

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

—————
FORTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, May 2, 2001

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Murphy 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. Paul H. Knutson.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2343: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting

obsolete references; making various technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

There has been appointed as such committee on the part of the House:

Leppik, Stang, Cassell, Dehler and Seifert.

Senate File No. 2343 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2001

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2351: A bill for an act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 16A.531, subdivision 1, by adding subdivisions; 17.038; 17.1025; 17.117; 17.457, subdivision 10; 17.85; 18B.065, subdivision 5; 18C.425, subdivisions 2, 6; 18E.04, subdivisions 2, 4, 5; 21.85, subdivision 12; 27.041, subdivision 2; 28A.04, subdivision 1; 28A.085, subdivision 4; 29.22, subdivision 2; 31.39; 32.392; 32.394, subdivisions 8a, 8e; 34.07; 41A.09, subdivisions 3a, 5a; 84.025, subdivision 7; 84.0887, subdivision 4; 84.83, subdivision 3; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.32, subdivision 1; 86A.21; 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; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 115.03, by adding a subdivision; 115.073; 115.55, subdivision 3; 115.56, subdivision 4; 115A.0716, by adding a subdivision; 115A.54, subdivision 2a; 115A.908, subdivisions 1, 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 2, 3, 4, 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d, 4h; 116.70, subdivision 1; 116.994; 116C.834, subdivision 1; 116P.06, subdivision 1; 223.17, subdivision 3; 231.16; 268.035, subdivision 20; 297A.94; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 325E.112, subdivision 3; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivisions 1, 1a; 473.845, subdivisions 3, 7, 8; 473.846; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 28A; 32; 41B; 84; 89; 103G; 116; 116P; 297H; 626; repealing Minnesota Statutes 2000, sections 31.11, subdivision 2; 41A.09, subdivision 1a; 86.71; 86.72; 89A.07, subdivisions 1, 2, 3; 103G.650; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115B.02, subdivision 1a; 115B.19; 115B.22, subdivision 8; 115B.42, subdivision 1; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.12; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; 297H.13, subdivisions 3, 4; 325E.113; 473.845, subdivisions 1, 4; Laws 2000, chapter 337, section 2; Minnesota Rules, parts 1560.9000, subpart 2; 7002.0210; 7002.0220; 7002.0230; 7002.0240; 7002.0250; 7002.0270; 7002.0280; 7002.0290; 7002.0300; 7002.0305; 7002.0310; 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450.

Senate File No. 2351 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2001

Senator Price moved that the Senate do not concur in the amendments by the House to S.F. No. 2351, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 1004. The motion prevailed.

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

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

S.F. No. 1004: A bill for an act relating to commerce; prohibiting tampering with clock-hour meters on farm tractors; prescribing criminal and civil penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, after line 17, insert:

"Subd. 3. [HEAVY MACHINERY.] "Heavy machinery" means:

(1) a farm tractor; or

(2) heavy and utility equipment, as defined in section 325E.068, subdivision 2, clause (1), that is self-propelled."

Page 1, line 18, delete "3" and insert "4"

Page 1, lines 24 and 25, delete "a farm tractor" and insert "heavy machinery"

Page 1, line 26, delete "a farm tractor" and insert "heavy machinery"

Page 2, lines 1 and 11, delete "farm tractor" and insert "heavy machinery"

Page 2, line 2, delete "advertise for"

Page 2, line 3, delete "sale," and delete "a farm tractor" and insert "heavy machinery"

Page 2, lines 4 and 9, delete "a farm tractor" and insert "heavy machinery"

Amend the title as follows:

Page 1, line 3, delete "farm tractors" and insert "heavy machinery"

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

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

S.F. No. 2359: A bill for an act relating to education; providing for early childhood through adult education including general education, education excellence, special education, facilities and technology, fund transfers, nutrition programs, early childhood programs, prevention, self-sufficiency and lifelong learning, libraries, state agencies, and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 93.22; 119A.05; 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.52; 119B.011, subdivisions 7, 19, by adding subdivisions; 119B.02, subdivisions 1, 2; 119B.03, subdivisions 3, 9, 10, by adding a subdivision; 119B.05, subdivision 5; 119B.061, subdivisions 1, 4; 119B.08; 119B.09, subdivisions 1, 2, 7; 119B.10; 119B.11, subdivision 1; 119B.12, subdivision 2; 119B.13, subdivisions 1, 6; 119B.15; 119B.24; 120B.07; 120B.30, subdivision 1; 120B.35; 121A.16; 121A.17, subdivisions 1, 3, 4, 5; 121A.19; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 4; 122A.21; 122A.26, subdivision 3; 122A.60, subdivision 3; 122A.61, subdivision 1; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.42, subdivision 3; 123B.57, subdivision 8; 123B.59, subdivision 1; 123B.75, subdivision 5; 123B.88, subdivision 1; 123B.92, subdivision 9; 124D.11, subdivisions 4, 5, by adding subdivisions; 124D.128, subdivisions 1, 2, 3, 6, by adding a subdivision; 124D.13, subdivisions 8, 9, by adding subdivisions; 124D.135, subdivisions 1, 3, 7, by adding a subdivision; 124D.15; 124D.16; 124D.221, subdivisions 1, 2; 124D.453, subdivision 3; 124D.454, subdivision 11; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 125A.17; 125A.515; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 7; 125B.20, subdivision 1; 125B.21; 125B.25, subdivisions 1, 2, 6, 9; 126C.05, subdivisions 1, 15; 126C.10, subdivisions 1, 2, 3, 4, 5, 7, 8, 13, 18, 24, 28, by adding subdivisions; 126C.12, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 126C.125; 126C.13, subdivision 1; 126C.15, subdivision 2; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, by adding a subdivision; 126C.18, by adding a subdivision; 126C.40, subdivision 1; 126C.41, subdivision 2; 127A.41, subdivisions 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.51; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 298.28, subdivision 4; Laws 2000, chapter 489, article 2, sections 34, 37; Laws 2000, chapter 489, article 3, section 24; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 93; 119A; 119B; 122A; 124D; 126C; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 8; 119B.05, subdivision 1; 119B.07; 119B.09, subdivision 3; 119B.11, subdivision 4; 120A.41; 124D.1155; 124D.128, subdivision 7; 124D.33; 124D.331; 124D.85; 125B.20, subdivision 3; 126C.10, subdivisions 9, 10, 11, 12, 19, 20, 21, 22, 23; 126C.11; Laws 1999, chapter 241, article 3, section 5, as amended; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18.

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

Page 43, after line 15, insert:

"(c) Notwithstanding Minnesota Statutes, chapter 645, or any other law to the contrary, if the emergency energy assistance initiative for school districts in S.F. No. 228 is enacted into law during the 2001 regular legislative session, it shall be repealed without effect."

Page 103, line 23, before "The" insert "If" and delete "shall use \$400,000 from" and insert "uses a portion of"

Page 103, line 26, delete the period and insert a comma

Page 103, delete lines 27 to 29 and insert "school district may levy an amount equal to district appropriations for taxes payable in 2002 and to reimburse the commissioner for these remodeling costs."

Page 152, delete lines 4 to 21 and insert:

"Subdivision 1. [PURPOSE.] The purpose of the demonstration projects is to implement a coordinated community system that builds upon existing early childhood care and education services to provide a full continuum of services for young children and to collect the data

necessary to measure outcomes and to develop a statewide funding formula for distributing funds to individual service sites. The data must include, but is not limited to:

- (1) the care and educational needs of children and how those needs are assessed and measured;
- (2) the type of services to provide that will improve outcomes, including school readiness; and
- (3) the most effective way to distribute public funds for early childhood services."

Page 153, line 13, after the semicolon, insert "and"

Page 153, delete lines 14 and 15

Page 153, line 16, delete "(11)" and insert "(9)"

Page 154, delete lines 8 to 32 and insert:

"Subd. 4. [GRANT APPLICATION OF APPROVAL BOARDS.] (a) A community approval board may apply for a grant to establish a demonstration project for overseeing the provision of early childhood care and school readiness opportunities for every child, birth to age five, in service areas where at least 35 percent of families are eligible for the free or reduced school lunch program. The applicant must include:

(1) designation by the approval board of a local early childhood board that meets the requirements of subdivision 2, paragraph (e);

(2) a description of how it will oversee the development of a local early childhood care and education plan;

(3) the process the local early childhood board will use to qualify a variety of sites that represent diverse delivery systems within the grantee's available resources; and

(4) a plan to provide and integrate access to the following services:

(i) child care;

(ii) comprehensive health and dental care for children birth to age five;

(iii) developmental assessment of children younger than age three;

(iv) job opportunities for parents;

(v) decent, safe housing for families;

(vi) home visiting; and

(vii) birth kits for all infants born during the project time frame.

(b) The commissioner shall consider geographic diversity and shall give preference to applicants with:

(1) designated early childhood boards that represent different and identifiable governance structures;

(2) approval boards with the broadest representation of community partners identified in subdivision 2, paragraph (a);

(3) the capacity to qualify a variety of sites that represent diverse delivery systems within the grantee's available resources;

(4) a plan to involve public and private community resources to strategically invest in early childhood care and education services at the community level; and

(5) the capacity of the local early childhood board to measure outcomes."

Page 156, line 3, before the period, insert "and must take maximum advantage of all other state and federal funds available for child care"

Page 157, line 20, delete "each year of the biennium" and insert "in fiscal year 2003"

Page 157, line 21, delete "purposes" and insert ", and collection and analysis of data necessary to measure outcomes and to develop a funding formula"

Page 158, delete lines 3 to 36

Page 159, delete lines 1 to 3

Page 162, delete line 1

Page 162, line 2, delete everything before "Each" and insert paragraph coding

Page 182, after line 24, insert:

"Subd. 3. [EXPIRATION.] This section expires on July 1, 2003.

Sec. 3. Laws 2000, chapter 489, article 5, section 23, is amended to read:

Sec. 23. [COMMISSIONER RECOMMENDATION.]

By February 1, 2002, the commissioner of children, families, and learning, in cooperation with the commissioner of administration and the Minnesota education telecommunication council, shall recommend to the legislature a permanent method for funding telecommunications access as part of the general education revenue formula under Minnesota Statutes, section 126C.10, for school districts and charter schools and a permanent method for funding telecommunications access as part of the basic support grants for public libraries. The commissioner shall consider the following in making the recommendation:

(1) the range of costs for providing a minimum level of telecommunications access for all students and library users;

(2) the flexibility that is necessary to accommodate emerging technological advances in the telecommunications field; and

(3) other related efforts within the state, including the state's higher education and public library systems."

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 9, after "21;" insert "Laws 2000, chapter 489, article 5, section 23;"

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

Senator Marty from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for April 18, 2001:

BOARD ON JUDICIAL STANDARDS

Cyndy Brucato

Reports the same back with the recommendation that the appointment 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. 1004 and 2359 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Metzen moved that the name of Senator Lourey be added as a co-author to S.F. No. 2321. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1326: A joint resolution relating to redistricting; establishing districting principles for legislative and congressional plans.

Senate File No. 1326 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2001

Senator Pogemiller moved that the Senate do not concur in the amendments by the House to S.F. No. 1326, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1402 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1402: A bill for an act relating to capital improvements; authorizing spending for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 16B.335, subdivision 3; 103F.161, subdivision 3; 123A.443, subdivision 1; 136F.60, subdivision 2; 446A.072, subdivision 4.

Senator Langseth moved to amend S.F. No. 1402 as follows:

Page 2, line 3, delete "153,125,000" and insert "174,025,000"

Page 2, delete line 5

Page 7, line 1, delete "\$640,802,000" and insert "\$641,472,000"

Page 7, line 26, delete "\$153,125,000" and insert "\$174,025,000"

The motion prevailed. So the amendment was adopted.

Senator Langeth then moved to amend S.F. No. 1402 as follows:

Page 6, delete lines 19 to 38 and insert:

"Subd. 4. Flood Disaster
Recovery

Grants to local units of government in the areas designated under a Presidential Declaration of Major Disaster related to the floods of April and May 2001, whether included in the original declaration or added later by federal government amendment, to pay public costs resulting from the disaster but not covered by federal disaster programs, may be paid from the general contingent account under Minnesota Statutes, section 3.30."

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1402 as follows:

Page 2, line 19, delete "17,500,000" and insert "22,500,000"

Page 5, line 23, delete "8,400,000" and insert "3,400,000"

Correct the section totals and the appropriation summary

CALL OF THE SENATE

Senator Langseth imposed a call of the Senate for the balance of the proceedings on S.F. No. 1402. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Kleis amendment. The motion did not prevail. So the amendment was not adopted.

Senator Larson moved to amend S.F. No. 1402 as follows:

Page 4, after line 8, insert:

"Subdivision 1. To the board of water and soil resources for the purposes specified in this section	50,403,000"
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Page 4, line 9, before "Minnesota" insert "Subd. 2."

Page 4, after line 28, insert:

"Subd. 3. Flood Mitigation and Prevention	1,500,000
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For grants to southeastern Minnesota counties that were designated under the Presidential Declaration of Major Disaster, DR1333, whether included in the original declaration or added later by amendment.

Of this amount, \$365,000 must be used for cost-sharing contracts for the repair of

conservation practices damaged by the storms and to correct erosion caused by the storms and \$1,135,000 must be used to secure easements on floodplain lands, and to restore wetlands to reduce flood damage in the watershed, under the reinvest in Minnesota program in Minnesota Statutes, sections 84.95 and 103F.501 to 103F.531.

This is a one-time appropriation."

Page 5, line 23, delete "8,400,000" and insert "4,400,000"

Page 5, after line 33, insert:

"Subd. 9. Bayport Storm Sewer Extension	1,200,000
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For a grant to the city of Bayport for the Middle St. Croix River Watershed Organization for stage II to complete the predesign, and for easements and engineering and construction work to complete the reconstruction of the state-owned storm sewer system extending from the Minnesota department of natural resources pond 82-310P (the prison pond) in Bayport through the Stillwater prison grounds to the St. Croix River. Money remaining from the appropriation in Laws 2000, chapter 492, article 1, section 21, subdivision 8, and prior appropriations may be used for construction."

Page 6, after line 18, insert:

"Subd. 4. Glenville Infrastructure Restoration	1,300,000
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For a grant to the city of Glenville to assist with the cost of damage assessment, repair, replacement, extension, or improvement of publicly owned infrastructure damaged by the tornado of May 1, 2001."

Page 6, line 19, delete "4" and insert "5"

Page 6, line 39, delete "5" and insert "6"

Correct the section totals and the appropriation summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

- | | | | | |
|-----------|-----------------|----------|-----------|-------------|
| Bachmann | Frederickson | Krentz | Olson | Sams |
| Belanger | Johnson, Debbie | Larson | Ourada | Scheevel |
| Berg | Kierlin | Lesewski | Pariseau | Schwab |
| Day | Kiscaden | Limmer | Reiter | Stevens |
| Dille | Kleis | Neuville | Robertson | Terwilliger |
| Fischbach | Knutson | Oliver | Robling | |

Those who voted in the negative were:

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

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

Senator Johnson, Dean moved to amend S.F. No. 1402 as follows:

Page 6, after line 18, insert:

"Subd. 4. Glenville
Infrastructure Restoration

A grant to the city of Glenville to assist with the cost of damage assessment, repair, replacement, extension, or improvement of publicly owned infrastructure damaged by the tornado of May 1, 2001, may be paid from the general contingent account under Minnesota Statutes, section 3.30."

Page 6, line 19, delete "4" and insert "5"

Page 6, line 39, delete "5" and insert "6"

Senator Larson moved to amend the Johnson, Dean amendment to S.F. No. 1402 as follows:

Page 1, after line 1, insert:

"Page 4, after line 8, insert:

"Subdivision 1. To the board of water and soil resources for the purposes specified in this section

48,903,000"

Page 4, line 9, before "Minnesota" insert "Subd. 2."

Page 4, after line 28, insert:

"Subd. 3. Flood Mitigation and
Prevention

Grants to southeastern Minnesota counties that were designated under the Presidential Declaration of Major Disaster, DR1333, whether included in the original declaration or added later by amendment, may be paid from the general contingent account under Minnesota Statutes, section 3.30."

Page 5, after line 33, insert:

"Subd. 9. Bayport Storm
Sewer Extension

A grant to the city of Bayport for the Middle St. Croix River Watershed Organization for stage II to complete the predesign, and for easements and engineering and construction work to complete

the reconstruction of the state-owned storm sewer system extending from the Minnesota department of natural resources pond 82-310P (the prison pond) in Bayport through the Stillwater prison grounds to the St. Croix River may be paid from the general contingent account under Minnesota Statutes, section 3.30. Money remaining from the appropriation in Laws 2000, chapter 492, article 1, section 21, subdivision 8, and prior appropriations may be used for construction.""

Page 1, after line 14, insert:

"Correct the section totals and the appropriation summary"

The question was taken on the adoption of the Larson amendment to the Johnson, Dean amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Krentz	Olson	Scheevel
Belanger	Johnson, Debbie	Larson	Ourada	Schwab
Berg	Kierlin	Lesewski	Pariseau	Stevens
Day	Kiscaden	Limmer	Reiter	Terwilliger
Dille	Kleis	Neuville	Robertson	
Fischbach	Knutson	Oliver	Robling	

Those who voted in the negative were:

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

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

The question was taken on the adoption of the Johnson, Dean amendment.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1402 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature, as specified in this act. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned.

SUMMARY

UNIVERSITY OF MINNESOTA	\$ 15,965,000
MINNESOTA STATE COLLEGES AND UNIVERSITIES	17,500,000
CHILDREN, FAMILIES, AND LEARNING	11,500,000
NATURAL RESOURCES	5,234,000
BOARD OF WATER AND SOIL RESOURCES	50,795,000
ADMINISTRATION	22,100,000
TRADE AND ECONOMIC DEVELOPMENT	32,305,000
BOND SALE EXPENSES	151,000
TOTAL	\$ 155,550,000
Bond Proceeds Fund	136,550,000
Maximum Effort School Loan Fund	19,000,000
	APPROPRIATIONS
	\$

Sec. 2. UNIVERSITY OF MINNESOTA

To the board of regents of the University of Minnesota for higher education asset preservation and replacement

15,965,000

This appropriation is for the purposes specified in Minnesota Statutes, section 135A.046.

Sec. 3. MINNESOTA STATE COLLEGES AND UNIVERSITIES

To the board of trustees of the Minnesota state colleges and universities for higher education asset preservation and replacement

17,500,000

This appropriation is for the purposes specified in Minnesota Statutes, section 135A.046.

Sec. 4. CHILDREN, FAMILIES, AND LEARNING

Cooperative Secondary Facilities Grant

11,500,000

To the commissioner of children, families, and learning. Notwithstanding Minnesota Statutes, section 123A.443, subdivision 2, clause (4), a cooperative secondary facilities grant of \$11,500,000 is approved to the joint powers board for independent school districts Nos. 486, Swanville, and 487, Upsala. 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.

Sec. 5. NATURAL RESOURCES

Flood Hazard Mitigation Grants

5,234,000

To the commissioner of natural resources for grants to local units of government under Minnesota Statutes, section 103F.161, for publicly owned capital improvements to assist with the cost of mitigative storm drainage system improvement and other flood mitigation measures.

\$234,000 of this appropriation is for projects in the Red River basin.

\$5,000,000 is for a grant to the city of Eagan in that amount.

Sec. 6. BOARD OF WATER AND SOIL RESOURCES

Subdivision 1. To the board of water and soil resources for the purposes specified in this section

50,795,000

Subd. 2. Minnesota River basin
conservation reserve enhancement program

48,903,000

This appropriation is to the board of water and soil resources.

\$43,000,000 is to acquire easements and \$5,903,000 is for administrative costs to acquire the easements.

These appropriations must be used to acquire easements and implement conservation practices on frequently flooded cropland, including land within the 100-year floodplain and the major tributaries; on marginal cropland along rivers and streams; and on drained or altered wetlands in the Minnesota River basin to protect soil, enhance water quality, and support fish and wildlife habitat as provided in Minnesota Statutes, sections 103F.515 and 103F.516.

Subd. 3. Flood Mitigation and
Prevention

1,892,000

For grants to southeastern Minnesota counties that were designated under the Presidential Declaration of Major Disaster, DR1333, whether included in the original declaration or added later by amendment.

Of this amount, \$460,000 must be used for cost-sharing contracts for the repair of conservation practices damaged by the storms and to correct erosion caused by the storms and \$1,432,000 must be used to secure easements on floodplain lands, and to restore wetlands to reduce flood damage in the watershed, under the reinvest in Minnesota program in Minnesota Statutes, sections 84.95 and 103F.501 to 103F.531.

This is a one-time appropriation.

Sec. 7. POLLUTION CONTROL AGENCY

Closed Landfill

Program Bond Reauthorization

The following bond authorization, which has been reported to the legislature according to Minnesota Statutes, section 16A.642, subdivision 1, is reauthorized, and does not cancel under the terms of that subdivision: an amount remaining of \$20,500,000 for appropriations from the bond proceeds fund for closed landfill cleanup, authorized in Laws 1994, chapter 639, article 3, section 5.

Sec. 8. ADMINISTRATION

Subdivision 1. To the commissioner of administration for the purposes specified in this section

22,100,000

Subd. 2. Digital Television
Conversion

20,900,000

For grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In order to qualify for these grants, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2.

Subd. 3. Bayport Storm
Sewer Extension

1,200,000

For a grant to the city of Bayport for the Middle St. Croix River Watershed Organization for stage II to complete the predesign, and for easements and engineering and construction work to complete the reconstruction of the state-owned storm sewer system extending from

the Minnesota department of natural resources pond 82-310P (the prison pond) in Bayport through the Stillwater prison grounds to the St. Croix River. Money remaining from the appropriation in Laws 2000, chapter 492, article 1, section 21, subdivision 8, and prior appropriations may be used for construction.

Sec. 9. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development for the purposes specified in this section

32,305,000

Subd. 2. Wastewater Infrastructure Fund

30,000,000

For grants to eligible municipalities under the wastewater infrastructure program established in Minnesota Statutes, section 446A.072.

To the greatest extent practical, the authority should use the grants for projects on the 2000 intended use plan in priority order to qualified applicants that submit plans and specifications to the pollution control agency or receive a funding commitment from U.S. Department of Agriculture rural development before May 1, 2002.

\$230,000 is to pay principal costs on the general obligation sewer revenue bond of 2000 issued by the town of West Newton in Nicollet county to pay costs the town incurred in construction of the St. George community wastewater treatment system. The system uses wetlands to treat wastewater from 23 properties. The bond was issued to pay the cost of installing additional treatment components that were not part of the project as originally planned. The additional components resulted in excessive costs to homeowners.

Subd. 3. Granite Falls
Infrastructure Restoration

1,305,000

For a grant to the city of Granite Falls to assist with the cost of tornado damage assessment, repair, replacement, extension, or improvement of publicly owned wastewater and municipal utility service and drinking water systems.

Subd. 4. Glenville
Infrastructure Restoration

1,000,000

For a grant to the city of Glenville to assist with the cost of damage assessment, repair, replacement, extension, or improvement of publicly owned infrastructure damaged by the tornado of May 1, 2001.

Subd. 5. Flood Disaster Recovery

.....

This appropriation is from the general fund.

For grants to local units of government in the areas designated under the Presidential Declaration of Major Disaster, DR....., related to the floods of April and May 2001, whether included in the original declaration or added later by federal government amendment, to pay public costs resulting from the disaster but not covered by federal disaster programs. Eligible costs include damage assessment, restoration, replacement, or improvement of publicly owned infrastructure, including municipal utilities, parks, storm sewers, and wastewater treatment facilities.

Subd. 6. Redevelopment Account

Notwithstanding Minnesota Statutes, section 116J.565, subdivision 1, paragraph (a), clauses (1) to (5), the commissioner may give priority for a redevelopment grant under Minnesota Statutes, section 116J.564, for projects in a city of the second class that is designated by the United States Department of Commerce as an economically depressed area.

Sec. 10. BOND SALE EXPENSES

151,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8. This appropriation is from the bond proceeds fund.

Sec. 11. BOND SALE SCHEDULE

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2003, no more than \$640,802,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 12. [BOND SALE AUTHORIZATION.]

Subdivision 1. [BOND PROCEEDS FUND.] To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$136,550,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [MAXIMUM EFFORT SCHOOL LOAN FUND.] To provide the money appropriated by this act from the maximum effort school loan fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$19,000,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the maximum effort school loan fund.

Sec. 13. Minnesota Statutes 2000, section 16B.335, subdivision 3, is amended to read:

Subd. 3. [PREDESIGN REQUIREMENT.] The definitions in paragraphs (a) and (b) apply to this section.

(a) "Pre-design" means the stage in the development of a project during which the purpose, scope, cost, and schedule of the complete project are defined and instructions to design professionals are produced.

(b) "Design" means the stage in the development of a project during which schematic, design development, and contract documents are produced.

(c) A recipient to whom an appropriation is made for a project subject to review under subdivision 1 or notice under subdivision 2 shall prepare a pre-design package and submit it to the commissioner for review and recommendation before proceeding with design activities. The commissioner must complete the review and recommendation within ten working days after receiving it. Failure to review and recommend within the ten days is considered a positive recommendation. The pre-design package must be sufficient to define the purpose, scope, cost, and schedule of the project and must demonstrate that the project has been analyzed according to appropriate space needs standards.

(d) This subdivision does not apply to park building projects for park buildings owned by a local government unit in the metropolitan area defined in section 473.121, subdivision 2.

Sec. 14. Minnesota Statutes 2000, section 103F.161, subdivision 3, is amended to read:

Subd. 3. [RED RIVER BASIN FLOOD MITIGATION PROJECTS.] Notwithstanding subdivision 2, a grant for implementation of a flood hazard mitigation project in the Red River basin that is consistent with the 1998 mediation agreement and approved by the Red River flood damage reduction work group may be for up to 75 percent of the cost of the proposed mitigation measures ~~for the Agassiz-Audubon, North Ottawa, Hay creek, and Thief river subwatershed projects.~~

Sec. 15. Minnesota Statutes 2000, section 123A.443, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATION.] Any group of districts that meets the criteria required under subdivision 2 may apply for an incentive grant for construction of a new secondary facility or for remodeling and improving an existing secondary facility. A grant for new construction must not exceed the lesser of ~~\$5,000,000~~ \$12,000,000 or 75 percent of the approved construction costs of a cooperative secondary education facility. A grant for remodeling and improving an existing facility must not exceed \$200,000.

Sec. 16. Minnesota Statutes 2000, section 136F.60, subdivision 2, is amended to read:

Subd. 2. [METHODS OF ACQUISITION.] (a) If money has been appropriated to the board to

acquire lands or sites for public buildings or real estate, the acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings must be under chapter 117.

(b) The board may accept gifts of and enter into agreements to acquire facilities that the board determines to be for the good and benefit of the state colleges and universities. Except as otherwise provided in this paragraph, the terms of the agreements are within the board's discretion. The board, by way of agreement, may convey, or lease for a term of years not to exceed 30 years, real property under the board's control. Conveyances and leases may be made with or without monetary consideration. Conveyances by the board must be by quitclaim deed in a form approved by the attorney general. Land conveyed by the board must revert to the state if it is no longer used to provide a facility for the primary benefit of a state college or university or its students. Agreements may be made following requests for proposal or by direct negotiation. The board may not use, either directly or indirectly, state appropriations or the credit of the state to pay or guarantee the payment of any debt for, or any costs related to, the construction of a facility acquired or constructed according to this paragraph. For purposes of this paragraph, "facility" includes, but is not limited to, student unions, recreational centers, and other facilities for student housing, athletics, parking, academic instruction, and administration.

Sec. 17. Minnesota Statutes 2000, section 446A.072, subdivision 4, is amended to read:

Subd. 4. [FUNDING LEVEL.] (a) The authority shall provide supplemental assistance for essential project component costs as certified by the commissioner of the pollution control agency under section 116.182, subdivision 4.

(b) Except as provided in paragraph (c), a municipality may not receive more than \$4,000,000, or \$15,000 per existing connection, whichever is less, under this section unless specifically approved by law. If a project would be eligible for more than \$4,000,000 under paragraph (e), the authority shall include a description of the project and the financing plan in its report on needs in subdivision 11. The \$4,000,000, or \$15,000 per existing connection, whichever is less, limit in this paragraph does not apply to a municipality that borders the outstanding resource value water of Lake Superior.

(c) A sanitary district or multijurisdictional wastewater treatment district may receive an additional \$1,000,000 for each municipality participating up to a maximum grant of \$8,000,000, unless a higher amount is specifically approved by law. If a project would be eligible for more than \$8,000,000 under paragraph (e), the authority shall include a description of the project and the financing plan in its report on needs in subdivision 11.

(d) The authority shall provide supplemental assistance for up to one-half of the eligible grant funding level determined by the United States Department of Agriculture Rural Development funding for projects listed on the agency's project priority list, in priority order. In the case of multijurisdictional projects when the United States Department of Agriculture Rural Development is unable to fully fund up to one-half of the eligible grant amount, the authority may provide up to an additional \$1,000,000 for each municipality participating up to the limits under paragraph (c) but not to exceed the maximum grant level determined by the United States Department of Agriculture Rural Development as needed to keep the project affordable. For municipalities that are not eligible for United States Department of Agriculture Rural Development funding for wastewater, the authority shall provide supplemental assistance for: (1) essential project component costs calculated by first determining the amount needed to reduce a municipality's annual residential sewer costs to 1.4 percent of the municipality's median household income or \$25 per month per household, whichever is greater, and then multiplying that amount by 80 percent to determine the actual award amount to supplement loans under section 446A.07; and (2) up to 50 percent of the incremental costs specifically identified by the agency as being attributable to more stringent wastewater standards required to protect outstanding resource value waters or outstanding international resource value waters.

(e) Notwithstanding paragraph (b), in the event that a municipality's monthly residential sewer service charges average above \$50, the authority will provide 90 percent of the grant amount needed to reduce the average monthly sewer service charge to \$50, provided the project is ranked in the top 50 percentile of the agency's intended use plan.

(f) The authority shall provide supplemental assistance to a municipality that would not otherwise qualify for supplemental assistance if:

(1) the municipality voluntarily accepts a sewer connection from another governmental unit to serve residential, industrial, or commercial developments that were completed before March 1, 1996, or are on lots whose plats were recorded before that date; and

(2) fees charged by the municipality for the connection must take into account state and federal grants used by the municipality for the construction of the treatment plant.

The amount of supplemental assistance under this paragraph must be sufficient to reduce debt service payments under section 446A.07 to an extent equivalent to a zero percent loan in an amount up to the other governmental unit's project costs necessary for connection. Eligibility for supplemental assistance under this paragraph ends three years after the agency certifies that the connection has met the operational performance standards established by the agency.

Sec. 18. [PEOPLE, INC. NORTH SIDE COMMUNITY SUPPORT PROGRAM.]

The grant in Laws 1998, chapter 404, section 18, subdivision 4, must be paid to People, Inc. to purchase, remodel, and complete accessibility upgrades to an existing building or to acquire land or construct a building to be used by the People, Inc. North Side Community Support Program, which may provide office space for state employees.

Sec. 19. [RED LAKE ECONOMIC DEVELOPMENT FACILITY.]

The grant in Laws 1998, chapter 404, section 23, subdivision 27, to the Red Lake tribal council must be used to construct an educational and training facility and an economic development facility on land assigned by the council on the Red Lake reservation.

Sec. 20. [LAWRENCE HALL REMODELING.]

The cost of remodeling the top floor of Lawrence Hall at St. Cloud State University for student housing, as authorized by Laws 2000, chapter 492, article 1, section 3, subdivision 19, must be paid entirely with money from other than state sources.

Sec. 21. [FERGUS FALLS OFFICE FACILITY.]

The appropriation in Laws 2000, chapter 492, article 1, section 7, subdivision 3, may also be used to acquire, remodel, and refurbish facilities for a consolidated area office and service facility in Fergus Falls.

Sec. 22. [GUTHRIE THEATER APPROPRIATION; CONDITIONS.]

The appropriation in Laws 2000, chapter 492, article 1, section 14, subdivision 3, may be used to predesign and begin design of a new Guthrie Theater and need not be used to acquire and prepare a site for the theater nor to construct, furnish, and equip it.

Sec. 23. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Oliver moved to amend S.F. No. 1402 as follows:

Page 4, after line 7, insert:

"Subd. 4. Eden Prairie Open Space 100,000

For a grant to the city of Eden Prairie to acquire approximately 29 acres, known as the Birch Island Woods, to provide open space and recreational trail opportunities."

Page 5, line 23, delete "8,400,000" and insert "8,300,000"

Correct the section totals and the appropriation summary

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

Senator Tomassoni moved to amend S.F. No. 1402 as follows:

Page 11, after line 36, insert:

"Sec. 18. Laws 1998, chapter 404, section 23, subdivision 30, is amended to read:

Subd. 30. Itasca County School-to-Work 2,000,000
Technology Center

For a grant to Itasca county to design and construct a school-to-work technology center in conjunction with the school district, the city of Nashwauk, and private industry. ~~Each dollar of state money must be matched by \$1 of nonstate money.~~ For every dollar of nonstate money committed to the project, two dollars of this appropriation are available to the county, up to the total amount appropriated.

This appropriation is from the general fund."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stevens moved to amend S.F. No. 1402 as follows:

Page 4, after line 8, insert:

"Subdivision 1. To the board of water and soil resources for the purposes specified in this section 51,603,000"

Page 4, line 9, before "Minnesota" insert "Subd. 2."

Page 4, after line 28, insert:

"Subd. 3. Wetland Replacement
Due to Public Road Projects

2,700,000

To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraph (m). Up to \$400,000 of this appropriation may be used for professional and technical services."

Page 5, line 23, delete "8,400,000" and insert "5,700,000"

Correct the section totals and the appropriation summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Larson	Oliver	Robertson
Belanger	Kierlin	Lesewski	Olson	Robling
Day	Kiscaden	Lessard	Ourada	Scheevel
Dille	Kleis	Limmer	Pariseau	Stevens
Fischbach	Knutson	Neuville	Reiter	Terwilliger

Those who voted in the negative were:

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

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

Pursuant to Rule 41, Senator Robling moved that she be excused from voting on S.F. No. 1402. The motion prevailed.

S.F. No. 1402 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Pappas	Scheid
Belanger	Higgins	Langseth	Pogemiller	Stumpf
Berglin	Hottinger	Lessard	Price	Tomassoni
Betzold	Johnson, Dave	Lourey	Ranum	Vickerman
Chaudhary	Johnson, Dean	Metzen	Rest	Wiener
Cohen	Johnson, Doug	Metzen	Ring	Wiger
Fischbach	Kelley, S.P.	Moe, R.D.	Sabo	
Foley	Kelly, R.C.	Murphy	Sams	
Fowler	Kinkel	Orfield	Samuelson	

Those who voted in the negative were:

Bachmann	Kierlin	Lesewski	Ourada	Stevens
Berg	Kiscaden	Limmer	Pariseau	Terwilliger
Day	Kleis	Neuville	Reiter	
Dille	Knutson	Oliver	Robertson	
Johnson, Debbie	Larson	Olson	Scheevel	

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

Senator Langseth moved that S.F. No. 1402 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 2486 be taken from the table. The motion prevailed.

H.F. No. 2486: A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; transferring certain duties and funds; establishing an account; consolidating housing programs; regulating activities and practices; modifying fees; making conforming changes; requiring reports; revising certain provisions involving state regulation of private health coverage; transferring certain regulatory control; establishing requirements for managed care plans; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; modifying provisions of the Minnesota Electrical Act; providing for power limited technician licensing; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 62A.021, subdivision 1; 62A.041, subdivisions 1, 2; 62A.042; 62A.043, subdivision 1; 62A.105; 62A.14; 62A.149, subdivision 1; 62A.15, subdivision 1; 62A.152, subdivision 1; 62A.153; 62A.20; 62A.21; 62A.615; 62A.616; 62A.65, subdivision 5; 62D.02, subdivisions 3, 8; 62D.12, subdivisions 1, 1a; 62D.15, subdivision 1; 62D.24; 62E.05, subdivision 2; 62E.11, subdivision 13; 62E.14, subdivision 6; 62E.16; 62J.041, subdivision 4; 62J.701; 62J.74, subdivisions 1, 2; 62J.75; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10, 11; 62L.09, subdivision 3; 62L.10, subdivision 4; 62L.11, subdivision 2; 62L.12, subdivision 2; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62Q.01, subdivision 2; 62Q.03, subdivision 5a; 62Q.07; 62Q.106; 62Q.22, subdivisions 2, 6, 7; 62Q.32; 62Q.33, subdivision 2; 62Q.49, subdivision 2; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62Q.68, subdivision 1; 62Q.69, subdivisions 2, 3; 62Q.71; 62Q.72; 62Q.73, subdivisions 3, 4, 5, 6; 62R.04, subdivision 5; 62R.06, subdivision 1; 62T.01, subdivision 4; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03, subdivisions 2, 3, 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.06, by adding a subdivision; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 256B.692, subdivisions 2, 7; 257.34, subdivision 1; 268.022, subdivisions 1, 2; 325E.11; 325E.115, subdivision 2; 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.243; 326.244, subdivisions 1a, 2, 5, 6; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 484.50; Laws 1993, chapter 301, section

1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116L; 122A; 462A; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2000, sections 62A.049; 62A.21, subdivision 3; 62C.14, subdivisions 5, 5a, 5b, 14; 62D.09, subdivision 3; 62D.101; 62D.105; 62D.12, subdivision 19; 62D.123, subdivisions 2, 3, 4; 62D.124; 62Q.095, subdivisions 1, 2, 3, 4, 6; 62Q.45; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.96; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7; Minnesota Rules, parts 3800.3500, subpart 12; 4685.0801, subpart 7; 4685.1010; 4685.1300; 4685.1900; 4685.2000; 4685.2200, subpart 3; 4685.1105; 4685.1110; 4685.1115; 4685.1120; 4685.1125; 4685.1130.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2486 and that the rules of the Senate be so far suspended as to give H.F. No. 2486 its second and third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Frederickson	Larson	Ourada	Stevens
Belanger	Johnson, Debbie	Lesewski	Pariseau	Terwilliger
Berg	Kierlin	Limmer	Reiter	
Day	Kiscaden	Neuville	Robertson	
Dille	Kleis	Oliver	Robling	
Fischbach	Knutson	Olson	Scheevel	

The motion did not prevail.

Senator Moe, R.D. moved that H.F. No. 2486 be laid on the table. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Senator Kleis moved that the vote whereby the Pogemiller motion to not concur in the House amendments to S.F. No. 1326 was adopted on May 2, 2001, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Oliver	Robling
Belanger	Johnson, Debbie	Larson	Olson	Scheevel
Berg	Kierlin	Lesewski	Ourada	Stevens
Day	Kinkel	Lessard	Pariseau	Terwilliger
Dille	Kiscaden	Limmer	Reiter	
Fischbach	Kleis	Neuville	Robertson	

Those who voted in the negative were:

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

The motion did not prevail. So the vote was not reconsidered.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 2486 be taken from the table. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 2486 be given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 2486 was read the second time.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 221, 2225, 1208, 1944 and 2031.

SPECIAL ORDER

S.F. No. 221: A bill for an act relating to animals; changing disposition of certain animals; providing for preservation of certain evidence; changing regulation of certain dogs; imposing penalties; amending Minnesota Statutes 2000, sections 343.235, subdivisions 1 and 3; 347.50; 347.51, subdivisions 1, 2, and by adding subdivisions; 347.52; 347.53; 347.54, subdivisions 1 and 2; and 347.55; proposing coding for new law in Minnesota Statutes, chapter 347; repealing Minnesota Statutes 2000, sections 347.51, subdivisions 2a, 3, 4, 5, 6, 7, 8, and 9; and 347.54, subdivision 3.

Senator Pappas moved to amend S.F. No. 221 as follows:

Page 13, line 1, delete "347.50 to 347.545" and insert "347.51 to 347.54"

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 221 as follows:

Page 3, line 16, delete "DOG" and insert "ANIMAL"

Page 3, delete lines 21 to 23 and insert:

"(2) "service animal" means an animal trained to assist a person with a disability;"

Page 3, lines 31 and 34, delete "dog" and insert "animal"

Page 3, line 36, delete "dog" and insert "animal" in both places

Page 4, line 1, delete "dog" and insert "animal"

Page 4, line 3, delete "dogs" and insert "animals"

The motion prevailed. So the amendment was adopted.

Senator Higgins moved to amend S.F. No. 221 as follows:

Page 10, line 30, delete "not"

Page 10, line 32, delete "Ordinances"

Page 10, delete line 33

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

Senator Dille moved to amend S.F. No. 221 as follows:

Page 9, after line 13, insert:

"Sec. 15. Minnesota Statutes 2000, section 347.51, is amended by adding a subdivision to read:

Subd. 4f. [DANGEROUS OR DESTRUCTIVE DOG DESIGNATION REVIEW.] Beginning six months after a dog is declared a dangerous dog, under subdivision 3a, or a destructive dog, under subdivision 4a, an owner may request that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog or destructive dog designation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 221 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 2225: A bill for an act relating to drivers' licenses; allowing certain school buses to be operated by licensed child care providers; establishing pilot project to allow certain type A school bus to be operated by holder of Class D driver's license under limited conditions; making clarifying changes; providing misdemeanor penalty; amending Minnesota Statutes 2000, sections 169.448, subdivision 1; 171.02, subdivisions 2, 2a.

Senator Pappas moved to amend S.F. No. 2225 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2000, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer; or

(5) is outwardly equipped and identified as a school bus, except for type A-II and type III school buses as defined in subdivision 6, paragraph (e).

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop."

Page 5, after line 27, insert:

"(13) The school bus must bear a current certificate of inspection issued under section 169.451.

(14) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph."

Page 5, line 29, delete "3" and insert "4"

Page 5, line 30, delete "2 and 3" and insert "3 and 4"

Page 5, after line 31, insert:

"(c) The amendment in section 1 to Minnesota Statutes, section 169.01, subdivision 75, expires July 1, 2003."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2225 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Ourada	Sabo
Bachmann	Higgins	Lesewski	Pappas	Sams
Belanger	Hottinger	Lessard	Pariseau	Samuelson
Berglin	Johnson, Dave	Limmer	Pogemiller	Scheid
Betzold	Johnson, Debbie	Marty	Price	Solon
Chaudhary	Johnson, Doug	Metzen	Ranum	Stevens
Cohen	Kierlin	Moe, R.D.	Reiter	Terwilliger
Day	Kinkel	Murphy	Rest	Vickerman
Dille	Kiscaden	Oliver	Ring	Wiener
Foley	Kleis	Olson	Robertson	Wiger
Fowler	Knutson	Orfield	Robling	

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

SPECIAL ORDER

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

Senator Foley moved to amend S.F. No. 1208 as follows:

Page 1, after line 28, insert:

"Section 1. Minnesota Statutes 2000, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is ~~0.10~~ 0.08 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is ~~0.10~~ 0.08 or more; or
- (6) when the person is knowingly under the influence of any chemical compound or

combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow and arrow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow and arrow in this state or on a boundary water of this state.

Sec. 2. Minnesota Statutes 2000, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

Sec. 3. Minnesota Statutes 2000, section 169A.20, subdivision 1, is amended to read:

Subdivision 1. [DRIVING WHILE IMPAIRED CRIME.] It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or on any boundary water of this state:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance;

(3) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;

(4) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and (3);

(5) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is ~~0.10~~ 0.08 or more;

(6) when the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols."

Page 3, after line 27, insert:

"Sec. 6. Minnesota Statutes 2000, section 169A.51, subdivision 1, is amended to read:

Subdivision 1. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. The test must be administered at the direction of a peace officer.

(b) The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169A.20 or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169A.41 (preliminary screening test); or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

(c) The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

Sec. 7. Minnesota Statutes 2000, section 169A.52, subdivision 2, is amended to read:

Subd. 2. [REPORTING TEST FAILURE.] If a person submits to a test, the results of that test must be reported to the commissioner and to the authority having responsibility for prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of ~~0.10~~ 0.08 or more;

(2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or

(3) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols.

Sec. 8. Minnesota Statutes 2000, section 169A.52, subdivision 4, is amended to read:

Subd. 4. [TEST FAILURE; LICENSE REVOCATION.] (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired) and that the person submitted to a test and the test results indicate an alcohol concentration of ~~0.10~~ 0.08 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege:

(1) for a period of 90 days;

(2) if the person is under the age of 21 years, for a period of six months;

(3) for a person with a qualified prior impaired driving incident within the past ten years, for a period of 180 days; or

(4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165 (commercial driver's license disqualification).

Sec. 9. Minnesota Statutes 2000, section 169A.52, subdivision 7, is amended to read:

Subd. 7. [TEST REFUSAL; DRIVING PRIVILEGE LOST.] (a) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of ~~0.10~~ 0.08 or more.

(b) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall either:

(1) take the driver's license or permit, if any, send it to the commissioner along with the certificate required by subdivision 3 or 4, and issue a temporary license effective only for seven days; or

(2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 10. Minnesota Statutes 2000, section 169A.53, subdivision 3, is amended to read:

Subd. 3. [HEARING; ISSUES; ORDER; APPEAL.] (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

(5) If the screening test was administered, did the test indicate an alcohol concentration of ~~0.10~~ 0.08 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's

rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of ~~0.10~~ 0.08 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure."

Page 4, after line 20, insert:

"Sec. 12. Minnesota Statutes 2000, section 169A.54, subdivision 7, is amended to read:

Subd. 7. [ALCOHOL-RELATED COMMERCIAL VEHICLE DRIVING VIOLATIONS.] (a) The administrative penalties described in subdivision 1 do not apply to violations of section 169A.20, subdivision 1 (driving while impaired crime), by a person operating a commercial motor vehicle unless the person's alcohol concentration as measured at the time, or within two hours of the time, of the operation was ~~0.10~~ 0.08 or more or the person violates section 169A.20, subdivision 1, clauses (1) to (4) or (7).

(b) The commissioner shall disqualify a person from operating a commercial motor vehicle as provided under section 171.165 (commercial driver's license, disqualification), on receipt of a record of conviction for a violation of section 169A.20.

(c) A person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order."

Page 7, after line 34, insert:

"Sec. 16. Minnesota Statutes 2000, section 169A.76, is amended to read:

169A.76 [CIVIL ACTION; PUNITIVE DAMAGES.]

(a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of punitive damages if there is evidence that the accident was caused by a driver:

- (1) with an alcohol concentration of ~~0.10~~ 0.08 or more;
- (2) who was under the influence of a controlled substance;
- (3) who was under the influence of alcohol and refused to take a test required under section 169A.51 (chemical tests for intoxication); or
- (4) who was knowingly under the influence of a hazardous substance that substantially affects the person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.

(b) A criminal charge or conviction is not a prerequisite to consideration of punitive damages under this section. At the trial in an action where the trier of fact will consider an award of punitive damages, evidence that the driver has been convicted of violating section 169A.20 (driving while impaired) or 609.21 (criminal vehicular homicide and injury) is admissible into evidence."

Page 8, after line 20, insert:

"Sec. 18. Minnesota Statutes 2000, section 171.20, subdivision 4, is amended to read:

Subd. 4. [REINSTATEMENT FEE.] Before the license is reinstated, a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, must pay a fee of ~~\$20~~ \$22.50. When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4. A suspension may be rescinded without fee for good cause.

Sec. 19. Minnesota Statutes 2000, section 192A.555, is amended to read:

192A.555 [DRUNKEN OR RECKLESS DRIVING.]

Any person subject to this code who drives, operates or is in actual physical control of any vehicle or aircraft while under the influence of an alcoholic beverage or narcotic drug or a combination thereof or whose blood contains ~~0.10~~ 0.08 percent or more by weight of alcohol or who operates said vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct. Chemical and other tests for intoxication shall be made only in accordance with rules issued under this code."

Page 9, after line 30, insert:

"Sec. 21. Minnesota Statutes 2000, section 609.21, is amended to read:

609.21 [CRIMINAL VEHICULAR HOMICIDE AND INJURY.]

Subdivision 1. [CRIMINAL VEHICULAR HOMICIDE.] A person is guilty of criminal vehicular homicide resulting in death and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2. [RESULTING IN GREAT BODILY HARM.] A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another, not constituting attempted murder or assault, as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2a. [RESULTING IN SUBSTANTIAL BODILY HARM.] A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another, as a result of operating a motor vehicle;

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2b. [RESULTING IN BODILY HARM.] A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
 - (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
 - (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
 - (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
 - (5) in a negligent manner while knowingly under the influence of a hazardous substance;
 - (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
 - (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
 - (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
 - (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
 - (5) in a negligent manner while knowingly under the influence of a hazardous substance;
 - (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] A person is guilty of criminal

vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to an unborn child who is subsequently born alive, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4a. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge under subdivision 1, clause (6); 2, clause (6); 2a, clause (6); 2b, clause (6); 3, clause (6); or 4, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

- (a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1.
- (b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.
- (c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182."

Page 10, after line 3, insert:

"Sec. 23. [EXPENDITURE OF FEDERAL INCENTIVE MONEY.]

The commissioners of transportation and public safety shall spend any incentive funds received from the federal government in connection with enactment of the .08 provisions in this act for programs designed to reduce the incidence of driving while impaired, including public education and awareness programs."

Page 10, line 8, delete "4 and 7 to 10" and insert "13, 16, 17, and 19 to 24"

Page 10, line 10, delete "5 and 6" and insert "14 and 15"

Page 10, line 11, after the period, insert "Section 18 is effective July 1, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Foley imposed a call of the Senate for the balance of the proceedings on S.F. No. 1208. The Sergeant at Arms was instructed to bring in the absent members.

Senator Robertson raised a point of order as to whether the Foley amendment was in order pursuant to Senate Rule 7.7.

The President ruled the point of order well taken, so the Foley amendment was not in order.

Senator Foley moved that S.F. No. 1208 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 1944: A bill for an act relating to support; clarifying and modifying the crime of nonsupport of a spouse or child; providing notice of criminal penalties for nonsupport of a spouse or child; specifying spousal liability for medical necessities; imposing criminal penalties; amending Minnesota Statutes 2000, sections 518.68, subdivision 2; 519.05; 609.095; 609.375, subdivisions 1, 2, 2a, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 609.

Senator Neuville moved to amend S.F. No. 1944 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2000, section 171.186, is amended by adding a subdivision to read:

Subd. 4. [LIMITED LICENSE.] Notwithstanding subdivision 3, the commissioner must issue a limited license to a person whose license has been suspended under this section upon receipt of a court order or notice from a public authority responsible for child support enforcement pursuant to section 518.551, subdivision 13, that states that: (1) the driver is in arrears in court-ordered child support payments in an amount equal to three to six times the obligor's total monthly payment, and is not in compliance with a written payment agreement; and (2) the obligor's employment, attendance at employment-related education or training, or compliance with court-ordered parenting time depends upon the use of a driver's license.

Sec. 2. Minnesota Statutes 2000, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] (a) In any case where a person's license has been suspended under section 171.18 or 171.173, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(b) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular

conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(c) For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

(d) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(e) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(f) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(g) The commissioner must issue a limited license to a driver when ordered by a court or directed by a public authority responsible for child support enforcement pursuant to section 518.551, subdivision 13.

Sec. 3. Minnesota Statutes 2000, section 518.551, subdivision 13, is amended to read:

Subd. 13. [DRIVER'S LICENSE SUSPENSION.] (a) Upon motion of an obligee, which has been properly served on the obligor and upon which there has been an opportunity for hearing, if a court finds that the obligor has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, a child support magistrate, or the public authority, the court shall order the commissioner of public safety to suspend the obligor's driver's license. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages, which payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective and the commissioner of public safety shall suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the court. An obligee may not bring a motion under this paragraph within 12 months of a denial of a previous motion under this paragraph.

(b) If a public authority responsible for child support enforcement determines that the obligor has been or may be issued a driver's license by the commissioner of public safety and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, a child support magistrate, or the public authority, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days prior to notifying the commissioner of public safety according to paragraph (b), the public authority must mail a written notice to the obligor at the obligor's last known

address, that it intends to seek suspension of the obligor's driver's license and that the obligor must request a hearing within 30 days in order to contest the suspension. If the obligor makes a written request for a hearing within 30 days of the date of the notice, a court hearing must be held. Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the obligor. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the public authority within 90 days of the date of the notice, the public authority shall direct the commissioner of public safety to suspend the obligor's driver's license under paragraph (b).

(d) At a hearing requested by the obligor under paragraph (c), and on finding that the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, the district court or child support magistrate shall order the commissioner of public safety to suspend the obligor's driver's license or operating privileges unless the court or child support magistrate determines that the obligor has executed and is in compliance with a written payment agreement regarding both current support and arrearages approved by the court, a child support magistrate, or the public authority.

(e) An obligor whose driver's license or operating privileges are suspended may provide proof to the public authority responsible for child support enforcement that the obligor is in compliance with all written payment agreements regarding both current support and arrearages. Within 15 days of the receipt of that proof, the public authority shall inform the commissioner of public safety that the obligor's driver's license or operating privileges should no longer be suspended.

(f) On January 15, 1997, and every two years after that, the commissioner of human services shall submit a report to the legislature that identifies the following information relevant to the implementation of this section:

- (1) the number of child support obligors notified of an intent to suspend a driver's license;
- (2) the amount collected in payments from the child support obligors notified of an intent to suspend a driver's license;
- (3) the number of cases paid in full and payment agreements executed in response to notification of an intent to suspend a driver's license;
- (4) the number of cases in which there has been notification and no payments or payment agreements;
- (5) the number of driver's licenses suspended; and
- (6) the cost of implementation and operation of the requirements of this section.

(g) In addition to the criteria established under this section for the suspension of an obligor's driver's license, a court, a child support magistrate, or the public authority may direct the commissioner of public safety to suspend the license of a party who has failed, after receiving notice, to comply with a subpoena relating to a paternity or child support proceeding. Notice to an obligor of intent to suspend must be served by first class mail at the obligor's last known address. The notice must inform the obligor of the right to request a hearing. If the obligor makes a written request within ten days of the date of the hearing, a hearing must be held. At the hearing, the only issues to be considered are mistake of fact and whether the obligor received the subpoena.

(h) The license of an obligor who fails to remain in compliance with an approved payment agreement may be suspended. Notice to the obligor of an intent to suspend under this paragraph must be served by first class mail at the obligor's last known address and must include a notice of hearing. The notice must be served upon the obligor not less than ten days before the date of the hearing. If the obligor appears at the hearing and the judge determines that the obligor has failed to comply with an approved payment agreement, the judge shall notify the department of public safety to suspend the obligor's license under paragraph (c). If the obligor fails to appear at the

hearing, the public authority may notify the department of public safety to suspend the obligor's license under paragraph (c).

(i) When ordering or directing the suspension of a driver's license under this subdivision, the court or the public authority may order or direct the commissioner of public safety to issue the obligor a limited license if:

(1) the obligor has child support arrears amounting to three to six times the obligor's total monthly support obligation and the obligor is not in compliance with a payment agreement; and

(2) the obligor's employment, attendance at employment-related education or training, or compliance with court-ordered parenting time depends upon the use of a driver's license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lesewski moved to amend S.F. No. 1944 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2000, section 518.551, subdivision 1, is amended to read:

Subdivision 1. [SCOPE; PAYMENT TO PUBLIC AGENCY.] (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support and maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement. This includes the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments.

(c) Payments made to the public authority other than payments under section 518.6111 must be credited as of the date the payment is received by the central collections unit.

(d) Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 2. Minnesota Statutes 2000, section 518.6111, is amended by adding a subdivision to read:

Subd. 19. [TIMING OF AUTOMATED ENFORCEMENT REMEDIES.] The public authority shall make reasonable efforts to ensure that automated enforcement remedies take into consideration the time periods allowed under this section.

Sec. 3. [518.6196] [COLLECTION; REVENUE RECAPTURE.]

The public authority may submit debt under chapter 270A only if the obligor is in arrears in court-ordered child support or maintenance payments, or both, in an amount greater than the obligor's total monthly support and maintenance payments or if the debt has been entered and docketed as a judgment under section 548.091, subdivision 2a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1944 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2000, section 518.641, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] An order for ~~maintenance or~~ child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost of living. An order that provides for a cost-of-living adjustment shall specify the cost-of-living index to be applied and the date on which the cost-of-living adjustment shall become effective. The court may use the consumer price index for all urban consumers, Minneapolis-St. Paul (CPI-U), the consumer price index for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index published by the department of labor which it specifically finds is more appropriate. Cost-of-living increases under this section shall be compounded. The court may also increase the amount by more than the cost-of-living adjustment by agreement of the parties or by making further findings. The adjustment becomes effective on the first of May of the year in which it is made, for cases in which payment is made to the public authority. For cases in which payment is not made to the public authority, application for an adjustment may be made in any month but no application for an adjustment may be made sooner than two years after the date of the dissolution decree. A court may waive the requirement of the cost-of-living clause if it expressly finds that the obligor's occupation or income, or both, does not provide for cost-of-living adjustment or that the order for ~~maintenance or~~ child support has a provision such as a step increase that has the effect of a cost-of-living clause. ~~The court may waive a cost-of-living adjustment in a maintenance order if the parties so agree in writing.~~ The commissioner of human services may promulgate rules for child support adjustments under this section in accordance with the rulemaking provisions of chapter 14. Notice of this statute must comply with section 518.68, subdivision 2.

Sec. 2. Minnesota Statutes 2000, section 518.641, subdivision 3, is amended to read:

Subd. 3. [RESULT OF HEARING.] If, at a hearing pursuant to this section, the obligor establishes an insufficient cost of living or other increase in income that prevents fulfillment of the adjusted ~~maintenance or~~ child support obligation, the court may direct that all or part of the adjustment not take effect. If, at the hearing, the obligor does not establish this insufficient increase in income, the adjustment shall take effect as of the date it would have become effective had no hearing been requested.

Sec. 3. Minnesota Statutes 2000, section 518.641, subdivision 5, is amended to read:

Subd. 5. [REQUEST FOR COST-OF-LIVING CLAUSE.] A motion for enforcement or modification of an existing ~~maintenance or~~ child support order shall include a request for a cost-of-living clause. The court may deny the request only upon an express finding that the obligor's occupation, income, or both, does not provide for a cost-of-living adjustment or that the existing ~~maintenance or~~ child support order either has a cost-of-living clause or sets forth a step increase which has the effect of a cost-of-living adjustment.

Sec. 4. Minnesota Statutes 2000, section 518.641, is amended by adding a subdivision to read:

Subd. 6. [MAINTENANCE COST-OF-LIVING ADJUSTMENT.] An obligee may petition the court for a cost-of-living adjustment to a maintenance order, based on actual cost-of-living increases in the income of the obligor. If the court finds that the obligor has received an increase in income based on a cost-of-living adjustment, the court may order a percentage increase in the maintenance order equal to no more than one-half of the percentage increase received by the obligor.

Page 4, line 24, strike "and/or spousal maintenance"

Page 4, line 32, after the period, insert "Spousal maintenance may be adjusted based on increases in the obligor's income, as provided in Minnesota Statutes, section 518.641."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 1944 was read the third time.

Senator Knutson moved that S.F. No. 1944 be laid on the table. The motion prevailed.

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2340: A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying provisions relating to transportation, public safety, law enforcement, streets and highways, motor vehicles, traffic regulations, local governments, and state and regional agencies and authorities; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing

penalties; setting fees; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 13.87, by adding a subdivision; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.641, subdivision 8; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 117.51; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 161.442; 161.45, subdivision 1; 162.02, subdivision 12; 162.09, subdivision 4; 167.51, subdivision 2; 168.011, subdivision 7; 168.013, subdivision 1d; 168.09, subdivision 7; 168.12, subdivision 1; 168.1291, subdivision 1; 168.27, subdivisions 12a, 20; 168.33, subdivision 7; 168.381; 168.61, subdivision 1; 169.06, by adding a subdivision; 169.073; 169.09, subdivisions 8, 9, 10, 13; 169.14, subdivisions 4, 5a; 169.18, subdivision 1, by adding a subdivision; 169.686, subdivision 1; 169.79; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 2a; 171.07, subdivisions 1, 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.183, subdivision 1; 171.185; 171.26; 171.29, subdivision 2; 171.36; 171.39; 174.03, subdivision 7, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.35; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 297B.09, subdivision 1; 299A.01, subdivision 1b; 299A.64, subdivision 1; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 325E.11; 325E.115, subdivision 2; 326.243; 446A.085; 473.399, by adding a subdivision; 473.859, subdivision 2; 484.50; 611A.25, subdivision 3; 611A.361, subdivision 3; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168A; 169; 174; 219; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3.

Senate File No. 2340 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 2001

Senator Johnson, Dean moved that the Senate do not concur in the amendments by the House to S.F. No. 2340, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1326: Senators Pogemiller, Orfield and Belanger.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Tomassoni and Lessard introduced--

S.F. No. 2365: A bill for an act relating to capital investment; changing the nonstate match requirements for the Itasca county school-to-work technology center; amending Laws 1998, chapter 404, section 23, subdivision 30.

Referred to the Committee on Capital Investment.

MEMBERS EXCUSED

Senator Kelly, R.C. was excused from the Session of today from 11:35 a.m. to 1:20 p.m. Senator Schwab was excused from the Session of today at 1:10 p.m. Senator Johnson, Dean was excused from the Session of today at 1:30 p.m. Senators Lourey and Stumpf were excused from the Session of today from 2:00 to 2:30 p.m. Senator Larson was excused from the Session of today from 2:15 to 2:50 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 3, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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