposes of the Minnesota unemployment insurance program law.

(b) The Indian tribe may make separate elections under section 268.052, subdivision 2, for itself and each subdivision, subsidiary, or business enterprise wholly owned by the Indian tribe.

(c) If an Indian tribe, subdivision, subsidiary, or business enterprise wholly owned by the tribe, which has elected to be liable for payments in lieu of taxes, fails to make the required payments within 90 days of the notice of delinquency, the commissioner shall terminate the election to make payments in lieu of taxes as of the beginning of the next calendar year, unless all past due payments in lieu of taxes, and any interest and penalties, have been paid before the beginning of the next calendar year.

An Indian tribe, subdivision, subsidiary, or business enterprise wholly owned by the tribe that has its election terminated under this paragraph shall become a taxpaying employer and assigned the new employer tax rate under section 268.051, subdivision 5, until the tribe, subdivision, subsidiary, or business enterprise wholly owned by the Indian tribe qualifies for an experience rating under section 268.051, subdivision 3.

[EFFECTIVE DATE.] This section is effective retroactive to December 31, 2000."

Page 18, line 26, delete "6" and reinstate the stricken "5"

Page 21, line 31, strike the comma and insert "and"

Page 21, line 32, after "year," insert "and based upon all the covered employment in the base period the commissioner shall determine"

Page 27, line 27, delete "(2)" and strike the old language

Page 27, strike lines 28 to 30

Page 27, line 31, delete the new language and strike the old language

Page 27, delete lines 32 to 35

Page 27, line 36, delete "(3)" and insert "(2)"

Page 28, line 16, delete "(4)" and insert "(3)"

Page 28, after line 25, insert:

"Sec. 30. Minnesota Statutes 2000, section 268.085, is amended by adding a subdivision to read:

Subd. 3a. [WORKERS' COMPENSATION AND DISABILITY INSURANCE OFFSET.] (a) An applicant is not eligible to receive unemployment benefits for any week in which the applicant is receiving or has received compensation for loss of wages equal to or in excess of the applicant's weekly unemployment benefit amount under:

(1) the workers' compensation law of this state;

(2) the workers' compensation law of any other state or similar federal law; or

(3) any insurance or fund paid in whole or in part by an employer.

(b) This subdivision shall not apply to an applicant who has a claim pending for loss of wages under paragraph (a); however, before unemployment benefits may be paid when such a claim is pending, the issue of the applicant being able to work, as required under subdivision 1, clause (2), shall be determined under section 268.101, subdivision 3. If the applicant later receives compensation as a result of the pending claim, the applicant is subject to the provisions of paragraph (a) and the unemployment benefits paid shall be subject to recoupment by the commissioner to the extent that the compensation constitutes overpaid unemployment benefits.

(c) If the amount of compensation described under paragraph (a) for any week is less than the applicant's weekly unemployment benefit amount, unemployment benefits requested for that week shall be reduced by the amount of that compensation payment."

Page 46, after line 4, insert:

"Sec. 51. [RETROACTIVE ELECTION BY INDIAN TRIBES.]

Regardless of any law to the contrary, an Indian tribe, subdivision, subsidiary, or business enterprise wholly owned by the tribe may elect to be liable for payments in lieu of unemployment taxes for the calendar year 2000 or 2001, or both. If such tribe, subdivision, subsidiary, or business enterprise paid unemployment taxes on a quarterly basis during 2000 or 2001, and if the tribe elects by December 31, 2002, to be liable for payments in lieu of unemployment taxes for one or both of those calendar years, the department shall grant a refund or credit for the amount that the total of unemployment tax payments exceeded the total payment that would have been due if payments in lieu of unemployment taxes had been made.

[EFFECTIVE DATE.] This section is effective December 31, 2000."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the comma, insert "modifying unemployment compensation provisions for Indian tribes; providing for workers' compensation and disability insurance offsets of unemployment benefits payments;"

Page 1, line 10, before "29" insert "20,"

Page 1, lines 16 and 17, delete "a subdivision" and insert "subdivisions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Marty from the Committee on Judiciary, to which was referred

S.F. No. 823: A bill for an act relating to commerce; modifying provisions dealing with motor vehicle dealer franchise transfers and objections to establishment or relocation of a franchise; amending Minnesota Statutes 2000, sections 80E.13; and 80E.14, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 80E.13, is amended to read:

80E.13 [UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.]

It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices:

(a) delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;

(b) refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;

(c) obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;

(d) increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;

(e) offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make without making the same offer to all other new motor vehicle dealers in the same line make within the relevant market area;

(f) release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;

(g) deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;

(h) unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;

(i) compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer, distributor, or factory branch. A manufacturer, distributor, or factory branch is considered to be competing when it has an ownership interest, other than a passive interest held for investment purposes, in a dealership of its line make located within the state. A manufacturer, distributor, or factory branch shall not, however, be deemed to be competing;

(1) when operating a dealership, either temporarily or for a reasonable period, which is for sale to any qualified independent person at a fair and reasonable price, or when involved in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership and full management and operational control of the dealership within a reasonable time on reasonable terms and conditions; or

(2) if it has an existing direct or indirect ownership interest in a new motor vehicle dealer in this state as of January 1, 2000, and has no more than four franchised dealers in this state. A manufacturer, distributor, or factory branch described in this clause that has unaffiliated dealers of the same line make in this state may acquire an interest in existing dealers of that line make but it may not establish any new dealership in which it would own an interest or approve an additional location for the sale of new motor vehicles by an affiliated dealership. A manufacturer, distributor, or factory branch described in this clause is permitted to alter its ownership interest in a new motor vehicle dealer;

(j) ~~prevent a new motor vehicle dealer from receiving fair and reasonable compensation for the value of the transferring or assigning a new motor vehicle dealership to a qualified transferee. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 80E.01 to 80E.17, without consent of the manufacturer, which shall not be unreasonably withheld without good cause. In determining whether good cause exists for withholding consent to a transfer or assignment, the manufacturer, distributor, factory branch, or importer has the burden of proving that the transferee is a person who is not of good moral character or does not meet the franchisor's existing and reasonable capital standards and, considering the volume of sales and service of the new motor vehicle dealer, reasonable business experience standards in the market area. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the information necessary to evaluate the proposed transfer the~~

completed application customarily used by the manufacturer, distributor, factory branch, or importer for dealer appointments. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change;

In the event of a proposed sale or transfer of a franchise, the manufacturer, distributor, factory branch, or importer must be permitted to exercise a right of first refusal to acquire the franchisee's assets or ownership if:

(1) the franchise agreement permits the manufacturer, distributor, factory branch, or importer to exercise a right of first refusal to acquire the franchisee's assets or ownership in the event of a proposed sale or transfer;

(2) the proposed transfer of the dealership or its assets is of more than 50 percent of the ownership or assets;

(3) the manufacturer, distributor, factory branch, or importer notifies the dealer in writing within 60 days of its receipt of the complete written proposal for the proposed sale or transfer on forms generally utilized by the manufacturer, distributor, factory branch, or importer for these purposes and containing the required information and all documents and agreements relating to the proposed sale or transfer;

(4) the exercise of the right of first refusal will result in the dealer and the dealer's owners receiving the same or greater consideration with equivalent terms of sale as is provided in the documents and agreements submitted to the manufacturer, distributor, factory branch, or importer under clause (3);

(5) the proposed change of 50 percent or more of the ownership or of the dealership assets does not involve the transfer or sale of assets or the transfer or issuance of stock by the dealer or one or more dealer owners to a family member, including a spouse, child, grandchild, spouse of a child or grandchild, brother, sister, or parent of the dealer owner; to a manager who has been employed in the dealership for at least four years and is otherwise qualified as a dealer operator; or to a partnership or corporation owned and controlled by one or more of these persons; and

(6) the manufacturer, distributor, factory branch, or importer agrees to pay the reasonable expenses, including reasonable attorney fees that do not exceed the usual, customary, and reasonable fees charged for similar work done for other clients, incurred by the proposed new owner and transferee in negotiating and implementing the contract for the proposed change of ownership or transfer of dealership assets before the manufacturer, distributor, factory branch, or importer exercises its right of first refusal. However, payment of these expenses and attorney fees is not required if the dealer does not submit an accounting of those expenses within 20 days after the dealer's receipt of the manufacturer, distributor, factory branch, or importer's written request for an accounting. The manufacturer, distributor, factory branch, or importer may request an accounting before exercising its right of first refusal.

The obligation created under clause (6) is enforceable by the transferee;

(k) threaten to modify or replace or modify or replace a franchise with a succeeding franchise that would adversely alter the rights or obligations of a new motor vehicle dealer under an existing franchise or that substantially impairs the sales or service obligations or investments of the motor vehicle dealer;

(l) unreasonably deny the right to acquire factory program vehicles to any dealer holding a valid franchise from the manufacturer to sell the same line make of vehicles, provided that the manufacturer may impose reasonable restrictions and limitations on the purchase or resale of program vehicles to be applied equitably to all of its franchised dealers. For the purposes of this paragraph, "factory program vehicle" has the meaning given the term in section 80E.06, subdivision 2;

(m) fail or refuse to offer to its same line make franchised dealers all models manufactured for that line make, other than alternative fuel vehicles as defined in section 216C.01, subdivision 1b. Failure to offer a model is not a violation of this section if the failure is not arbitrary and is due to

a lack of manufacturing capacity, a strike, labor difficulty, or other cause over which the manufacturer, distributor, or factory branch has no control;

(n) require a dealer to pay an extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays, training, tools, or other materials, or to require the dealer to establish exclusive facilities or dedicated personnel as a prerequisite to receiving a model or a series of vehicles."

Delete the title and insert:

"A bill for an act relating to commerce; modifying provisions dealing with motor vehicle dealer franchise transfers; amending Minnesota Statutes 2000, section 80E.13."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Kelly, R.C. from the Committee on Transportation, to which was referred

S.F. No. 1544: A bill for an act relating to transportation; providing for advertising, submitting, receiving, or posting highway construction and maintenance bids, security guarantees, or contract bid records electronically or over the Internet; amending Minnesota Statutes 2000, section 161.32, subdivisions 1, 1a, 1b, and 1e.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 10 to 12, delete the new language and insert "Bid bonds, performance bonds, payment bonds, or other security may be furnished electronically in a form and manner required by the commissioner."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Kelly, R.C. from the Committee on Transportation, to which was referred

S.F. No. 1109: A bill for an act relating to transportation; providing for design-build method of state transportation project delivery; proposing coding for new law in Minnesota Statutes, chapter 161.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [161.3410] [DESIGN-BUILD CONTRACTS; DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 161.3410 to 161.3428 have the meanings given in this section.

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

Subd. 3. [DESIGN-BUILD CONTRACT.] "Design-build contract" means a single contract between the department of transportation and a design-build company or firm to furnish the architectural or engineering and related design services as well as the labor, material, supplies, equipment, and construction services for the transportation project.

Subd. 4. [DESIGN-BUILD FIRM.] "Design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, or any legal entity.

Subd. 5. [DESIGN PROFESSIONAL.] "Design professional" means a person who holds a license under chapter 326 that is required to be registered under Minnesota law.

Subd. 6. [DESIGN-BUILD TRANSPORTATION PROJECT.] "Design-build transportation

project" means the procurement of both the design and construction of a transportation project in a single contract with a company or companies capable of providing the necessary engineering services and construction.

Subd. 7. [DESIGN-BUILDER.] "Design-builder" means the design-build firm that proposes to design and build a transportation project governed by the procedures of this section.

Subd. 8. [REQUEST FOR PROPOSALS OR RFP.] "Request for proposals" or "RFP" means the document by which the commissioner solicits proposals from prequalified design-build firms to design and construct the transportation project.

Subd. 9. [REQUEST FOR QUALIFICATIONS OR RFQ.] "Request for qualifications" or "RFQ" means a document to prequalify and short-list potential design-build firms.

Sec. 2. [161.3412] [DESIGN-BUILD AUTHORITY.]

Subdivision 1. [BEST VALUE SELECTION.] Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner may solicit and award a design-build contract for a project on the basis of a best value selection process. Section 16C.08 does not apply to design-build contracts to which the commissioner is a party.

Subd. 2. [COMPETITIVE, OPEN PROCESS.] Sections 161.3410 to 161.3428 apply only to transportation projects using the two-step competitive process utilizing public solicitation for design-build services.

Subd. 3. [RESTRICTION; REPORTS.] (a) The number of design-build contracts awarded by the commissioner in any fiscal year may not exceed ten percent of the total number of transportation construction contracts awarded by the commissioner in the previous fiscal year.

(b) The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and transportation finance each time the commissioner decides to use the design-build method of procurement and explain why that method was chosen.

Subd. 4. [MUNICIPAL CONSENT.] Use of the design-build method of state transportation project delivery is subject to state law concerning municipal consent to highways in municipalities.

Sec. 3. [161.3414] [DETERMINATION TO USE DESIGN-BUILD SELECTION METHOD.]

Subdivision 1. [GENERAL CRITERIA.] A design-build contracting procedure authorized under sections 161.3410 to 161.3428 may be used for a specific project only after the commissioner determines that awarding a design-build contract will serve the public interest.

Subd. 2. [SPECIFIC CRITERIA.] The commissioner shall use the following criteria as the minimum basis for determining when to use the design-build method of project delivery:

(1) the extent to which it can adequately define the project requirements in a proposed scope of the design and construction desired;

(2) the time constraints for delivery of the project;

(3) the capability and experience of potential contractors with the design-build method of project delivery or similar experience;

(4) the suitability of the project for use of the design-build method of project delivery with respect to time, schedule, costs, and quality factors;

(5) the capability of the department of transportation to manage the project, including the employment of experienced personnel or outside consultants;

(6) the capability of the department of transportation to oversee the project with individuals or

design-build firms who are familiar and experienced with the design-build method of project delivery or similar experience;

(7) the lack of ability and availability of any current state employee to perform the services called for by the contract;

(8) the original character of the product or the services;

(9) the work to be performed on the project is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract; and

(10) other criteria the commissioner deems relevant and states in writing in its determination to utilize the design-build method of project delivery.

Sec. 4. [161.3416] [DESIGN-BUILD NOTICE; REPORT.]

Subdivision 1. [SUMMARY REPORT OF REASONS FOR DETERMINATION.] The commissioner shall summarize in a written statement its reasons for using the design-build construction contracting procedure. This statement, along with other relevant information describing the project, must be made available upon request to interested parties.

Subd. 2. [FINAL DETERMINATION AUTHORITY.] Final determination to use a design-build construction contracting procedure may be made only by the commissioner.

Sec. 5. [161.3418] [LICENSING REQUIREMENTS.]

Subdivision 1. [LICENSED PROFESSIONAL REQUIRED.] Each design-builder shall employ, or have as a partner, member, officer, coventurer, or subcontractor a person duly licensed and registered to provide the design services required to complete the project and do business in the state.

Subd. 2. [CONTRACTING FOR LICENSED PROFESSIONAL.] A design-builder may enter into a contract to provide professional or construction services for a project that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides those services through subcontractors with duly licensed, registered, or otherwise qualified individuals in accordance with sections 161.3410 to 161.3428.

Subd. 3. [LIABILITY.] (a) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state, county, or city, or other third parties under existing law.

(b) The design service portion of a design-build contract must be considered a service and not a product.

Sec. 6. [161.3420] [DESIGN-BUILD RFQ; SELECTION TEAM; EVALUATION.]

Subdivision 1. [TWO-PHASE PROCEDURE.] If the commissioner determines that the design-build best value method of project delivery is appropriate for a project, the commissioner shall establish a two-phase procedure for awarding the design-build contract, as described in this subdivision and section 161.3422.

Subd. 2. [TECHNICAL REVIEW COMMITTEE.] During the phase-one request for qualifications (RFQ) and before solicitation, the commissioner shall appoint a technical review committee of at least five individuals. The technical review committee must include an individual whose name and qualifications are submitted to the commissioner by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the technical review committee who are not state employees are subject to the Minnesota Government Data Practices Act and section 16C.06 to the same extent that state agencies are subject to those provisions. A technical review committee member may not participate in the review or discussion of responses to a request for qualifications or request for proposals when the member has a financial interest in any of the design-build firms that respond to

that request for qualifications or request for proposals. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to a request for qualifications or request for proposals for a specific project, or having any other economic interest in that design-build firm. The members of the technical review committee must be treated as state employees in the event of litigation resulting from any action arising out of their service on the committee.

Subd. 3. [CONTENTS.] The commissioner shall prepare or have prepared a request for qualifications. The request for qualifications must include the following:

(1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;

(2) a scope of work statement and schedule;

(3) documents defining the project requirements;

(4) the form of contract to be awarded;

(5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;

(6) a description of the RFP requirements;

(7) the maximum time allowed for design and construction;

(8) the commissioner's estimated cost of design and construction;

(9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and

(10) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 4. [EVALUATION.] The selection team shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the commissioner may readvertise or cancel the project as the commissioner deems necessary.

Sec. 7. [161.3422] [RFP FOR DESIGN-BUILD.]

During phase two, the commissioner shall issue a request for proposals (RFP) to the design-builders on the short list. The request must include:

(1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a registered or licensed professional engineer;

(2) a description of the qualifications required of the design-builder and the selection criteria, including the weight or relative order, or both, of each criterion;

(3) copies of the contract documents that the successful proposer will be expected to sign;

(4) the maximum time allowable for design and construction;

(5) the road authority's estimated cost of design and construction;

(6) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(7) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(8) the requirement that the technical proposal include a critical path method; bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the request for proposals;

(9) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;

(10) the date, time, and location of the public opening of the sealed price proposals; and

(11) other information relevant to the project.

Sec. 8. [161.3424] [REPLACING TEAM MEMBERS.]

An individual or a design-build firm identified in a response to a request for qualifications or a request for proposals may not be replaced without the written approval of the commissioner. The commissioner may revoke an awarded contract if an individual or a design-build firm identified in a response to an RFQ or RFP is replaced without the commissioner's written approval. To qualify for the commissioner's approval, the written request must document that the proposed replacement individual or design-build firm will be equal to or better than that described in the response to the request for qualifications or request for proposals. The commissioner shall use the criteria specified in the request for qualifications or request for proposals to evaluate the request.

Sec. 9. [161.3426] [DESIGN-BUILD AWARD.]

Subdivision 1. [AWARD; COMPUTATION; ANNOUNCEMENT.] Except as provided in subdivision 2, a design-build contract shall be awarded as follows:

(a) The technical review committee shall score the technical proposals using the selection criteria in the request for proposals (RFP). The technical review committee shall then submit a technical proposal score for each design-builder to the commissioner. The technical review committee shall reject any proposal it deems nonresponsive.

(b) The commissioner shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the technical review committee has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest.

(c) If a time factor is included with the selection criteria in the request for proposals package, the commissioner may also adjust the bids using a value of the time factor established by the commissioner. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This adjustment must be used for selection purposes only, and must not affect the department of transportation's liquidated damages schedule or incentive or disincentive program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team. The commissioner shall select the responsive and responsible design-builder whose adjusted score is the lowest.

(d) Unless all proposals are rejected, the commissioner shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The commissioner shall reserve the right to reject all proposals.

Subd. 2. [ALTERNATIVE PROCESS FOR CERTAIN CONTRACTS.] (a) The commissioner may elect to use the process in paragraph (b) for a design-build contract for a project with an estimated project cost of less than \$5,000,000.

(b) The commissioner shall give the lowest cost proposal the full number of price points defined in the request for proposals. The commissioner shall award each of the other proposals a percentage of the price points based on a ratio of the lowest price divided by the responder's price. The commissioner shall add the technical score and price score and award the contract to the responder with the highest total score.

Subd. 3. [STIPULATED FEE.] The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Subd. 4. [LOW-BID DESIGN-BUILD PROCESS.] (a) The commissioner may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require an RFQ and short-listing, and must require an RFP.

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the technical review committee as provided in section 161.3420, subdivision 2. The technical review committee must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The technical review committee may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The commissioner may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements as determined by the technical review committee and that is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the commissioner has required an RFQ and short-listed the most highly qualified responsive bidders.

Subd. 5. [REJECTION OF BIDS.] The commissioner may reject all bids under this section.

Sec. 10. [161.3428] [LIST OF DESIGN-BUILD CONTRACTS.]

Beginning September 1, 2002, and every subsequent year on September 1, the commissioner shall submit to the governor, to the chairs of the house ways and means and senate finance committees, to the chairs of the house and senate committees having jurisdiction over

transportation policy and finance, and the legislative reference library, a yearly listing of all executed design-build contracts. The report must identify the contractor, contract amount, duration, and services to be provided. The list and summary must:

- (1) be sorted by contractor;
- (2) show the aggregate value of contracts issued by the commissioner of transportation and issued to each contractor; and
- (3) state the termination date of each contract.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 1310: A bill for an act relating to human services; modifying provisions for children's health insurance; amending Minnesota Statutes 2000, sections 256.01, subdivision 2; 256.9657, subdivision 2; 256B.055, subdivision 3a; 256B.056, subdivision 4; 256B.057, subdivisions 2, 9, and by adding a subdivision; 256B.0625, subdivisions 13, 13a, 18a, and 30; 256B.0635, subdivisions 1 and 2; 256B.69, subdivision 3a; 256B.75; 256J.31, subdivision 12; 256K.03, subdivision 1; 256K.07; 256L.02, subdivision 4; 256L.06, subdivision 3; 256L.07, subdivisions 1 and 3; and 256L.15, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 2000, sections 256.01, subdivision 18; 256B.0635, subdivision 3; 256J.32, subdivision 7a; and 256L.15, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 11, after line 18, insert:

"Sec. 3. Minnesota Statutes 2000, section 256B.04, subdivision 1a, is amended to read:

Subd. 1a. [ADMINISTRATIVE SERVICES.] Notwithstanding subdivision 1, the commissioner may contract with federally recognized Indian tribes with a reservation in Minnesota for the provision of early and periodic screening, diagnosis, and treatment administrative services for American Indian children, in accordance with the Code of Federal Regulations, title 42, section 441, subpart B, and Minnesota Rules, part 9505.1693, when the tribe chooses to provide such services. For purposes of this subdivision, "American Indian" has the meaning given to persons to whom services will be provided in the Code of Federal Regulations, title 42, section 36.12. Notwithstanding Minnesota Rules, part 9505.1748, subpart 1, the commissioner, the local agency, and the tribe may contract with any entity for the provision of early and periodic screening, diagnosis, and treatment administrative services.

Subd. 4a 1b. [COMPREHENSIVE HEALTH SERVICES SYSTEM.] The commissioner shall carry out the duties in this section with the participation of the boards of county commissioners, and with full consideration for the interests of counties, to plan and implement a unified, accountable, comprehensive health services system that:

- (1) promotes accessible and quality health care for all Minnesotans;
- (2) assures provision of adequate health care within limited state and county resources;
- (3) avoids shifting funding burdens to county tax resources;
- (4) provides statewide eligibility, benefit, and service expectations;
- (5) manages care, develops risk management strategies, and contains cost in all health and human services; and

(6) supports effective implementation of publicly funded health and human services for all areas of the state."

Page 12, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 2000, section 256B.056, subdivision 1a, is amended to read:

Subd. 1a. [INCOME AND ASSETS GENERALLY.] Unless specifically required by state law or rule or federal law or regulation, the methodologies used in counting income and assets to determine eligibility for medical assistance for persons whose eligibility category is based on blindness, disability, or age of 65 or more years, the methodologies for the supplemental security income program shall be used. For children eligible for home and community-based waiver services whose eligibility for medical assistance is determined without regard to parental income, or for children eligible under section 256B.055, subdivision 12, child support payments, including any payments made by an obligor in satisfaction of or in addition to a temporary or permanent order for child support, and social security payments, are not counted as income. For families and children, which includes all other eligibility categories, the methodologies under the state's AFDC plan in effect as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, shall be used. Effective upon federal approval, in-kind contributions to, and payments made on behalf of, a recipient, by an obligor, in satisfaction of or in addition to a temporary or permanent order for child support or maintenance, shall be considered income to the recipient. For these purposes, a "methodology" does not include an asset or income standard, or accounting method, or method of determining effective dates.

[EFFECTIVE DATE.] This section is effective July 1, 2001, or the date upon which federal rules published in the Federal Register at 66FR2316 become effective, whichever is later.

Sec. 6. Minnesota Statutes 2000, section 256B.056, subdivision 4, is amended to read:

Subd. 4. [INCOME.] (a) To be eligible for medical assistance, a person eligible under section 256B.055, subdivision 7, ~~not receiving supplemental security income program payments 7a, or 12,~~ and may have income up to 100 percent of the federal poverty guidelines for the family size effective on April 1 of each year and increases in benefits under title II of the Social Security Act, which shall not be counted as income for purposes of this subdivision until the first day of the second full month following publication of the change in the federal poverty guidelines.

(b) To be eligible for medical assistance, families and children may have an income up to 133-1/3 percent of the AFDC income standard in effect under the July 16, 1996, AFDC state plan. Effective July 1, 2000, the base AFDC standard in effect on July 16, 1996, shall be increased by three percent. Effective January 1, 2000, and each successive January, recipients of supplemental security income may have an income up to the supplemental security income standard in effect on that date.

(c) In computing income to determine eligibility of persons under paragraph (a) or (b) who are not residents of long-term care facilities, the commissioner shall disregard increases in income as required by Public Law Numbers 94-566, section 503; 99-272; and 99-509. Veterans aid and attendance benefits and Veterans Administration unusual medical expense payments are considered income to the recipient.

[EFFECTIVE DATE.] This section is effective July 1, 2001, or the date upon which federal rules published in the Federal Register at 66FR2316 become effective, whichever is later."

Page 13, delete lines 24 to 36

Page 14, delete line 1 and insert:

"(c) A person whose earned and unearned income is ~~greater than 200~~ between 100 and 150 percent of federal poverty guidelines for the applicable family size must pay a premium of \$10 per month to be eligible for medical assistance. ~~The premium shall be equal to ten percent of the person's gross earned and unearned income above 200 percent of federal poverty guidelines for~~

the applicable family size up to the cost of coverage. A person whose earned and unearned income is greater than 150 percent of the federal poverty guidelines for the applicable family size must pay a monthly premium on a sliding scale basis beginning with a 1.5 percent of income up to 7.5 percent of income at 300 percent of the federal poverty guidelines."

Page 14, after line 19, insert:

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

Page 21, lines 29 and 30, delete the new language

Page 23, lines 1 and 2, delete the new language

Page 23, after line 2, insert:

"(f) Effective January 1, 2001, each federally qualified health center and rural health clinic may elect to be paid either under the prospective payment system established in United States Code, title 42, section 1396a, (a) or under an alternative payment methodology consistent with the requirements of United States Code, title 42, section 1392a, (a) and approved by the Health Care Financing Administration. The alternative payment methodology shall be 100 percent of cost as determined according to Medicare cost principles."

Sec. 14. Minnesota Statutes 2000, section 256B.0625, subdivision 34, is amended to read:

Subd. 34. [INDIAN HEALTH SERVICES FACILITIES.] Medical assistance payments to facilities of the Indian health service and facilities operated by a tribe or tribal organization under funding authorized by United States Code, title 25, sections 450f to 450n, or title III of the Indian Self-Determination and Education Assistance Act, Public Law Number 93-638, for enrollees who are eligible for federal financial participation, shall be at the option of the facility in accordance with the rate published by the United States Assistant Secretary for Health under the authority of United States Code, title 42, sections 248(a) and 249(b). General assistance medical care payments to facilities of the Indian health services and facilities operated by a tribe or tribal organization for the provision of outpatient medical care services billed after June 30, 1990, must be in accordance with the general assistance medical care rates paid for the same services when provided in a facility other than a facility of the Indian health service or a facility operated by a tribe or tribal organization. MinnesotaCare payments for enrollees who are not eligible for federal financial participation at facilities of the Indian health service and facilities operated by a tribe or tribal organization for the provision of outpatient medical services must be in accordance with the medical assistance rates paid for the same services when provided in a facility other than a facility of the Indian health service or a facility operated by a tribe or tribal organization."

[EFFECTIVE DATE.] These sections shall be effective immediately upon enactment."

Page 34, after line 9, insert:

"Sec. 24. Minnesota Statutes 2000, section 256L.04, subdivision 2, is amended to read:

Subd. 2. [COOPERATION IN ESTABLISHING THIRD-PARTY LIABILITY, PATERNITY, AND OTHER MEDICAL SUPPORT.] (a) To be eligible for MinnesotaCare, individuals and families must cooperate with the state agency to identify potentially liable third-party payers and assist the state in obtaining third-party payments. "Cooperation" includes, but is not limited to, identifying any third party who may be liable for care and services provided under MinnesotaCare to the enrollee, providing relevant information to assist the state in pursuing a potentially liable third party, and completing forms necessary to recover third-party payments. For a child through age 18 whose gross family income is equal to or less than 185 percent of the federal poverty guidelines, cooperation also includes providing information about a group health plan in which the child is enrolled or eligible to enroll. If the health plan is determined cost-effective by the state agency and premiums are paid by the state or local agency or there is no cost to the enrollee, the MinnesotaCare enrollee must enroll or remain enrolled in the group health plan, and the commissioner may exempt the enrollee from the requirements of section 256L.12. For purposes of this subdivision, coverage provided by the Minnesota comprehensive health association under

chapter 62E shall not be considered group health plan coverage or cost-effective by the state and local agency.

(b) A parent, guardian, relative caretaker, or child enrolled in the MinnesotaCare program must cooperate with the department of human services and the local agency in establishing the paternity of an enrolled child and in obtaining medical care support and payments for the child and any other person for whom the person can legally assign rights, in accordance with applicable laws and rules governing the medical assistance program. A child shall not be ineligible for or disenrolled from the MinnesotaCare program solely because the child's parent, relative caretaker, or guardian fails to cooperate in establishing paternity or obtaining medical support.

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

Sec. 25. Minnesota Statutes 2000, section 256L.04, subdivision 7, is amended to read:

Subd. 7. [SINGLE ADULTS AND HOUSEHOLDS WITH NO CHILDREN.] The definition of eligible persons includes all individuals and households with no children who have gross family incomes that are equal to or less than ~~175~~ 275 percent of the federal poverty guidelines.

Sec. 26. Minnesota Statutes 2000, section 256L.05, subdivision 5, is amended to read:

Subd. 5. [AVAILABILITY OF PRIVATE INSURANCE.] The commissioner, in consultation with the commissioners of health and commerce, shall provide information regarding the availability of private health insurance coverage and the possibility of disenrollment under section 256L.07, subdivision 1, paragraphs (b) and (c), to all: ~~(1) families and individuals enrolled in the MinnesotaCare program whose gross family income is equal to or more than 225 percent of the federal poverty guidelines; and (2) single adults and households without children enrolled in the MinnesotaCare program whose gross family income is equal to or more than 165 percent of the federal poverty guidelines.~~ This information must be provided upon initial enrollment and annually thereafter. The commissioner shall also include information regarding the availability of private health insurance coverage in the notice of ineligibility provided to persons subject to disenrollment under section 256L.07, subdivision 1, paragraphs (b) and (c)."

Page 35, line 31, after "Families" insert "and individuals"

Page 35, line 32, before the second comma, insert "or 7"

Page 35, strike lines 35 and 36

Page 36, strike line 1

Page 36, line 2, strike everything before "For"

Pages 37 and 38, delete section 24 and insert:

"Sec. 30. Minnesota Statutes 2000, section 256L.12, is amended by adding a subdivision to read:

Subd. 11. [AMERICAN INDIAN ENROLLEES.] For American Indian enrollees, MinnesotaCare shall cover health care services provided at Indian Health Service facilities and facilities operated by a tribe or tribal organization under funding authorized by United States Code, title 25, sections 450f to 450n, or title III of the Indian Self-Determination and Education Assistance Act, Public Law Number 93-638, if those services would otherwise be covered under section 256L.03. Payments for services provided under this subdivision shall be made on a fee-for-service basis, and may, at the option of the tribe or tribal organization, be made at the rates authorized under sections 256.969, subdivision 16, and 256B.0625, subdivision 34, for those MinnesotaCare enrollees eligible for coverage at medical assistance rates. For purposes of this subdivision, "American Indian" has the meaning given to persons to whom services will be provided in the Code of Federal Regulations, title 42, section 36.12.

Sec. 31. Minnesota Statutes 2000, section 256L.15, subdivision 1, is amended to read:

Subdivision 1. [PREMIUM DETERMINATION.] (a) Except as provided in paragraph (b), families with children and individuals shall pay a premium determined according to a sliding fee based on a percentage of the family's gross family income.

(b) Families with children whose gross family income is equal to or less than 185 percent of the federal poverty guidelines and single adults and families without children whose gross family income is equal to or less than 120 percent of the federal poverty guidelines are exempt from paying a premium. Pregnant women and children under age two are exempt from the provisions of section 256L.06, subdivision 3, paragraph (b), clause (3), requiring disenrollment for failure to pay premiums. For pregnant women, this exemption continues until the first day of the month following the 60th day postpartum. Women who remain enrolled during pregnancy or the postpartum period, despite nonpayment of premiums, shall be disenrolled on the first of the month following the 60th day postpartum for the penalty period that otherwise applies under section 256L.06, unless they begin paying premiums.

Sec. 32. Minnesota Statutes 2000, section 256L.15, subdivision 2, is amended to read:

Subd. 2. [SLIDING FEE SCALE TO DETERMINE PERCENTAGE OF GROSS INDIVIDUAL OR FAMILY INCOME.] (a) The commissioner shall establish a sliding fee scale to determine the percentage of gross individual or family income that households at different income levels must pay to obtain coverage through the MinnesotaCare program. The sliding fee scale must be based on the enrollee's gross individual or family income. The sliding fee scale must contain separate tables based on enrollment of one, two, or three or more persons. The sliding fee scale begins with a premium of 1.5 percent of gross individual or family income for individuals or families with incomes below the limits for the medical assistance program for families and children in effect on January 1, 1999, and proceeds through the following evenly spaced steps: 1.8, 2.3, 3.1, 3.8, 4.8, ~~5.9, 7.4, and 8.8~~ and 5.0 percent. ~~These percentages are matched to evenly spaced income steps ranging from the medical assistance income limit for families and children in effect on January 1, 1999, to 275 percent of the federal poverty guidelines for the applicable family size, up to a family size of five.~~ The sliding fee scale for a family of five must be used for families of more than five. The sliding fee scale and percentages are not subject to the provisions of chapter 14. If a family or individual reports increased income after enrollment, premiums shall not be adjusted until eligibility renewal.

(b) Enrolled individuals and families whose gross annual income increases above 275 percent of the federal poverty guideline shall pay the maximum premium. The maximum premium is defined as a base charge for one, two, or three or more enrollees so that if all MinnesotaCare cases paid the maximum premium, the total revenue would equal the total cost of MinnesotaCare medical coverage and administration. In this calculation, administrative costs shall be assumed to equal ten percent of the total. The costs of medical coverage for pregnant women and children under age two and the enrollees in these groups shall be excluded from the total. The maximum premium for two enrollees shall be twice the maximum premium for one, and the maximum premium for three or more enrollees shall be three times the maximum premium for one.

Sec. 33. Minnesota Statutes 2000, section 256L.16, is amended to read:

256L.16 [PAYMENT RATES; SERVICES FOR FAMILIES AND CHILDREN UNDER THE MINNESOTACARE HEALTH CARE REFORM WAIVER.]

Section 256L.11, subdivision 2, shall not apply to services provided to children families with children who are eligible to receive expanded services according to section 256L.03, subdivision 1a 256L.04, subdivision 1a.

Sec. 34. Laws 1999, chapter 245, article 4, section 110, is amended to read:

Sec. 110. [PROGRAMS FOR SENIOR CITIZENS.]

The commissioner of human services shall study the eligibility criteria of and benefits provided to persons age 65 and over through the array of cash assistance and health care programs administered by the department, and the extent to which these programs can be combined,

simplified, or coordinated to reduce administrative costs and improve access. The commissioner shall also study potential barriers to enrollment for low-income seniors who would otherwise deplete resources necessary to maintain independent community living. At a minimum, the study must include an evaluation of asset requirements and enrollment sites. The commissioner shall report study findings and recommendations to the legislature by ~~June 30, 2001~~ January 15, 2002.

Sec. 35. [NOTICE OF PREMIUM CHANGES IN THE EMPLOYED PERSONS WITH DISABILITIES PROGRAM.]

The commissioner of human services shall provide notice to all medical assistance recipients receiving coverage through the employed persons with disabilities program under Minnesota Statutes, section 256B.057, subdivision 9, of the new premium schedule at least two months before the month in which the first new premium is due."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the first semicolon, insert "256B.04, subdivision 1a;"

Page 1, line 6, delete "subdivision" and insert "subdivisions 1a,"

Page 1, line 7, delete "and"

Page 1, line 8, delete "and 30" and insert "30, 34" and delete "and 2" and insert ", 2"

Page 1, line 11, after the first semicolon, insert "256L.04, subdivisions 2, 7; 256L.05, subdivision 5;"

Page 1, delete line 12 and insert "subdivisions 1, 3; 256L.12, by adding a subdivision; 256L.15, subdivisions 1, 2; 256L.16; Laws 1999, chapter 245, article 4, section 110;"

Page 1, line 16, delete "and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 2197: A bill for an act relating to human services; requiring the commissioner of human services to identify and address nonfinancial barriers to provider participation in state health care programs.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 1891: A bill for an act relating to human services; extending the nursing home pass-through reimbursement; amending Minnesota Statutes 2000, section 256B.431, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete everything after the headnote and insert "Any"

Page 1, line 12, delete everything after "shall"

Page 1, delete line 13

Page 1, line 14, delete everything before the period and insert "have employee hours assignable to performing laundry functions for the nursing facility treated as compensation-related costs for purposes of reimbursement under this section or any other section"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 1836: A bill for an act relating to human services; requiring the commissioner of human services to implement a medication therapy management pilot program; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations. Report adopted.

Senator Ranum from the Committee on Crime Prevention, to which was referred

S.F. No. 1750: A bill for an act relating to crime prevention; authorizing local government units to establish a financial crimes investigation unit; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2000, section 299A.68.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 30 and 31, delete "bureau of criminal apprehension" and insert "office of drug policy and violence prevention"

Page 3, line 17, delete "an agent of the bureau of criminal apprehension" and insert "a representative from the office of drug policy and violence prevention"

Page 3, line 18, delete the second "monitor" and insert "commissioner"

Page 3, line 30, delete "bureau of criminal apprehension" and insert "office of drug policy and violence prevention"

Page 3, lines 33 and 34, delete "bureau of criminal apprehension" and insert "office of drug policy and violence prevention"

Page 4, delete section 3

Page 4, lines 25 and 26, delete "Section 3 is effective July 1, 2003."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete everything after "299A"

Page 1, line 7, delete "299A.68"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Judiciary, to which was referred

S.F. No. 2249: A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2000, section 383A.288, subdivision 4, as amended.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 1963: A bill for an act relating to the environment; providing direction to the commissioner of administration for developing bid specifications and procurement of commodities and services to promote recycled materials; amending Minnesota Statutes 2000, section 16B.121.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 1760: A bill for an act relating to employment; providing for the administration of workforce development programs; changing the composition for the job skills partnership board; requiring performance standards and reporting; creating a governor's workforce development council executive committee; appropriating money; reorganizing state government provision of employment, training and related services; amending Minnesota Statutes 2000, sections 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 419: A bill for an act relating to water; requiring the maintenance of lake levels at Lake Currant.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete everything after "Murray" and insert "county."

Page 1, delete line 9

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1293: A bill for an act relating to natural resources; modifying all-terrain vehicle safety training and youth operating provisions; amending Minnesota Statutes 2000, sections 84.925, subdivision 1; and 84.9256, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 10, delete "and"

Page 3, line 12, before the period, insert " and

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

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2119: A bill for an act relating to water; modifying restrictions on watershed district borrowing; amending Minnesota Statutes 2000, section 103D.335, subdivision 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "\$200,000" and insert "\$300,000"

Page 1, line 16, delete the period

Page 1, line 17, delete everything before "secured"

Page 1, line 18, delete "are exempt from this limit"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 208: A resolution urging authorization of funding for modernization of waterways.

Reports the same back with the recommendation that the resolution be amended as follows:

Page 1, delete lines 5 to 24 and insert:

"WHEREAS, waterway transportation is the most efficient means of transporting bulk commodities, transports more tons per gallon of fuel than either rail or truck while causing fewer accidents, less noise pollution, and fewer fatalities and traffic delays, provides a positive quality of life to the citizens of Minnesota, and is the most environmentally sound mode of transportation available; and

WHEREAS, because of its geographic location, Minnesota is disadvantaged by the distance commodities must travel when transported between Minnesota and domestic and international markets; and

WHEREAS, farm products, petroleum, coal, aggregates, fertilizer, salt, iron ore, metal products, and other bulk commodities needed by agriculture, industry, and the public sector are essential components of commerce and vital to the continued health of our national, local, and state economies; and

WHEREAS, the inland waterway lock and dam system provides recreational and eco-tourism opportunities to Minnesota, a reliable water source of 25 billion gallons per year for residential and industrial use in the Twin Cities area, and a cooling source for power plants which provide over 4,800 Minnesota jobs; and

WHEREAS, our transportation infrastructure enables agricultural products and other exported commodities to compete successfully in international markets and leads toward a favorable balance of trade for our national economy; and

WHEREAS, our waterway transportation infrastructure shares the public waters with the natural environment; and

WHEREAS, the natural environment provides public benefits such as recreation, tourism, domestic and industrial water supply, and scientific and educational opportunities which are also important elements to Minnesota's economy; and

WHEREAS, the Upper Mississippi River is a natural resource of statewide, regional, national, and international importance due to its status as one of the largest floodplain areas in the world, its importance as a migratory corridor for 40 percent of all North American Waterfowl and the sanctuary it provides to more than 200 species of threatened, endangered, or rare plants and animals; and

WHEREAS, the Great Lakes Seaway serves Minnesota by moving its bulk products to domestic and foreign destinations, amounting to over 65 million tons annually, including 43 million tons of Minnesota iron ore to steel mills in Michigan, Indiana, Ohio, and Pennsylvania; and

WHEREAS, although dredging and maintenance of the seaway system is financed by the users, financing of the new Sault Ste. Marie Lock (owned and operated by United States Army Corps of Engineers) will be shared by the federal government and the eight seaway states on a prorated tonnage basis, requiring an estimated \$18 million from the state to be paid over a 50-year period; and

WHEREAS, the inland waterway system moves 17 million tons of bulk commodities annually between Minnesota and the eastern seaboard and Gulf states, including approximately 10 million tons of agricultural products exported through gulf ports; and

WHEREAS, dredging and maintenance costs of the inland waterway are paid out of federal funds, and financing of capital improvements to the inland waterway system is 50 percent from federal funds and 50 percent from the Inland Waterways Trust Fund, funded by a 20 cent per gallon fuel tax paid by waterway shippers; and

WHEREAS, the river industry has been taxed on fuel since 1980, and since the Inland Waterways Trust Fund was instituted in 1986, the Upper Mississippi River basin has contributed 40 percent of the funds and received only 15 percent return for capital improvements, making the Upper Midwest a tax donor region to the Ohio River valley and others; and

WHEREAS, the Port Development Assistance Program is the vehicle to rehabilitate Minnesota's public ports on the Mississippi River and Lake Superior; and

WHEREAS, this program updates and improves the operation and efficiency of the ports to keep them viable and competitive; and

WHEREAS, the 1996, 1998, and 2000 Minnesota legislatures appropriated funds for this program, and the 2001 legislature will be requested to appropriate an additional \$5 million to this program; NOW, THEREFORE,

BE IT RESOLVED that the Minnesota Legislature supports Minnesota's pro rata participation in financing new construction at the Sault Ste. Marie Lock.

BE IT FURTHER RESOLVED that the Legislature formally recognizes the Upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits.

BE IT FURTHER RESOLVED that the Legislature recognizes the critical habitat restoration and rehabilitation needs on the Upper Mississippi River.

BE IT FURTHER RESOLVED that the Legislature recognizes the importance of inland waterway transportation to Minnesota agriculture and to the economy of the state, the region, and the nation and urges Congress to authorize funding to improve transportation efficiency and restore the ecological values of the Upper Mississippi River System.

BE IT FURTHER RESOLVED that the Legislature supports the continued funding of the Port Development Assistance Program in recognition of the essential and fundamental contribution the Great Lakes and inland waterway transportation systems make to Minnesota's economy and to sustainable environmental programs.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Commerce, Science, and Transportation, the chair of the House Committee on Transportation and Infrastructure, and Minnesota's Senators and Representatives in Congress."

Page 2, delete lines 1 to 36

Page 3, delete lines 1 to 36

Page 4, delete lines 1 to 13

Delete the title and insert:

"A resolution urging authorization of funding for improvement and rehabilitation of waterways."

And when so amended the resolution do pass. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1832: A bill for an act relating to environment finance; appropriating money for brownfield assessments for potential redevelopment by community nonprofit organizations; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete the first "\$375,000" and insert "\$188,000" and delete the second "\$375,000" and insert "\$187,000"

Page 1, line 21, after "share" insert "not less than ten percent of"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1356: A bill for an act relating to environment; establishing the environmental assistance revolving loan account; appropriating money; amending Minnesota Statutes 2000, section 115A.0716, by adding subdivisions.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 2126: A bill for an act relating to higher education; Minnesota state colleges and universities; providing for acquisition of certain facilities by the board of trustees; modifying source of funding for certain capital improvements at St. Cloud State University; amending Minnesota Statutes 2000, section 136F.60, subdivision 2; Laws 2000, chapter 492, article 1, section 3, subdivision 19.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Capital Investment. Report adopted.

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 769: A bill for an act relating to education finance; providing for a grant to school district No. 6067, Tri-District; authorizing state bonds; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Capital Investment. Report adopted.

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 394: A bill for an act relating to education finance; authorizing a capital loan for independent school district No. 2580, East Central; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Capital Investment. Report adopted.

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 1742: A bill for an act relating to higher education; capital improvements; appropriating money for higher education asset preservation and replacement; authorizing the issuance of state bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "\$17,500,000" and insert "\$15,965,000"

Page 1, line 21, delete "\$35,000,000" and insert "\$33,465,000"

And when so amended the bill do pass and be re-referred to the Committee on Capital Investment. Amendments adopted. Report adopted.

Senator Pappas from the Committee on Education, to which was re-referred

S.F. No. 1387: A bill for an act relating to natural resources; modifying provisions of the youth corps program; modifying provisions for decorative forest products; requiring a study of the vehicle use on state and county forest roads; providing for the accounting and appropriation of certain mineral lease money; providing for grants to taconite mining companies; delaying repeal of sustainable forest resources laws; appropriating money; amending Minnesota Statutes 2000, sections 84.0887, subdivisions 1, 2, 4, 5, 6, 9; 88.641, subdivision 2, by adding subdivisions; 88.642; 88.645; 88.647; 88.648; 93.22; 256J.20, subdivision 3; Laws 1995, chapter 220, section 142, as amended; proposing coding for new law in Minnesota Statutes, chapters 88; 93; repealing Minnesota Statutes 2000, sections 88.641, subdivisions 4, 5; 88.644.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 10 to 13, delete sections 17 to 19

Pages 16 and 17, delete section 23

Re-number the sections in sequence

Amend the title as follows:

Page 1, delete lines 6 and 7

Page 1, line 8, delete everything before "delaying"

Page 1, lines 9 and 10, delete "appropriating money;"

Page 1, line 13, delete "93.22;"

Page 1, line 15, delete "chapters" and insert "chapter"

Page 1, line 16, delete "93;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 762: A bill for an act relating to education finance; authorizing a cooperative facilities grant for the Swanville and Upsala school districts; increasing the maximum grant amount; authorizing the sale of bonds; appropriating money; amending Minnesota Statutes 2000, section 123A.443, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, before "A" insert "Notwithstanding Minnesota Statutes, section 123A.443, subdivision 2, clause (4),"

Page 1, line 23, after the period, insert "The joint powers board issuing the bonds for the secondary facility and the school boards of independent school district No. 486, Swanville, and independent school district No. 487, Upsala, may make the ballot question on the issuance of the bonds and the ballot questions on the consolidation of the two districts each contingent on the passage of the other propositions. Notwithstanding Minnesota Statutes, section 123A.48, the consolidation ballot questions may be phrased to reflect this contingency."

Page 2, line 8, after "to" insert "the joint powers board created by"

Page 2, line 9, after "Upsala" insert ", to govern the secondary facility"

And when so amended the bill do pass and be re-referred to the Committee on Capital Investment. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2170: A bill for an act relating to real property; property surrounding the Coldwater Springs area in the city of Minneapolis; authorizing acquisition and requiring transfer by the metropolitan airports commission of the property; amending Minnesota Statutes 2000, section 473.608, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "shall" and insert "may"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 1745: A bill for an act relating to state government; creating the department of economic and workforce development; transferring certain duties of the departments of trade and economic development, economic security, and labor and industry; providing for a transition team; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 31, delete "Notwithstanding any law to the"

Page 4, line 32, delete "contrary,"

Page 4, line 33, after "data" insert "within the department of economic security and the department of trade and economic development"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 1510: A bill for an act relating to natural resources; modifying forest resource planning requirements; providing for notification of proposed changes to forest management guidelines; adding duties for regional forest resource committees; modifying monitoring and reporting requirements; modifying review requirements for forest management guidelines; modifying research requirements; extending the authorization for the Minnesota forest resources council; appropriating money; amending Minnesota Statutes 2000, sections 89.001, by adding a subdivision; 89.012; 89A.01, subdivision 3; 89A.05, subdivisions 1, 2a, 4; 89A.06, subdivisions 2, 2a; 89A.08, subdivision 4; Laws 1995, chapter 220, section 142, as amended; proposing coding for new law in Minnesota Statutes, chapter 89; repealing Minnesota Statutes 2000, section 89A.07, subdivisions 1, 2, 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 29, delete "2005" and insert "2003"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2125: A bill for an act relating to natural resources; modifying disposition of lottery ticket in lieu tax; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; amending Minnesota Statutes 2000, section 297A.94.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 97A.133, subdivision 3, is amended to read:

Subd. 3. [ALL-TERRAIN VEHICLE TRAVEL WITHIN DESIGNATED WILDLIFE MANAGEMENT AREAS.] (a) On lands acquired by the state under chapter 84A that are designated after January 1, 1986, as wildlife management areas, the commissioner shall, by January 15, 2003 2004, identify and designate corridor trails in corridors of disturbance that the commissioner determines are appropriate to connect trails, forest roads established under section 89.71, subdivision 1, and public highways to provide reasonable travel for all-terrain vehicles. ~~The commissioner shall consult with wildlife management area users, including both motorized and nonmotorized trail users, in identifying and designating corridor trails under this paragraph.~~ Corridor trail establishment must be in compliance with other state and federal law. Local governments and other trail sponsors may propose the designation of corridor trails, including the designation as a grant-in-aid trail for the purposes of funding under section 84.927, subdivision 2.

(b) The following forest roads shall be open to travel by all-terrain vehicles when the roads are open to other noncommercial vehicles:

(1) the Rapid River forest road, beginning at the west boundary of the Red Lake wildlife management area at the southwest corner of Section 7, Township 156 North, Range 35 West, Beltrami county, thence in an easterly and northeasterly direction through the Red Lake wildlife management area to the east boundary of the Red Lake wildlife management area at the southwest corner of Section 7, Township 157 North, Range 33 West, Lake of the Woods county;

(2) the Blanchard forest road, beginning at the junction of the North Shore Road along the northern shore of Upper Red Lake and the Blanchard state forest road at the west section line of Section 30, Township 155 North, Range 31 West, Beltrami county, thence in a westerly direction to the west section line of Section 31, Township 155 North, Range 32 West; and

(3) the Moose River forest road, beginning at the junction of Dick's Parkway state forest road and the Moose River state forest road at the southwest corner of Section 31, Township 36 West,

Range 158 North, thence in a westerly direction along the Moose River state forest road to the junction of Beltrami county road 706.

(c) The commissioner shall seek the advice of a working group for each affected county to identify and designate corridor trails under paragraph (a). The working group shall consist of a county board representative, chosen by the county board, a staff member of the department of natural resources who is assigned to the region, a representative of local all-terrain vehicle users chosen by the county board, and a representative of nonmotorized wildlife management area users chosen by the commissioner. The working group may consider other access issues and forward recommendations to the commissioner. Each working group must meet at least once by October 1, 2001, and shall meet as necessary after that date.

(d) The commissioner shall sign each road and trail designated under this subdivision indicating the motorized uses allowed.

(e) During the regular firearms deer season, on all wildlife management area lands within the area described in paragraph (f), a person licensed to take deer may operate an all-terrain vehicle:

- (1) before legal shooting hours;
- (2) after legal shooting hours; and
- (3) from 11:00 a.m. to 2:00 p.m.

(f) Paragraph (e) applies from where state highway No. 1 intersects the west boundary of the Red Lake Indian Reservation, then West to state highway No. 219, then North on state highway No. 219 to state highway No. 89, then North on state highway No. 89 to county highway No. 6, then East on state highway No. 6 to county highway No. 54 and county highway No. 1 (Beltrami/Marshall county line) then North along the Beltrami/Marshall county line to Roseau county line, then East on Beltrami/Roseau county line to Dick's Parkway, then South on Dick's Parkway to county road No. 704, Beltrami county, then South to county state-aid highway No. 44 to Fourtown, then South on state highway No. 89 to the North boundary of the Red Lake Indian Reservation, then West and South following the boundary of the Red Lake Indian Reservation to where it intersects state highway No. 1.

(g) By January 15, in 2002, 2003, and 2004, the commissioner shall provide a report to senate and house policy and finance committees with jurisdiction over natural resources on the progress in identifying and designating corridor trails under this subdivision and other access issues. The report shall include a status report for each county with updates of the activities of the working groups established in paragraph (c).

(h) For the purposes of this subdivision, "corridors of disturbance" means rights-of-way such as ditches, ditch banks, transmission lines, pipelines, permanent roads, winter roads, and recreational trails. The existence of a corridor of disturbance eligible for corridor designation may be demonstrated by physical evidence, document recorded in the office of the county recorder or other public official, aerial survey, or other evidence similar to the above. Cross-country motorized use of land shall not cause that land to be considered a corridor of disturbance."

Page 15, after line 23, insert:

"Sec. 5. [ALL-TERRAIN VEHICLE VIOLATIONS ON LANDS DESIGNATED.]

Until January 1, 2003, on lands designated as wildlife management areas under this act, the commissioner may issue citations for all-terrain vehicle use violations only as provided by the following:

(1) a person observed unloading an all-terrain vehicle with an apparent intent to enter the wildlife management area, shall be verbally warned by the officer;

(2) a person observed improperly operating an all-terrain vehicle in the wildlife management area shall be stopped, issued a written warning, and directed to leave, or escorted out, of the wildlife management area, if this is the person's first offense;

(3) a person who has received prior warnings, either written or verbal, from an enforcement officer, directly relating to all-terrain vehicle operation in wildlife management areas, and who is observed illegally operating an all-terrain vehicle in the wildlife management area may be issued a citation; and

(4) a person who is operating an all-terrain vehicle in a wildlife management area and who is intentionally creating serious damage to the wildlife management area, or who is involved in some other violations of law, will be issued appropriate citations or arrested.

Sec. 6. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment and for the purposes of the payments in lieu of taxes under Minnesota Statutes, sections 477A.11 to 477A.145, the land status changes are effective for payments made in calendar year 2001 and thereafter. Section 5 is effective the day following final enactment."

Amend the title as follows:

Page 1, lines 2 and 3, delete "disposition of lottery ticket in lieu tax" and insert "provisions for all-terrain vehicle use on certain wildlife management area lands"

Page 1, line 7, delete "297A.94" and insert "97A.133, subdivision 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Krentz from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 850: A bill for an act relating to public lands; requiring the transfer of land owned by Hennepin county to the city of Eden Prairie; appropriating money for the sale of the land.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "\$....." and insert "the amount determined under this subdivision"

Page 1, line 9, after the period, insert "The city of Eden Prairie shall permit Hennepin county to subdivide the land described in subdivision 3 prior to a conveyance. The city shall purchase the land for a price not to exceed the fair market value, as determined by an appraisal. Hennepin county shall allow the city of Eden Prairie to pay for the property over a term of years."

Page 1, line 16, before the period, insert ", or a comparable, qualified land conservation organization"

Page 1, delete lines 19 to 25 and insert:

"(1) That part of the Northeast Quarter of Section 4, Township 116, Range 22, described as follows to wit: Beginning at the east one quarter corner of said Section; thence west along the south line of said quarter section to a point which, measured along said line, is 1201 feet east of the point of intersection of said line with the southerly right-of-way line of the Chicago, Milwaukee & St. Paul Railway; thence at right angles north a distance of 235 feet; thence south 70 degrees west 134.7 feet; thence south 86 degrees, 50 minutes west 147 feet; thence north 55 degrees, 50 minutes west 94.5 feet; thence north 21 degrees, 50 minutes west 168.5 feet more or less to the northerly line of the right-of-way, now abandoned, of Chicago, Milwaukee & St. Paul Railway Company; thence northeasterly along the northerly line of said abandoned right-of-way to the intersection of said line with the center line of the County Road (now known as Indian Chief Road); thence north along the center line of said road to the intersection of said line with the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which point of intersection is 503 feet north of the center of said abandoned right-of-way; thence northeasterly along said south line of said present right-of-way a distance of 340 feet more or less to its intersection with the east line of said Section 4; thence south along the east line of said Section to the point of beginning;

Except that part described as follows to wit: That part of the Northeast Quarter of Section 4, Township 116, Range 22 lying south of the south line of the present right-of-way of the Chicago, Milwaukee & St. Paul Railway, which lies easterly of the easterly right-of-way line of the County Road (now known as Indian Chief Road); and which lies northerly of the northerly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;

And, except that part described as follows to wit: That part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 116, Range 22 lying southeasterly of the southeasterly right-of-way line of the roadway easement parcel, granted in favor of the City of Eden Prairie, as described on document number 1886487 and filed November 6, 1987 in the office of the Register of Titles in and for Hennepin County;"

Page 2, delete lines 1 to 17

And when so amended the bill be re-referred to the Committee on State and Local Government Operations without recommendation. Amendments adopted. Report adopted.

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1383 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
1383	1598

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which were referred the following appointments as reported in the Journal for January 11, 2001:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

John Baerg
Teresa Gisch
Michael Guthrie
Daniel Hankins
Jeffrey Schiff
Bruce Sherman

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 2046, 1277, 823, 1544, 1109, 2197, 1963, 2119 and 1387 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 208 and 1383 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Ring moved that the name of Senator Lourey be added as a co-author to S.F. No. 1357. The motion prevailed.

Senator Krentz moved that the name of Senator Robertson be added as a co-author to S.F. No. 2231. The motion prevailed.

Senator Sams moved that S.F. No. 1836 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Finance. The motion prevailed.

Senator Vickerman introduced--

Senate Resolution No. 107: A Senate resolution honoring Rodney A. Maguire for 50 years as a school bus driver.

Referred to the Committee on Rules and Administration.

Senator Wiger introduced--

Senate Resolution No. 108: A Senate resolution congratulating Scott Trenda of Maplewood, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 5.1, Senator Pariseau, first author, moved that H.F. No. 1360 be withdrawn from the Committee on Crime Prevention and laid on the table.

H.F. No. 1360: A bill for an act relating to public safety; enacting the Minnesota Citizens' Personal Protection Act of 2001; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 609.66, subdivision 1d; 624.714, subdivisions 2, 3, 4, 6, 7, 8, 10, 12, by adding subdivisions; repealing Minnesota Statutes 2000, section 624.714, subdivisions 1, 5.

CALL OF THE SENATE

Senator Stevens imposed a call of the Senate for the balance of the proceedings on H.F. No. 1360. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pariseau motion.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Larson	Olson	Scheevel
Belanger	Kierlin	Lesewski	Ourada	Schwab
Day	Kiscaden	Lessard	Pariseau	Stevens
Dille	Kleis	Limmer	Reiter	
Frederickson	Knutson	Neuville	Robling	

Those who voted in the negative were:

Anderson	Johnson, Dave	Marty	Price	Scheid
Betzold	Johnson, Dean	Metzen	Ranum	Solon
Chaudhary	Johnson, Doug	Moe, R.D.	Rest	Stumpf
Cohen	Kelley, S.P.	Murphy	Ring	Terwilliger
Foley	Kelly, R.C.	Oliver	Robertson	Tomassoni
Fowler	Kinkel	Orfield	Sabo	Vickerman
Higgins	Langseth	Pappas	Sams	Wiener
Hottinger	Lourey	Pogemiller	Samuelson	Wiger

The motion did not prevail.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Senators Belanger, Hottinger, Lessard, Oliver and Olson introduced--

S.F. No. 2298: A bill for an act relating to taxation; reducing individual income tax rates; increasing the working family credit; conforming with changes in federal income tax provisions; providing for property tax reform; altering the corporate income apportionment formula; exempting certain insurance companies from the franchise tax; providing a direct exemption from sales tax for purchases of capital equipment; imposing the sales tax on new clothing; reducing the rates of certain health care provider taxes; defining terms; appropriating money; amending Minnesota Statutes 2000, sections 126C.01, by adding subdivisions; 126C.13, subdivisions 1, 2, 4; 126C.17, subdivisions 5, 6, 7, 8, 9, 10; 127A.48, subdivision 1; 270A.03, subdivision 7; 272.02, subdivisions 7, 10; 273.061, subdivisions 1, 2, 8; 273.11, subdivision 1a; 273.121; 273.124, subdivision 13; 273.13, subdivisions 22, 23, 24, 25, 31, by adding subdivisions; 273.1392; 273.1393; 273.1398, subdivisions 1, 8, by adding a subdivision; 273.166, subdivisions 2, 3, 5; 273.42, by adding a subdivision; 274.01, subdivision 1; 274.13, subdivision 1; 275.011, by adding a subdivision; 275.02; 275.065, subdivisions 3, 5a, 6; 275.08, subdivisions 1, 1a, 1b; 275.28, subdivision 1; 275.61; 276.04, subdivision 2; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.08; 289A.02, subdivision 7; 290.01, subdivisions 19, 31, by adding a subdivision; 290.05, subdivision 1; 290.06, subdivision 2c; 290.0671, subdivision 1; 290.091, subdivisions 1, 6; 290.0922, subdivision 2; 290.191, subdivisions 2, 3, 5, by adding a subdivision; 290.92, subdivisions 3, 28, 29; 290A.03, subdivisions 13, 15; 290A.04, subdivisions 2, 2a, 2h, 4; 291.005, subdivision 1; 295.52, subdivisions 1, 1a, 2, 3; 297A.67, subdivision 8; 297A.68, subdivision 5; 297A.75; 469.1763, subdivision 6; 469.177, subdivisions 1a, 11; 473.446, subdivision 1; 473F.08, subdivision 3; 473H.10, subdivision 3; 477A.011, subdivisions 3, 34, by adding subdivisions; 477A.013, subdivisions 1, 8, 9; 477A.015; 477A.03, subdivision 2; 477A.065, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126C; 273; 275; 469; proposing coding for new law as Minnesota Statutes, chapter 290C; repealing Minnesota Statutes 2000, sections 126C.13, subdivision 1; 126C.18, subdivision 1; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivisions 21b, 24a; 273.138; 273.1382; 273.1399; 275.065, subdivision 3a; 275.078; 275.08, subdivision 1e; 282.01, subdivisions 1c, 1d, 1e; 290.191, subdivision 4; 290.35, subdivisions 3, 4, 5; 477A.011, subdivisions 30, 31, 32, 33, 36, 37; 477A.03, subdivision 4.

Referred to the Committee on Taxes.

Senators Pogemiller and Moe, R.D. introduced--

S.F. No. 2299: A bill for an act relating to redistricting; extending deadlines for local governments to redistrict if the legislature is redistricted in a year ending in one; modifying districting principles for cities, school districts, and counties; amending Minnesota Statutes 2000, sections 204B.135, subdivisions 1, 2; 204B.14, subdivision 3; 205.84, subdivision 1; 205A.12, subdivision 4; 375.025, subdivision 1.

Referred to the Committee on Rules and Administration.

Senator Rest introduced--

S.F. No. 2300: A bill for an act relating to tax administration; providing for electronic filing and paying of taxes; amending Minnesota Statutes 2000, sections 115B.24, subdivision 2; 270.271, subdivisions 1, 3; 270.771; 270.78; 287.12; 289A.02, by adding a subdivision; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.60, subdivision 21; 295.55, subdivision 4; 296A.15, subdivision 7; 297E.02, subdivision 4; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.35, subdivision 2; 297I.85, subdivision 7; 473.843, subdivision 3.

Referred to the Committee on Taxes.

Senators Terwilliger, Wiener, Lesewski, Kinkel and Kelley, S.P. introduced--

S.F. No. 2301: A bill for an act relating to higher education; establishing a commission on University of Minnesota excellence to identify centers of excellence; requiring a report to the legislature; providing appointments.

Referred to the Committee on Education.

Senator Lourey introduced--

S.F. No. 2302: A bill for an act relating to health care; expanding coverage of the MinnesotaCare program; eliminating MinnesotaCare taxes; increasing individual income tax rates; increasing the taxes on cigarettes and tobacco products; amending Minnesota Statutes 2000, sections 62J.041, subdivision 1; 62Q.095, subdivision 6; 214.16, subdivisions 2, 3; 256L.03, subdivisions 3, 5; 256L.04, subdivision 7; 256L.07, subdivision 1; 270B.01, subdivision 8; 270B.14, subdivision 1; 290.06, subdivision 2c; 290.62; 297F.05, subdivisions 1, 3, 4; 297F.08, subdivision 7; 297F.10; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 62T.10; 144.1484, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59.

Referred to the Committee on Health and Family Security.

Senators Metzen, Lessard, Berg and Fowler introduced--

S.F. No. 2303: A bill for an act relating to the state lottery; authorizing the director of the state lottery to establish video lottery terminals; providing duties and powers to the director of the state lottery; providing for the use of video lottery revenues; prescribing penalties; providing for local authority to adopt regulation of the lottery; amending Minnesota Statutes 2000, sections 297A.259; 349A.01, subdivisions 10, 11, 12, by adding subdivisions; 349A.06, subdivisions 1, 5, 8, by adding subdivisions; 349A.07, subdivision 1; 349A.08, subdivisions 1, 5, 8; 349A.09, subdivision 1; 349A.10, subdivisions 2, 3, 4, 5; 349A.11; 349A.12, subdivisions 1, 2; 349A.13; 609.651, subdivision 1; 609.75, subdivision 4; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 349A; repealing Minnesota Statutes 2000, section 349A.06, subdivision 10.

Referred to the Committee on State and Local Government Operations.

Senator Sams introduced--

S.F. No. 2304: A bill for an act relating to taxes; sales and use taxes; exempting the purchase of construction materials and equipment used in constructing a fire hall in the city of Sebeka; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

Senator Orfield introduced--

S.F. No. 2305: A bill for an act relating to highways; establishing categories of community preservation routes in the county state-aid highway system and municipal state-aid street system; providing for adoption of construction and reconstruction; proposing coding for new law in Minnesota Statutes, chapter 162.

Referred to the Committee on Transportation.

Senator Oliver introduced--

S.F. No. 2306: A bill for an act relating to motor vehicles; repealing restrictions on the sale of wagon covers and similar items; repealing Minnesota Statutes 2000, section 325F.38.

Referred to the Committee on Commerce.

Senator Ranum introduced--

S.F. No. 2307: A bill for an act relating to taxation; providing that watershed districts may increase levies for enforcement purposes; amending Minnesota Statutes 2000, section 103D.905, subdivision 3.

Referred to the Committee on Taxes.

Senators Kelley, S.P.; Chaudhary; Robertson; Stumpf and Rest introduced--

S.F. No. 2308: A bill for an act relating to education; providing for on-line learning; amending Minnesota Statutes 2000, section 126C.05, subdivision 15.

Referred to the Committee on Education.

Senator Fowler introduced--

S.F. No. 2309: A bill for an act relating to capital improvements; appropriating wastewater funding for the city of Lewisville; authorizing state bonds.

Referred to the Committee on Finance.

Senator Dille introduced--

S.F. No. 2310: A bill for an act relating to agriculture; providing funding for continued pseudorabies testing and vaccination; appropriating money.

Referred to the Committee on Finance.

Senator Anderson introduced--

S.F. No. 2311: A bill for an act relating to environment; requiring toxic pollution prevention plans to include specific provisions on reducing persistent bioaccumulative toxics; providing a surcharge on releases of persistent bioaccumulative toxics; providing for information on persistent bioaccumulative toxics for pollution permits; providing funding for the pollution prevention program relating to persistent bioaccumulative toxics; appropriating money; amending Minnesota Statutes 2000, sections 115D.03, by adding subdivisions; 115D.07, subdivision 2; 115D.08, subdivision 1; 115D.10; 115D.12, subdivision 1, by adding a subdivision; 116.07, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Samuelson introduced--

S.F. No. 2312: A bill for an act relating to agriculture; extending the sunset date of the dairy producers board; appropriating money; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; and 17.76, subdivision 2.

Referred to the Committee on Finance.

Senator Dille introduced--

S.F. No. 2313: A bill for an act relating to appropriations; appropriating money for the West Central Growth Alliance.

Referred to the Committee on Finance.

Senators Dille, Scheevel, Lesewski and Murphy introduced--

S.F. No. 2314: A bill for an act relating to agriculture; establishing a livestock development program; appropriating money; amending Minnesota Statutes 2000, section 17.101, by adding a subdivision.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Dille, Scheevel, Lesewski and Murphy introduced--

S.F. No. 2315: A bill for an act relating to agriculture; establishing a feedlot design and management compliance education program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

MEMBERS EXCUSED

Senator Krentz was excused from the Session of today at 12:15 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 17, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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