

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

THIRTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 17, 2001

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Stacy Offner.

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

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

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

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 Kiscaden, Krentz, Scheid and Solon were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 11, 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. Nos. 991, 9, 971, 327, 972 and 570.

Sincerely,
Jesse Ventura, Governor

April 12, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2001	Date Filed 2001
991		18	2:20 p.m. April 11	April 11
9		19	2:20 p.m. April 11	April 11
971		20	2:25 p.m. April 11	April 11
327		21	2:25 p.m. April 11	April 11
972		22	2:25 p.m. April 11	April 11
570		23	2:25 p.m. April 11	April 11
	47	30	4:47 p.m. April 11	April 11

Sincerely,
Mary Kiffmeyer
Secretary of State

April 13, 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. Nos. 480, 225, 702, 1204 and 883.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

House Concurrent Resolution No. 2: A House concurrent resolution honoring the life and service of the late Regents' Professor John R. Borchert for his countless contributions to the University and the state of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 2001

Senator Moe, R.D. moved that House Concurrent Resolution No. 2 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2119.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 2001

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2119: A bill for an act relating to charitable organizations; amending report filing requirements; amending Minnesota Statutes 2000, section 309.53, subdivisions 1, 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1915, now on General Orders.

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. 1863 and 2137. The motion prevailed.

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

S.F. No. 1456: A bill for an act relating to transportation; modifying financing procedures for interregional transportation corridor; modifying provisions relating to statewide communications system and clarifying appropriation of related fees; modifying provisions relating to transportation revolving loan fund; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 161.23, subdivision 3; 174.70, subdivisions 2 and 3; and 446A.085; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Page 3, line 15, delete the period and insert "on a first-come, first-served basis for each tower or site. The commissioner may not make agreements that grant the exclusive use of towers. After the commissioner has agreed to make space available on a specific tower or at a specific site,"

Page 3, line 20, strike "(1)" and after "improvements" insert "such as tower reinforcement, reconstruction, site development, or other site improvements"

Page 3, line 22, strike everything after "property"

Page 3, line 23, strike "wireless service provider" and delete the new language and after the period, insert "This section is not intended to create a right to install privately owned towers on the trunk highway right-of-way."

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 2191: A bill for an act relating to taxation; property; exempting current value of utility generation personal property from the general education levy; reducing the class rate on utility generation personal property; exempting certain new increased capacity and increased efficiency utility personal property from property tax; requiring the public utilities commissioner to adjust utility rates for reduced utility property taxes; establishing an electric utility generation attached machinery personal property tax replacement trust fund; providing for a rebate if an electric generation facility shuts down; authorizing the issuance of bonds; providing a state guarantee on certain local bonds; appropriating money; amending Minnesota Statutes 2000, sections 16A.67, subdivision 1; 126C.01, subdivision 2; 126C.13, subdivision 1; 127A.48, by adding a subdivision; 272.02, subdivision 9; 273.13, subdivision 24; 275.08, subdivision 1b; 276A.01, subdivision 3; 473F.02, subdivision 3; 473F.05; 473F.06; 477A.011, subdivision 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 216B; 272; 475A.

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

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

S.F. No. 1334: A bill for an act relating to crime prevention; requiring submission of DNA evidence by offenders convicted of felony-level fifth degree criminal sexual conduct; clarifying and increasing the penalty for fleeing a peace officer when the commission of the crime results in death; expanding the crime of aiding an offender; allowing use of subsequent domestic abuse conduct as evidence in domestic abuse cases; amending Minnesota Statutes 2000, sections 609.117; 609.487, subdivision 4; 609.495, subdivisions 1 and 3; and 634.20.

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

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

S.F. No. 846: A bill for an act relating to public safety; authorizing use of the criminal justice data communications network for determining if civil commitment petitions of proposed patient as sexual psychopathic or sexually dangerous person should be filed; amending Minnesota Statutes 2000, section 299C.46, subdivision 3.

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

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

S.F. No. 2142: A bill for an act relating to highways; allowing judicial review of public purpose and necessity for taking property for county highway or town road; amending Minnesota Statutes 2000, sections 163.12, subdivision 2, by adding subdivisions; 164.07, subdivisions 1, 2, 7, 10.

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

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

S.F. No. 1979: A bill for an act relating to education; permitting applicants for a temporary limited teaching license or a personnel variance to submit their application by July 1 in any year; directing the board of teaching to amend its rules to conform with the July 1 date; amending Minnesota Statutes 2000, section 122A.18, by adding a subdivision.

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

Page 1, lines 17 and 21, before "application" insert "complete"

Page 2, line 1, delete "must" and insert "may"

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

Senator Solon from the Committee on Commerce, to which was referred

S.F. No. 2033: A bill for an act relating to insurance; modifying minimum education requirements for insurance agents; amending Minnesota Statutes 2000, section 60K.19, subdivision 8.

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

Senator Solon from the Committee on Commerce, to which was referred

S.F. No. 1964: A bill for an act relating to insurance; regulating the life and health guaranty association; modifying coverages; assessments; rights and duties; amending Minnesota Statutes 2000, sections 61B.19, subdivisions 2, 3, 4, 5; 61B.20, subdivisions 1, 14, 15, 16, 17, 18, by adding subdivisions; 61B.22, subdivision 3; 61B.23, subdivisions 3, 4, 11, 12, 13, by adding subdivisions; 61B.24, subdivisions 4, 5, by adding subdivisions; 61B.26; 61B.27; 61B.28, subdivisions 1, 3, by adding a subdivision; 61B.29.

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. 1594: A bill for an act relating to human services; authorizing a pilot project to increase nursing facility reimbursement to provide services to persons with multiple sclerosis; appropriating money.

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

Page 1, line 9, delete "2003" and insert "2002"

Page 1, line 12, after "that" insert ", at the time of enrollment in the pilot project,"

Page 1, line 16, after "the" insert "person's"

Page 1, line 17, delete "K" and after the period, insert "The commissioner may contract with up to six nursing facilities."

Page 1, line 19, delete "December" and insert "July"

Page 1, line 24, delete "and psychological needs" and insert ", physiological, and case management needs, without incurring financial losses"

Page 1, delete line 25 and insert "commissioner of human services, in consultation with the commissioner of health"

Page 2, line 1, delete "services" and delete "2003" and insert "2002"

Page 2, delete lines 4 to 6

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. 963: A bill for an act relating to human services; expanding consumer support grant services; extending a provision related to hardship waivers; clarifying resource allocation for the home and community-based waiver for persons with mental retardation and related conditions; providing a choice of case manager and modifying other provisions related to services for persons with developmental disabilities; amending Minnesota Statutes 2000, sections 256.476, subdivision 4; 256B.0625, subdivision 19a; 256B.0916, subdivisions 1, 7, 9, and by adding a subdivision; and 256B.092, subdivision 2a.

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

Page 1, line 21, after the period, insert "The commissioner shall notify the county board in a county that has declined to participate of the commissioner's intent to enter into a contract with another county or other entity at least 30 days in advance of entering into the contract." and strike "If a"

Page 1, line 22, strike everything before the second "the"

Page 1, line 23, after "agency" insert "or contracted agency"

Page 6, line 19, delete "developmental disabilities" and insert "mental retardation or related conditions"

Page 6, delete line 22

Page 6, line 23, delete "requirements for this service" and insert "meet the requirements for provision of consumer-directed community supports"

Page 6, line 26, after the period, insert "The commissioner shall notify the county board in a county that has declined to participate of the commissioner's intent to enter into a contract with another county, a group of counties, or a private agency at least 30 days in advance of entering into the contract."

Page 7, line 30, delete "developmental disabilities" and insert "mental retardation or related conditions"

Page 8, delete sections 7 and 8

Amend the title as follows:

Page 1, line 6, delete "providing a"

Page 1, delete lines 7 and 8

Page 1, line 9, delete "disabilities;"

Page 1, line 11, delete "and"

Page 1, line 12, delete "; and 256B.092, subdivision 2a"

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 re-referred

S.F. No. 1081: A bill for an act relating to insurance; requiring an affirmative provider consent to participate in a network under a category of coverage; requiring disclosure of changes in a provider's contract; amending Minnesota Statutes 2000, section 62Q.74, subdivisions 2, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Page 3, line 16, delete "performance requirements" and insert "alters the written contractual policies and procedures governing the relationship between the provider and the network organization"

Page 3, after line 21, insert:

"Sec. 5. [MORATORIUM]

Subdivision 1. [MORATORIUM ON NEW MANAGED CARE AUTOMOBILE

INSURANCE PLANS.] No health plan company as defined under Minnesota Statutes, section 62Q.01, subdivision 4, or automobile insurance company licensed under Minnesota Statutes, chapter 65B, may sign any new no-fault automobile insurance managed care contract with a health care provider between January 1, 2001, and June 30, 2002. A "managed care contract" is defined for purposes of this section as a contract with a health care provider that provides for prior authorization requirements, formulary limitations, rate capitation, restricted protocols, or preestablished limitations on the type, duration, or frequency of care.

Subd. 2. [LIMITED PANEL DISCLOSURE.] Effective July 1, 2001, an insurer regulated under Minnesota Statutes, chapter 65B, with a managed care contract as defined under subdivision 1, must provide to the insured upon notice of an automobile injury claim report a disclosure statement informing the insured of the following:

(1) under state law, the injured has the option of receiving medical care for injuries received in an automobile accident from any licensed provider or health care facility and is not required to seek medical care through a case management program or from a designated network of providers, hospitals, or clinics; and

(2) if the insured receives medical care through a case management program or a designated provider network, medical care may be restricted in terms of the type, duration, or frequency of the care provided and the insured may be required to seek prior authorization before medical care is reimbursed by the insurer.

Subd. 3. [EXISTING MANAGED CARE CONTRACTS.] Any health plan company or automobile insurer that is party to a managed care contract in existence prior to the moratorium created on January 1, 2001, must comply with the following provisions during the moratorium created under this act:

(1) no such managed care contract shall be extended to any additional insurers; and

(2) if a provider has declined to participate in a category of coverage, the network organization must permit the provider the opportunity to participate in that category of coverage on an annual basis.

Subd. 4. [SUNSET.] This section is repealed effective June 30, 2002.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "establishing a moratorium on managed care automobile insurance plans;"

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

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

S.F. No. 1863: A bill for an act relating to retirement; providing a second social security coverage referendum for members of the legislators retirement plan; creating the coordinated program of the legislators retirement plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 3A; 355.

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

Page 2, line 23, delete "Minnesota state retirement system" and insert "state general fund"

Page 2, line 24, delete "difference between the employee" and insert "social security employee and employer taxes paid on the legislator's behalf"

Page 2, delete lines 25 to 31

Page 2, line 32, delete "legislator"

Page 2, line 33, delete "Minnesota" and delete "retirement"

Page 2, line 34, delete "system" and insert "general fund"

And when so amended 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 Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2049: A bill for an act relating to historical preservation; ensuring protection for the historic Camp Coldwater Springs area; proposing coding for new law in Minnesota Statutes, chapter 138.

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

Delete everything after the enacting clause and insert:

"Section 1. [PROTECTION OF NATURAL FLOW.]

Neither the state, nor a unit of metropolitan government, nor a political subdivision of the state may take any action that may diminish the flow of water to or from Camp Coldwater Springs. All projects must be reviewed under the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act with regard to the flow of water to or from Camp Coldwater Springs.

Sec. 2. Minnesota Statutes 2000, section 138.73, subdivision 13, is amended to read:

Subd. 13. Old Fort Snelling historic district in Hennepin county is located within the following boundaries: beginning at the intersection of the westerly Chicago, Milwaukee, St. Paul and Pacific Railroad (abandoned) right-of-way and the south boundary of Minnehaha state park extended (which is an extension of East 55th Street, Minneapolis); thence east along the extension of East 55th Street to the easterly county line of Hennepin county (center line of Mississippi river); thence southerly and easterly along said county line to the point of intersection of Hennepin, Ramsey and Dakota counties; thence easterly along the Ramsey-Dakota common boundary to intersection with the easterly line of Government Lot No. 2, Section 28, Township 28, north, range 23, west Dakota county; thence south on east line of said Government Lot No. 2, to intersection with the east-west quarter line of said Section 28; thence westerly on said east-west quarter line to the intersection with the easterly right-of-way line of Minnesota state highway No. 5; thence southerly on said right-of-way line to intersect with the metropolitan airports commission boundary line extended; thence northwesterly along last described boundary line to intersection with a line parallel to Old Trunk Highway 100 (Bloomington Road) and 600 feet northwesterly thereof, measured on a line perpendicular to said highway; thence northeasterly on last described parallel line to intersect with the northerly right-of-way line of state highway No. 55; thence westerly on said right-of-way line to intersect with the westerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad (abandoned); thence northerly on last described right-of-way line to the point of the beginning and there terminating. The tract herein described contains 580 acres more or less. This district aligns with the boundaries of the Fort Snelling Historic District in the National Register of Historic Places, as the description of that district is amended from time to time.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to historic preservation; recognizing and extending the protection of the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act to historic Camp Coldwater Springs; amending Minnesota Statutes 2000, section 138.73, subdivision 13."

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

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

H.F. No. 1637: A bill for an act relating to counties; repealing provisions requiring licensing of hawkers and peddlers by counties; repealing Minnesota Statutes 2000, sections 329.02; 329.03; 329.04; 329.05; 329.06; 329.07; 329.08; 329.09.

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

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

S.F. No. 2171: A bill for an act relating to appropriations; authorizing and appropriating money for certain nontraditional career assistance training programs; amending Minnesota Statutes 2000, sections 256J.02, subdivision 2; and 268.0122, subdivision 2.

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

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

S.F. No. 2137: A bill for an act relating to commercial redevelopment; allowing nonprofit organizations to receive funding under the contamination cleanup, livable communities tax base revitalization, and livable communities demonstration account programs; amending Minnesota Statutes 2000, sections 116J.552, by adding a subdivision; 116J.553, subdivision 1; 116J.554, subdivisions 1, 1a; 116J.556; 116J.557, subdivisions 1, 2, 3; 473.252, subdivision 3, by adding a subdivision; 473.253, subdivision 2.

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

Page 1, line 16, delete the second "and" and insert "or"

Page 5, line 18, delete "and" and insert "or"

And when so amended 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 Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 1965: A bill for an act relating to state government; repealing certain obsolete and redundant trade and economic development department programs and duties; repealing Minnesota Statutes 2000, sections 41A.066; 116J.541; 116J.542; 116J.8755; 116J.9671; 116J.980, subdivision 4; 116J.992.

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

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

S.F. No. 580: A bill for an act relating to health; establishing a nursing grant program for

economically disadvantaged nursing students; modifying the summer health care interns program; modifying a nursing loan forgiveness program; establishing a rural nursing scholarship program and school nurse loan forgiveness program; providing rate increases to certain nursing facilities; establishing a community health care planning program; requiring a study; appropriating money; amending Minnesota Statutes 2000, sections 144.1464, subdivisions 1, 2, and 3; 144.1496, subdivision 3; and 256B.431, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; and 145.

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. [136A.147] [STUDENT NURSE RECRUITMENT AND RETENTION.]

Subdivision 1. [RESPONSIBILITIES OF THE HIGHER EDUCATION SERVICES OFFICE.] The higher education services office shall biennially select up to three schools, colleges, or programs of nursing to participate in the student nursing recruitment and retention program for economically disadvantaged students and underrepresented students. The office shall establish an application process for interested schools, colleges, or programs of nursing. Of the nursing programs selected to participate, at least one must be located in the seven-county metropolitan area and one must be located outside of the seven-county metropolitan area.

Subd. 2. [PROGRAM SELECTION CRITERIA.] In selecting nursing programs to participate in the student nursing recruitment and retention program and in evaluating program effectiveness, the office shall use the following criteria:

(1) the extent to which the nursing program will use the recruitment and retention program as a recruitment tool to increase enrollment by economically disadvantaged and underrepresented students;

(2) the intent of the nursing program to assist students in accessing state, federal, and institutional aid to pay for their nursing education;

(3) the commitment of the nursing program to provide assistance to retain students once they are admitted to a nursing program;

(4) the commitment of the nursing program to recruit applicants from high schools that serve the highest numbers of economically disadvantaged and underrepresented students;

(5) the commitment of the nursing program to develop and support disadvantaged and underrepresented student enrichment programs;

(6) the commitment of the nursing program to examine traditional policies, curriculum, and teaching strategies to determine if they are inclusive of diverse cultures;

(7) the commitment of the nursing program to provide faculty and student mentors;

(8) the extent to which the nursing program will develop a best practices model for recruitment and retention of economically disadvantaged and underrepresented students and disseminate the model to other nursing programs; and

(9) the commitment of the nursing program to document and evaluate the performance of its nursing recruitment and retention program.

Subd. 3. [GRANT AMOUNTS AND DISTRIBUTION.] (a) The office may grant each nursing program selected to participate in the recruitment and retention program up to \$30,000 per year for costs related to the recruitment and retention program.

(b) The higher education services office shall distribute money each year to Minnesota schools, colleges, or programs of nursing selected to participate in the recruitment and retention program. Money not used by a recipient nursing program must be returned to the higher education services office for redistribution under this section to other participating recipient nursing programs.

Subd. 4. [APPLICATIONS BY NURSING PROGRAMS.] Each school, college, or program of nursing offering course work that leads to licensure as a licensed practical nurse or registered nurse and that wishes to participate in the student nursing recruitment and retention program shall apply to the higher education services office for funding, according to policies established by the office."

Page 9, after line 16, insert:

"Sec. 8. [144.1511] [GRANTS FOR ECONOMICALLY DISADVANTAGED AND UNDERREPRESENTED NURSING STUDENTS.]

Subdivision 1. [ESTABLISHMENT.] A nursing grant program is established under the authority of the commissioner to provide grants to economically disadvantaged students and underrepresented students who are entering or enrolled in an educational program that leads to licensure as a licensed practical nurse or registered nurse or in a program of advanced nursing education.

Subd. 2. [ELIGIBILITY.] (a) To be eligible to receive a grant, a student must be:

- (1) a citizen of the United States or permanent resident of the United States;
- (2) a resident of the state of Minnesota;
- (3) economically disadvantaged or underrepresented;
- (4) entering or enrolled in a nursing program in Minnesota that leads to licensure as a licensed practical nurse or registered nurse, a baccalaureate degree in nursing, or a master's degree in nursing or in a program of advanced nursing education; and
- (5) eligible under any additional criteria established by the school, college, or program of nursing in which the student is enrolled.

(b) The grant must be awarded for one academic year but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent. Each grant must be for a minimum of \$3,000, but must not exceed \$5,000.

Subd. 3. [COORDINATION WITH THE HIGHER EDUCATION SERVICES OFFICE.] The commissioner shall coordinate with the higher education services office in order to give a priority for grants under this section to students attending nursing programs that participate in the recruitment and retention program under section 136A.147."

Page 11, line 5, delete "9" and insert "10"

Page 11, line 8, delete "8 and 10" and insert "9 and 11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "establishing a student nurse recruitment and retention program;"

Page 1, line 3, before "nursing" insert "and underrepresented"

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

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

S.F. No. 128: A bill for an act relating to highways; creating a traffic-impacted metropolitan city street account in the county state-aid highway fund and providing for its allocation; amending Minnesota Statutes 2000, section 162.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 162.

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

Delete everything after the enacting clause and insert:

"Section 1. [ADDITION TO COUNTY STATE-AID HIGHWAY SYSTEM.]

Notwithstanding Minnesota Statutes, section 162.02, subdivision 3a, and after the city of Osseo approves of the establishment of the county state-aid highway under Minnesota Statutes, section 162.02, subdivision 7, the county screening board created under Minnesota Statutes, section 162.07, subdivision 5, must add to the Hennepin county state-aid highway system the following highway, located in the city of Osseo: Central Avenue between County Road 81 and County Road 30, and Jefferson Highway between County Road 81 and the southern limits of the city of Osseo. Notwithstanding Minnesota Statutes, section 162.02, subdivision 3a, the commissioner of transportation shall grant a variance from rules and engineering standards developed under Minnesota Statutes, section 162.07, subdivision 2, with respect to this highway.

Sec. 2. [LOCAL APPROVAL.]

Section 1 is effective the day after the governing body of the city of Osseo complies with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to highways; requiring the county screening board to add certain highway mileage in the city of Osseo to county state-aid highway system; requiring the commissioner of transportation to grant variance; requiring local approval."

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. 1330: A bill for an act relating to unemployment insurance; providing extra benefits for certain employees.

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

Delete everything after the enacting clause and insert:

"Section 1. [EXEMPTION FROM ADDITIONAL BENEFITS REQUIREMENTS; FINGERHUT; MORA; ONAN POWER ELECTRONICS; NICOLLET COUNTY.]

Notwithstanding Minnesota Statutes, section 268.125, subdivisions 1 and 3, clauses (1) and (5), an applicant is eligible to receive additional benefits under Minnesota Statutes, section 268.125, effective the week following the week in which the applicant exhausted regular benefits if:

(1) the applicant was laid off due to lack of work from Fingerhut, Inc. in Mora, Minnesota, after January 1, 2001, or from Onan Power Electronics in Nicollet county; and

(2) the commissioner of economic security finds that the applicant satisfies the conditions of Minnesota Statutes, section 268.125, subdivision 3, clauses (2) to (4).

This section does not apply to any applicant who, with respect to any period prior to June 1, 2001, receives, or has an agreement to receive, a retirement pension financed in whole or in part by Fingerhut, Inc. or Onan Power Electronics.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

Senator Johnson, Doug from the Committee on Finance, to which was referred

S.F. No. 994: A bill for an act relating to community development; providing funding for the natural resources research institute; appropriating money.

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

Page 1, line 10, delete "department of trade and economic development" and insert "board of regents of the University of Minnesota"

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

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

S.F. No. 1219: A bill for an act relating to metropolitan government; establishing the legislative commission on metropolitan government; providing for oversight of the metropolitan council's operating and capital budgets, work program, and capital improvement program; requiring legislative authorization for the council to adopt its budget, work program, and capital improvement program; proposing coding for new law in Minnesota Statutes, chapters 3; and 473.

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 10A.01, subdivision 10, is amended to read:

Subd. 10. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election as a state constitutional officer, legislator, or judge. "Candidate" also means an individual who seeks nomination or election to the metropolitan council. An individual is deemed to seek nomination or election if the individual has taken the action necessary under the law of this state to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Sec. 2. Minnesota Statutes 2000, section 10A.09, subdivision 6a, is amended to read:

Subd. 6a. [LOCAL OFFICIALS.] A local official required to file a statement under this section must file it with the governing body of the official's political subdivision, except that a candidate for or member of the metropolitan council shall file the statement with the board. The governing body must maintain statements filed with it under this subdivision as public data.

Sec. 3. Minnesota Statutes 2000, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. [CONTRIBUTION LIMITS.] (a) Except as provided in subdivision 2, a candidate must not permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, or political fund in excess of the following:

(1) to candidates for governor and lieutenant governor running together, \$2,000 in an election year for the office sought and \$500 in other years;

(2) to a candidate for attorney general, \$1,000 in an election year for the office sought and \$200 in other years;

(3) to a candidate for the office of secretary of state or state auditor, \$500 in an election year for the office sought and \$100 in other years;

(4) to a candidate for state senator, \$500 in an election year for the office sought and \$100 in other years; and

(5) to a candidate for state representative or metropolitan council member, \$500 in an election year for the office sought and \$100 in ~~the other~~ a nonelection year.

(b) The following deliveries are not subject to the bundling limitation in this subdivision:

(1) delivery of contributions collected by a member of the candidate's principal campaign committee, such as a block worker or a volunteer who hosts a fund raising event, to the committee's treasurer; and

(2) a delivery made by an individual on behalf of the individual's spouse.

Sec. 4. Minnesota Statutes 2000, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) ~~the metropolitan council~~, a metropolitan agency, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. Vacancy includes a position that is to be filled through appointment of a nonlegislator by a legislator or group of legislators; vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

Sec. 5. Minnesota Statutes 2000, section 204B.06, subdivision 4, is amended to read:

Subd. 4. [PARTICULAR OFFICES.] Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) for United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) for United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) for governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) for supreme court justice, court of appeals judge, or district court judge, that the candidate is learned in the law;

(e) for metropolitan council, county, municipal, school district, or special district office, that the candidate meets any other qualifications for that office prescribed by law;

(f) for senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Sec. 6. Minnesota Statutes 2000, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, metropolitan council, state and federal offices filed at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period. Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer. Candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 7. Minnesota Statutes 2000, section 204B.09, subdivision 1a, is amended to read:

Subd. 1a. [ABSENT CANDIDATES.] A candidate for special district, county, metropolitan council, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

Sec. 8. Minnesota Statutes 2000, section 204B.11, is amended to read:

204B.11 [CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.]

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

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

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

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

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

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

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

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

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

section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Subd. 2. [PETITION IN PLACE OF FILING FEE.] At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county, or metropolitan council, or legislative office, or for the office of district judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 9. Minnesota Statutes 2000, section 204B.135, subdivision 2, is amended to read:

Subd. 2. [OTHER ELECTION DISTRICTS.] For purposes of this subdivision, "local government election district" means a county district, park and recreation district, school district, metropolitan council district, or soil and water conservation district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph (c). Election districts covered by this subdivision must be redistricted within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in the year ending in two, whichever comes first.

Sec. 10. Minnesota Statutes 2000, section 204B.32, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF ELECTION EXPENSES.] The secretary of state shall develop procedures for the allocation of election expenses among counties, municipalities, ~~and~~ school districts, and the metropolitan council for elections that are held concurrently. The following expenses must be included in the procedures: salaries of election judges; postage for absentee ballots and applications; preparation of polling places; preparation and testing of electronic voting systems; ballot preparation; publication of election notices and sample ballots; transportation of ballots and election supplies; and compensation for administrative expenses of the county auditor, municipal clerk, or school district clerk.

Sec. 11. Minnesota Statutes 2000, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS.] All elective state, metropolitan council, and county officers, justices of the supreme court, judges of the court of appeals and district court, state senators and state representatives, and senators and representatives in Congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 12. Minnesota Statutes 2000, section 204D.08, subdivision 6, is amended to read:

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed on canary paper. The names of candidates for nomination to the supreme court, court of appeals, district court, and all metropolitan council and county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 13. [204D.265] [VACANCY IN OFFICE OF METROPOLITAN COUNCIL MEMBERS.]

Subdivision 1. [ELECTION IN 30 TO 60 DAYS.] Except as provided in subdivision 3, a vacancy in the office of metropolitan council member must be filled at a special election scheduled by the metropolitan council on a date not less than 30 nor more than 60 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election but the special election must be held not less than 14 days after the special primary. The person elected at the special election takes office immediately after receiving the certificate of election and taking the oath of office and serves the remainder of the unexpired term. If the metropolitan council districts have been redrawn since the commencement of the term of the vacant office, the election must be based on the district as redrawn.

Subd. 2. [WHEN VICTOR SEATED IMMEDIATELY.] If a vacancy for which a special election is required occurs less than 60 days before the general election preceding the end of the term, the vacancy must be filled by the person elected at that election for the ensuing term, who takes office immediately after receiving the certificate of election and taking the oath of office.

Subd. 3. [INABILITY OR REFUSAL TO SERVE.] In addition to when the events specified in section 351.02 happen, a vacancy in the office of metropolitan council member may be declared by the metropolitan council when a member is unable to serve in the office or attend council meetings for a 90-day period because of illness or because of absence from, or refusal to, attend council meetings for a 90-day period. If any of the conditions described or referred to in this subdivision occur, the council may, after the council by resolution has declared a vacancy to exist, make an appointment to fill the vacancy at a regular or special meeting for the remainder of the unexpired term or until the ill or absent member is again able to resume duties and attend council meetings, whichever is earlier. If the council determines that the original member is again able to resume duties and attend council meetings, the council must say so in a resolution and remove the appointed officeholder and restore the original member to office.

Sec. 14. Minnesota Statutes 2000, section 204D.27, is amended by adding a subdivision to read:

Subd. 12. [SPECIAL METROPOLITAN COUNCIL ELECTION.] (a) [STATE CANVASSING BOARD.] Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for metropolitan council member and declare the results within four days, excluding Sundays and legal holidays, after the returns of the county canvassing boards are certified to the secretary of the state.

(b) [ELECTION CONTEST.] In case of a contest of a special election for metropolitan council member, the notice of contest must be filed within two days after the canvass is completed, excluding Sundays and legal holidays. Otherwise the contest must proceed in the manner provided by law for contesting elections.

(c) [CERTIFICATE OF ELECTION.] A certificate of election in a special election for metropolitan council member must be issued by the county auditor or the secretary of state to the individual declared elected by the county or state canvassing board two days after the appropriate canvassing board finishes canvassing the returns for the election, excluding Sundays and legal holidays. In case of a contest, the certificate must not be issued until the district court decides the contest.

Sec. 15. Minnesota Statutes 2000, section 209.02, subdivision 1, is amended to read:

Subdivision 1. Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, metropolitan council, county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

Sec. 16. Minnesota Statutes 2000, section 211A.01, subdivision 3, is amended to read:

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office or a seat on the metropolitan council. For purposes of sections 211A.01 to 211A.05 and 211A.07, "candidate" also includes a candidate for the United States Senate or House of Representatives.

Sec. 17. Minnesota Statutes 2000, section 211B.01, subdivision 3, is amended to read:

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a federal, statewide, metropolitan council, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, except candidates for president and vice-president of the United States.

Sec. 18. Minnesota Statutes 2000, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] (a) Eligibility to participate in the defined contribution plan is available to:

(1) elected local government officials of a governmental subdivision who elect to participate in the plan under section 353D.02, subdivision 1, and who, for the elected service rendered to a governmental subdivision, are not members of the public employees retirement association within the meaning of section 353.01, subdivision 7;

(2) physicians who, if they did not elect to participate in the plan under section 353D.02, subdivision 2, would meet the definition of member under section 353.01, subdivision 7;

(3) basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate under section 353D.02, subdivision 3; and

(4) members of a municipal rescue squad associated with Litchfield in Meeker county, or of a county rescue squad associated with Kandiyohi county, if an independent nonprofit rescue squad corporation, incorporated under chapter 317A, performing emergency management services, and if not affiliated with a fire department or ambulance service and if its members are not eligible for membership in that fire department's or ambulance service's relief association or comparable pension plan.

(b) For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office and a member of the metropolitan council. Service as an elected local government official only includes service for the governmental subdivision for which the official was elected by the public-at-large. Service as an elected local government official ceases and eligibility to participate terminates when the person ceases to be an elected official. An elected local government official does not include an elected county sheriff.

(c) Elected local government officials, physicians, first response personnel and emergency medical service personnel, and rescue squad personnel who are currently covered by a public or

private pension plan because of their employment or provision of services are not eligible to participate in the public employees defined contribution plan.

(d) A former participant is a person who has terminated eligible employment or service and has not withdrawn the value of the person's individual account.

Sec. 19. [375.027] [METROPOLITAN COUNTY COMMISSION MEMBERS; REDISTRICTING.]

Notwithstanding section 375.01, 375.025, 375.056, or any other law to the contrary, after 2000, metropolitan counties, as defined in section 473.121, subdivision 4, have the number of county commission members, and must be redistricted, as provided in section 473.124.

Sec. 20. Minnesota Statutes 2000, section 473.123, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area is established as a public corporation and political subdivision of the state. It shall be under the supervision and control of ~~17~~ members, ~~all of whom shall be residents of the metropolitan area~~ elected from districts as provided in section 473.124.

Sec. 21. Minnesota Statutes 2000, section 473.123, subdivision 4, is amended to read:

Subd. 4. [CHAIR; APPOINTMENT, OFFICERS, SELECTION; DUTIES AND COMPENSATION.] (a) ~~The chair of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at the pleasure of the governor to represent the metropolitan area at large. Senate confirmation shall be as provided by section 15.066~~ is elected by and from among the members of the council to serve a one-year term.

The chair of the metropolitan council shall, if present, preside at meetings of the council, have the primary responsibility for meeting with local elected officials, serve as the principal legislative liaison, present to the governor and the legislature, after council approval, the council's plans for regional governance and operations, serve as the principal spokesperson of the council, and perform other duties assigned by the council or by law.

(b) The metropolitan council shall elect other officers as it deems necessary for the conduct of its affairs for a one-year term. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chair. The chair and each metropolitan council member shall be reimbursed for actual and necessary expenses. The annual budget of the council shall provide as a separate account anticipated expenditures for compensation, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

(c) Each member of the council shall attend and participate in council meetings and meet regularly with local elected officials and legislative members from the council member's district. Each council member shall serve on at least one division committee for transportation, environment, or community development.

(d) In the performance of its duties the metropolitan council may adopt policies and procedures governing its operation, establish committees, and, when specifically authorized by law, make appointments to other governmental agencies and districts.

Sec. 22. Minnesota Statutes 2000, section 473.123, subdivision 7, is amended to read:

Subd. 7. [PERFORMANCE AND BUDGET ANALYST.] The council, ~~other than the chair,~~ may hire a performance and budget analyst to assist the ~~16~~ council members with policy and budget analysis and evaluation of the council's performance. The analyst may recommend and the council may hire up to two additional analysts to assist the council with performance evaluation and budget analysis. The analyst and any additional analysts hired shall serve at the pleasure of the council members. ~~The 16 members of the council may prescribe all terms and conditions for the~~

employment of the analyst and any additional analysts hired, including, but not limited to, the fixing of compensation, benefits, and insurance. The analyst shall prepare the budget for the provisions of this section ~~and~~ subdivision and submit the budget for council approval and inclusion in the council's overall budget.

Sec. 23. [473.124] [METROPOLITAN COUNCIL ELECTION; MEMBERS ELECTED AS COUNTY COMMISSIONERS.]

Subdivision 1. [NUMBER OF MEMBERS.] The metropolitan council consists of 25 members, except that the legislature may by law increase or decrease the number of members by up to eight in order to increase the number of county commissioners who are elected from metropolitan council districts as provided in this section.

Subd. 2. [DISTRICTS.] The legislature shall redraw the boundaries of metropolitan council districts after each federal decennial census. The districts must be bounded by town, municipal, ward, or precinct lines. The districts must be composed of compact, convenient, contiguous territory and must be substantially equal in population. The population of the largest district must not exceed the population of the smallest district by more than ten percent, unless the result would force a voting precinct to be split. A metropolitan council district may not include territory in more than one county unless necessary to meet equal population requirements. If all the redrawn metropolitan council districts in a county lie wholly within the county, the metropolitan council districts also serve as county commissioner districts. If the number of metropolitan council districts that also serve as county commissioner districts in a county is less than the number of members of the county board as provided under section 375.01, the remaining members of the county board must be elected from the county at large, except that, if a county has no redrawn metropolitan council districts that lie wholly within it, the county must be divided into as many county commissioner districts as there are members of the county board.

Subd. 3. [ELECTION.] In a county whose metropolitan council districts all lie wholly within the county, each candidate for the metropolitan council is also a candidate for the county board and, if elected, holds both offices at the same time. In a county whose metropolitan council districts do not all lie wholly within the county, a candidate may separately file for, be elected to, and hold both the offices of metropolitan council member and county commissioner at the same time.

Subd. 4. [TERMS.] Metropolitan council members serve terms as provided in section 375.03.

Sec. 24. [STUDY; REPORT.]

The metropolitan council shall study the feasibility of transferring functions or services from metropolitan counties to the metropolitan council established in this act in order to take advantage of economies of scale without sacrificing equity or effectiveness. In addition to any other function or service, the study must include an analysis of the feasibility and benefits of transferring county correctional facilities and county highways to the council. The council shall report to the legislature the results of the study by January 15, 2003.

Sec. 25. [TRANSITION.]

The appointed chair and appointed metropolitan council members holding office on the effective date of this section, and any successor appointed to serve as the council chair or as a member, shall continue in office until the first Monday in January 2003.

Sec. 26. [APPLICATION.]

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 27. [REPEALER.]

Minnesota Statutes 2000, section 473.123, subdivisions 2a, 3, 3a, and 3c, are repealed."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for county commissioners to serve as metropolitan council members; regulating contributions to candidates; requiring a study; amending Minnesota Statutes 2000, sections 10A.01, subdivision 10; 10A.09, subdivision 6a; 10A.27, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4; 204B.09, subdivisions 1, 1a; 204B.11; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; 473.123, subdivisions 1, 4, 7; proposing coding for new law in Minnesota Statutes, chapters 204D; 375; 473; repealing Minnesota Statutes 2000, section 473.123, subdivisions 2a, 3, 3a, 3c."

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

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

S.F. No. 761: A bill for an act relating to state government; providing for proportional representation between the metropolitan area and outstate areas on administrative boards and agencies; amending Minnesota Statutes 2000, section 15.0575, subdivision 2.

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 15.0575, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP TERMS; REPRESENTATION.] An appointment to an administrative board or agency must be made in the manner provided in section 15.0597. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the number of terms which can be served by a member of a board or agency is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify but in no case later than July 1 in a year in which a term expires unless reappointed.

The membership of all administrative boards or agencies with statewide jurisdiction must represent as nearly as possible the population balance between the metropolitan area, as defined in section 473.121, and nonmetropolitan areas. All appointments made after the date of enactment of this section must be made with the goal of achieving such balance. This requirement does not apply if the law authorizing the board or agency specifies metropolitan or nonmetropolitan residence for some or all of its membership.

Sec. 2. Minnesota Statutes 2000, section 15.0597, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF VACANCIES.] The chair of an existing agency, shall notify the secretary of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall give written notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created

agencies shall give written notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may provide for the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly in the State Register a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail copies of the listings to requesting persons. To encourage membership that represents the population balance between the metropolitan area, as defined in section 473.121, and nonmetropolitan areas, the secretary of state, in addition to publication of vacancies in the state register, shall make other arrangements for statewide notification of vacancies by means including, at a minimum, posting on the World Wide Web and the distribution of press releases to the designated official legal newspaper of each county of the state. The listing for all vacancies scheduled to occur in the month of January shall be published in the State Register together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 3. Minnesota Statutes 2000, section 214.09, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP TERMS; REPRESENTATION.] An appointment to a board must be made in the manner provided in section 15.0597. The terms of the members shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the number of terms which can be served by a member of a board is limited by law, a partial term must be counted for this purpose if the time served by a member is greater than one-half of the duration of the regular term. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the appointing authority shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If the appointing authority fails to appoint a successor by July 1 of the year in which the term expires, the term of the member for whom a successor has not been appointed shall extend until the first Monday in January four years after the scheduled end of the original term.

The membership of the boards must represent as nearly as possible the population balance between the metropolitan area, as defined in section 473.121, and nonmetropolitan areas. All appointments made after the date of enactment of this section must be made with the goal of achieving such balance. This requirement does not apply if the law authorizing the board specifies metropolitan or nonmetropolitan residence for some or all of its membership.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective June 30, 2001."

Delete the title and insert:

"A bill for an act relating to state government; providing for proportional representation between the metropolitan area and nonmetropolitan areas on administrative boards and agencies; amending Minnesota Statutes 2000, sections 15.0575, subdivision 2; 15.0597, subdivision 4; 214.09, subdivision 2."

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

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

S.F. No. 1529: A bill for an act relating to local government; exempting certain building projects from the requirement to employ an architect; amending Minnesota Statutes 2000, section 326.03, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [STUDY.]

The board of architects, engineers, surveyors, landscape architects, geoscientists, and interior designers, in conjunction with various local government organizations such as the Association of Minnesota Counties, the Minnesota Association of Townships, the Association of Small Cities, and the League of Minnesota Cities, shall undertake a study and analysis of buildings and structures constructed by local governmental units involving projects with a cost of up to \$150,000 to identify buildings which can be constructed without the use of an architect or engineer licensed under Minnesota Statutes, sections 326.01 to 326.15, without endangering the public health, safety, and welfare. The study shall be completed not later than January 15, 2002, and the board must report to the appropriate standing committees of the legislature by February 1, 2002.

Sec. 2. [EDUCATIONAL PROGRAM.]

The board of architects, engineers, surveyors, landscape architects, geoscientists, and interior designers shall develop and implement a program to educate local units of government on the requirements for using architects and engineers with respect to the construction of public buildings and structures, including exempt buildings, not later than January 1, 2002.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to local government; providing for a study, a report to the legislature, and an educational program by the board of architects, engineers, surveyors, landscape architects, geoscientists, and interior designers relating to the design and construction of local government buildings."

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

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

S.F. No. 2031: A bill for an act relating to contracts; regulating public works contracts; proposing coding for new law in Minnesota Statutes, chapter 15.

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

Delete everything after the enacting clause and insert:

"Section 1. [15.411] [PUBLIC WORKS CONTRACTS; NO DAMAGES FOR DELAY CLAUSES.]

Subdivision 1. [DEFINITION.] As used in this section, the term "public works contract" means a contract of the state, or a county, city, town, school district, special district, or any other political subdivision of the state, for the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of any building, structure, highway, bridge, viaduct, pipeline, railway, public works, or any other works dealing with construction. The term includes, but is not limited to, moving, demolition, or excavation performed in conjunction with the work specified in this subdivision.

Subd. 2. [UNENFORCEABILITY.] Any clause in a public works contract that waives, releases, or extinguishes the rights of a contractor to seek recovery for costs or damages, or seek an equitable adjustment, for delays, disruption, or acceleration in performing the contract is void and unenforceable if the delay, disruption, or acceleration is caused by acts of the contracting public entity or persons acting on behalf of the public entity for which the public entity is legally responsible.

Subd. 3. [SEVERABILITY.] When a contract contains a provision that is void and unenforceable under subdivision 2, that provision must be severed from the other provisions of the contract to the extent that it is void and unenforceable. The fact that the provision is void and unenforceable does not affect the other provisions of the contract.

Subd. 4. [SCOPE AND EFFECT.] Subdivision 2 does not make void and unenforceable any contract provision of a public works contract that:

- (1) requires notice of any delay, disruption, or acceleration by the party affected thereby;
- (2) provides for reasonable liquidated damages; or
- (3) provides for arbitration or any other procedure designed to settle contract disputes.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2001, and applies to public works contracts entered into on or after that date."

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

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

H.F. No. 525 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		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
525	1604				

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

H.F. No. 949 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		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
949	771				

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

H.F. No. 1892 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1892	1545				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1892 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1892 and insert the language after the enacting clause of S.F. No. 1545, the first engrossment; further, delete the title of H.F. No. 1892 and insert the title of S.F. No. 1545, the first engrossment.

And when so amended H.F. No. 1892 will be identical to S.F. No. 1545, and further recommends that H.F. No. 1892 be given its second reading and substituted for S.F. No. 1545, and that the 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. Amendments adopted. Report adopted.

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

H.F. No. 708 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
708	1113				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 708 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 708 and insert the language after the enacting clause of S.F. No. 1113, the first engrossment; further, delete the title of H.F. No. 708 and insert the title of S.F. No. 1113, the first engrossment.

And when so amended H.F. No. 708 will be identical to S.F. No. 1113, and further recommends that H.F. No. 708 be given its second reading and substituted for S.F. No. 1113, and that the 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. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1334, 846, 2142, 1979, 2033, 1964, 1081, 2049, 1965, 128, 1330, 761, 1529 and 2031 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1637, 525, 949, 1892 and 708 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Vickerman moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 375. The motion prevailed.

Senator Stevens moved that the name of Senator Robertson be added as a co-author to S.F. No. 1330. The motion prevailed.

Senator Sams moved that the name of Senator Lourey be added as a co-author to S.F. No. 1836. The motion prevailed.

Senator Reiter moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 2076. The motion prevailed.

Senator Wiger introduced--

Senate Resolution No. 109: A Senate resolution congratulating Thomas Rossbach of Maplewood, Minnesota, for receiving the Silver Beaver Award.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Fischbach introduced--

S.F. No. 2316: A bill for an act relating to taxes; sales and use; exempting materials and supplies used in the construction of a combined city and fire hall in the city of Rockville; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Ranum, Limmer, Orfield, Sabo and Berglin introduced--

S.F. No. 2317: A bill for an act relating to crime prevention; appropriating money for a chronic offender pilot project in Hennepin county.

Referred to the Committee on Finance.

Senator Krentz introduced--

S.F. No. 2318: A bill for an act relating to highways; designating the speed limit on Anoka county state-aid highway No. 49 in the city of Lino Lakes; requiring a reconstructed highway segment to have a design speed of 45 miles per hour.

Referred to the Committee on Transportation.

Senator Murphy introduced--

S.F. No. 2319: A bill for an act relating to vulnerable adults; modifying provisions dealing with assessment and investigation of reports; providing for enforcement authority by the attorney general over certain offenses against vulnerable adults; amending Minnesota Statutes 2000, sections 8.31, subdivision 1; 256.021, subdivision 3; 626.557, subdivisions 9c, 9e, 10, 12b.

Referred to the Committee on Health and Family Security.

Senator Tomassoni introduced--

S.F. No. 2320: A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 701, Hibbing.

Referred to the Committee on Education.

Senator Metzen introduced--

S.F. No. 2321: A bill for an act relating to taxation; franchise; decreasing the minimum fee imposed on certain corporations and partnerships; amending Minnesota Statutes 2000, section 290.0922, subdivision 1.

Referred to the Committee on Taxes.

Senator Pogemiller introduced--

S.F. No. 2322: A bill for an act relating to retirement; providing public employee pension coverage for certain foreign citizens; amending Minnesota Statutes 2000, section 353.01, subdivision 2b.

Referred to the Committee on State and Local Government Operations.

Senator Lessard introduced--

S.F. No. 2323: A bill for an act relating to higher education; Minnesota state colleges and universities; appropriating money to establish a microwave connection between Rainy River community college and Confederation College in Ontario.

Referred to the Committee on Education.

Senator Higgins introduced--

S.F. No. 2324: A bill for an act relating to appropriations; redirecting an appropriation to People, Inc.; amending Laws 1998, chapter 404, section 18, subdivision 4.

Referred to the Committee on Finance.

Senator Ourada introduced--

S.F. No. 2325: A bill for an act relating to natural resources; providing compensation to landowners within two miles of a game refuge for crops damaged or destroyed by protected wild animals; appropriating money; amending Minnesota Statutes 2000, section 97A.091, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Senator Cohen introduced--

S.F. No. 2326: A bill for an act relating to taxation; eliminating the termination date in the limited market value law; amending Minnesota Statutes 2000, section 273.11, subdivision 1a.

Referred to the Committee on Taxes.

Senators Tomassoni; Johnson, Doug; Lessard and Belanger introduced--

S.F. No. 2327: A bill for an act relating to taxation; changing the rate of the taconite production tax; providing for distribution of taconite production tax proceeds; changing the definition of tax relief area for certain purposes; providing state aid to certain local governments receiving certain taconite production tax distributions; appropriating money; amending Minnesota Statutes 2000, sections 116J.424; 126C.48, subdivision 8; 273.134; 273.135, subdivisions 1, 2; 273.136, subdivision 2; 273.1391, subdivision 2; 276A.01, subdivision 2; 298.018, subdivisions 1, 2; 298.17; 298.22, subdivision 2, by adding a subdivision; 298.2211, subdivision 2; 298.2213, subdivision 3; 298.2214, subdivision 1; 298.223, subdivision 1; 298.225, subdivision 1; 298.24, subdivision 1; 298.28, subdivisions 1, 3, 4, 6, 7, 9, 9a, 9b, 10, 11, 15; 298.282, subdivision 1; 298.292, subdivision 2; 298.293; 298.298; 471.58.

Referred to the Committee on Taxes.

Senators Kelly, R.C.; Day; Sabo; Vickerman and Limmer introduced--

S.F. No. 2328: A resolution urging the United States Congress to amend the Railroad Unemployment Insurance Act.

Referred to the Committee on Jobs, Housing and Community Development.

Senator Lesewski introduced--

S.F. No. 2329: A bill for an act relating to taxes; requiring school districts to report lobbying and other expenditures related to transmit information and supporting or opposing government-proposed initiatives affecting district education programs and facilities; amending Minnesota Statutes 2000, section 275.065, subdivision 5a.

Referred to the Committee on Taxes.

Senator Samuelson introduced--

S.F. No. 2330: A bill for an act relating to taxation; authorizing sale of tax-forfeited property by counties after expiration of holding period; authorizing an alternative computation of repurchase amount of certain tax-forfeited property; authorizing an alternative allocation of taxable property and bonded indebtedness in land detachment and annexation; making technical corrections; amending Minnesota Statutes 2000, sections 123A.45, subdivisions 2, 6; 281.17; 282.01, subdivision 1; 282.241.

Referred to the Committee on Taxes.

Senator Wiener introduced--

S.F. No. 2331: 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.

Referred to the Committee on Education.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 18, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Tuesday, April 17, 2001

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1573 to 1574

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
991		18	1574
9		19	1574
971		20	1574
327		21	1574
972		22	1574
570		23	1574
	47	30	1574

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
		2119	1575	1575
		Hse. Con.		
		Res. No. 2	1574	

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
128	1583	1597	525	1596	1598
580	1581		708	1597	1598
761	1593	1597	949	1596	1598
846	1576	1597	1637	1581	1598
963	1577		1892	1597	1598
994	1585				
1081	1578	1597			
1219	1585				
1330	1584	1597			
1334	1576	1597			
1456	1575				
1529	1595	1597			
1594	1577				
1863	1579				
1964	1577	1597			
1965	1581	1597			

1979	1576	1597
2031	1595	1597
2033	1577	1597
2049	1580	1597
2137	1581	
2142	1576	1597
2171	1581	
2191	1576	

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
375	1598		
1330	1598		
1836	1598		
2076	1598		
Sen. Res. No. 109	1598		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 2316 to 2331	Pages 1598 to 1600
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