

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, March 21, 2002

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

CALL OF THE SENATE

Senator Moe, R.D. 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. Bea Vue-Benson.

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

Anderson	Higgins	Larson	Ourada	Scheevel
Bachmann	Hottinger	Lesewski	Pappas	Scheid
Belanger	Johnson, Dave	Lessard	Pariseau	Schwab
Berg	Johnson, Dean	Limmer	Pogemiller	Solon, Y.P.
Berglin	Johnson, Debbie	Lourey	Price	Stevens
Betzold	Johnson, Doug	Marty	Ranum	Stumpf
Chaudhary	Kelley, S.P.	Metzen	Reiter	Terwilliger
Cohen	Kierlin	Moe, R.D.	Rest	Tomassoni
Day	Kinkel	Moua	Ring	Vickerman
Dille	Kiscaden	Murphy	Robertson	Wiener
Fischbach	Kleis	Neuville	Robling	Wiger
Foley	Knutson	Oliver	Sabo	
Fowler	Krentz	Olson	Sams	
Frederickson	Langseth	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 the passage by the House of the following House File, herewith transmitted: H.F. No. 2622.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 2002

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2622: A bill for an act relating to terrorism; data practices; enacting the Minnesota

Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's endorsement regulations; establishing a biological agents registry; providing for background checks of new applicants for aerial applicator licenses; providing for a civil penalty; providing criminal penalties; providing for expedited management and disposal of waste in peacetime emergencies; authorizing closing public meetings to discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of residency for drivers' licenses; providing for expense reimbursement of bomb disposal units; upon commission of terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae, or poultry; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; updating the wiretapping law to help interception of terroristic communications; prescribing penalties; establishing an anti-terrorism account in the special revenue fund; abolishing the office of corrections ombudsman; transferring certain funds from the tobacco use prevention and local public health endowment funds to the general fund; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; requiring a report on the best way to exchange data with the federal government with respect to foreign students; appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision; 13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355, subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.531, subdivision 1; 609.532, subdivision 3; 609.625, by adding a subdivision; 609.668, subdivision 6; 609.713, subdivision 1, by adding a subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 16; 626A.05, subdivision 2; 626A.06, subdivisions 11, 12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; 260B.171, subdivision 1; repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; Minnesota Statutes 2001 Supplement, section 241.45; proposing coding for new law in Minnesota Statutes, chapters 18D; 144; 168; 171; 609.

Senator Moe, R.D. moved that H.F. No. 2622 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 3177: A bill for an act relating to economic development; modifying the wastewater infrastructure funding program; amending Minnesota Statutes 2000, section 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 446A.07, subdivision 4, is amended to read:

Subd. 4. [INTENDED USE PLAN.] (a) ~~The pollution control agency public facilities authority~~ shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment and storm water projects and all other eligible activities to be funded during the fiscal year. ~~Information regarding eligible~~

~~activities must be submitted to the pollution control agency by the appropriate state agency or department within 30 days of written notification by the pollution control agency.~~

(b) To be eligible for placement on the intended use plan:

(1) a project must be listed on the pollution control agency's project priority list;

(2) the applicant must submit a written request to the public facilities authority, including a brief description of the project, a project cost estimate and the requested loan amount, and a proposed project schedule; and

(3) for a construction loan, the project must have a facility plan approved by the pollution control agency.

(c) The pollution control agency shall annually provide to the public facilities authority its project priority list of wastewater and storm water projects to be considered for funding. The pollution control agency public facilities authority may not submit the plan until it has received the review and comment of the authority pollution control agency or until 30 days have elapsed since the plan was submitted to the authority pollution control agency, whichever occurs first. In addition, the public facilities authority shall offer municipalities seeking placement on the intended use plan an opportunity to review and comment on the plan before it is adopted. The plan may be amended to add additional projects for consideration for funding as it determines funds are available and additional projects are able to proceed."

Page 3, delete line 36

Page 4, delete lines 1 to 6 and insert:

"(c) Notwithstanding the limits in paragraphs (a) and (b), for a municipality receiving supplemental assistance under this section after January 1, 2002, if the authority determines that the municipality's construction and installation costs are significantly increased due to geological conditions and more stringent discharge limits, the authority shall provide assistance in the form of half grant and half loan. Assistance from the authority may not be more than \$25,000 per existing connection. In addition, if the municipality also receives a grant from the United States Army Corps of Engineers section 569 program for the same project, the authority must match the amount of the section 569 grant. The state and federal grant money must be used to reduce the amount of the municipality's loan from the water pollution control revolving fund that exceeds five percent of the market value of properties in the project service area."

Page 6, after line 25, insert:

"Sec. 13. Minnesota Statutes 2000, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. [BONDING AUTHORITY.] The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but not including the making of grants. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this section at any time may not exceed \$850,000,000 \$1,000,000,000, excluding bonds for which refunding bonds or crossover refunding bonds have been issued."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "coordinating funding for wastewater and drinking water programs;"

Page 1, line 3, after the semicolon, insert "increasing bonding authority for the public facilities authority;"

Page 1, line 4, delete "section" and insert "sections 446A.07, subdivision 4;"

Page 1, line 6, after the semicolon, insert "446A.12, subdivision 1;"

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. 3298: A bill for an act relating to transportation; allowing commissioner of transportation to acquire land to preserve transportation corridors; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; allowing use of trunk highway funds for certain transit operations; making clarifying changes; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; repealing Minnesota Statutes 2000, section 221.0313.

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

Delete everything after the enacting clause and insert:

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2001 Supplement, section 117.51, is amended to read:

117.51 [COOPERATION WITH FEDERAL AUTHORITIES.]

In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, the acquiring authority shall cooperate to the fullest extent with federal departments and agencies, and it shall take all necessary action in order to insure, to the maximum extent possible, federal financial participation in any and all phases of acquisition, including the provision of relocation assistance, services, payments and benefits to displaced persons. An acquiring authority may consider reimbursing up to \$50,000 in ~~relocation or~~ reestablishment expenses of a displaced business.

Sec. 3. Minnesota Statutes 2001 Supplement, section 161.162, subdivision 2, is amended to read:

Subd. 2. [FINAL LAYOUT.] (a) "Final layout" means geometric layouts and supplemental drawings that show the location, character, dimensions, access, and explanatory information about the highway construction or improvement work being proposed. "Final layout" includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges, approximate right-of-way limits, existing ground line and proposed grade line of the highway, turn lanes, access points and closures, sidewalks, ~~speed zones~~ proposed design speed, noise walls, transit considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas, existing right-of-way, traffic volume and turning movements, location of stormwater drainage, location of municipal utilities, project schedule and estimated cost, and the name of the project manager.

(b) "Final layout" does not include a cost participation agreement. For purposes of this subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Sec. 4. Minnesota Statutes 2000, section 161.20, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF PROPERTY; BUILDINGS; RELOCATION OF CORNERS; AGREEMENTS WITH RAILROADS; CONTRACTS.] The commissioner is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as the commissioner deems necessary, all lands and properties necessary in preserving future transportation corridors or in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver's license examinations; to maintain, repair, or remodel such buildings as may be necessary; to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder; to make agreements with any county for the relocation or reestablishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or reestablishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.

Sec. 5. Minnesota Statutes 2000, section 161.465, is amended to read:

161.465 [REIMBURSEMENT FOR FIRE SERVICES.]

(a) Subdivision 1. [GRASS FIRES.] Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a grass fire within the right-of-way of a trunk highway must be reimbursed upon certification to the commissioner of transportation from the trunk highway fund. In addition, ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a fire outside the right-of-way of any trunk highway if the fire originated within the right-of-way, upon approval of a police officer or an officer or employee of the department of public safety must, upon certification to the commissioner of transportation by the proper official of the municipality or fire department within 60 days after the completion of the service, be reimbursed to the municipality or fire department from funds in the trunk highway fund.

Subd. 2. [MOTOR VEHICLE FIRES.] Ordinary expenses incurred by a municipal or volunteer fire department in extinguishing a motor vehicle fire within the right-of-way of a trunk highway or interstate, to the extent these expenses are not reimbursed by insurance, some other reasonable method of reimbursement, or collected in accordance with section 366.012, may be reimbursed by the commissioner from the motor vehicle fire revolving account in the special revenue fund up to \$300 per fire call upon certification to the commissioner.

Subd. 3. [FUND REIMBURSEMENT.] The commissioner of transportation shall take action practicable to secure reimbursement to the trunk highway fund or to the special revenue fund of money expended under this section from the person, firm, or corporation responsible for the fire or danger of fire. A motor vehicle fire revolving account is created in the special revenue fund. The commissioner shall deposit into the account all money received by the commissioner in reimbursements from persons, firms, or corporations for costs of extinguishing motor vehicle fires within trunk highway right-of-way. Money in the account is appropriated to the commissioner for the purpose of making reimbursements to municipal or volunteer fire departments under subdivision 2.

(b) Subd. 4. [NO ADMISSION OF LIABILITY.] The provisions of this section shall not be construed to admit state liability for damage or destruction to private property or for injury to persons resulting from a fire originating within a trunk highway or interstate right-of-way.

Sec. 6. Minnesota Statutes 2000, section 169.35, subdivision 1, is amended to read:

Subdivision 1. [PARALLEL TO CURB.] Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked parallel with the right-hand curb and with the right-hand wheels of the vehicle ~~parallel with and~~ within 12 inches of the right-hand curb, provided, that such exception shall only apply to a state trunk highway after approval by the commissioner.

Sec. 7. Minnesota Statutes 2001 Supplement, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.] (a) The limitations provided in this section are increased:

(1) by ten percent between the dates set by the commissioner based on a freezing index model each winter, statewide;

(2) by ten percent between the dates set by the commissioner based on a freezing index model each winter, in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior ~~along trunk highway No. 61~~ to the northeastern city limits of Duluth; thence along the eastern and southern city limits of Duluth to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter

168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

(f) The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under paragraph (a), clause (2).

Sec. 8. Minnesota Statutes 2000, section 221.0252, subdivision 3, is amended to read:

Subd. 3. [AUDIT; INSPECTION.] (a) Within 90 days of issuing a new certificate of registration to a carrier under this section, and before issuing an annual renewal of a certificate of registration, the commissioner shall:

(1) conduct an audit of the carrier's records;

(2) inspect the vehicles the carrier uses in its motor carrier operation to determine if they comply with the federal regulations incorporated in section 221.0314 or accept for filing proof that a complete vehicle inspection was conducted within the previous one year by a commercial vehicle inspector of the department of public safety or an inspector certified by the commissioner of public safety under section 169.781;

(3) verify that the carrier has a designated office in Minnesota where the books and files necessary to conduct business and the records required by this chapter are kept and ~~shall be~~ made available for inspection by the commissioner;

(4) audit the carrier's drivers' criminal background and safety records; and

(5) verify compliance with the insurance requirements of section 221.141.

(b) To streamline the audit process and to reduce the regulatory burden on carriers, the commissioner may reduce the number of vehicle inspections and records audited under paragraph (a) if the commissioner has sufficient information from federal and state motor carrier safety data about a carrier's operations to determine a carrier's safety fitness as described in Code of Federal Regulations, title 49, section 385.7. At a minimum, the commissioner must conduct the record audit in paragraph (a) once in four years.

(c) The commissioner and the commissioner of public safety shall, through an interagency agreement, coordinate vehicle inspection activities to avoid duplication of annual vehicle inspections to minimize the burden of compliance on carriers and to maximize the efficient use of state resources.

Sec. 9. Minnesota Statutes 2000, section 221.0314, is amended by adding a subdivision to read:

Subd. 3b. [FEDERAL WAIVER, EXEMPTION.] Notwithstanding subdivisions 3 and 3a, a Minnesota intrastate waiver is not required in Minnesota intrastate commerce if that person holds a valid interstate waiver or comparable document for physical qualifications described in Code of Federal Regulations, title 49, section 391.41.

Sec. 10. Minnesota Statutes 2000, section 221.0355, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following words and phrases have the meanings given them in this subdivision:

(a) "Base state" means the state selected by a carrier according to the procedures established by the uniform program.

(b) "Base state agreement" means the agreement between participating states electing to register or permit carriers of hazardous material or hazardous waste.

(c) "Carrier" means a person who operates a motor vehicle used to transport hazardous material or hazardous waste.

(d) "Designated hazardous material" means a hazardous material described in Code of Federal Regulations, title 49, section 107.601, which is incorporated by reference.

(e) "Hazardous material" means:

(1) a hazardous material when the hazardous material is of a type or in a quantity that requires the transport vehicle to be placarded in accordance with Code of Federal Regulations, title 49, part 172; or

(2) a hazardous substance or marine pollutant when transported in bulk packaging as defined in Code of Federal Regulations, title 49, section 171.8, which is incorporated by reference.

(f) "Hazardous material transportation" means the transportation of hazardous material or hazardous waste, or both, on the public highways.

(g) "Hazardous waste" means hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest described in Code of Federal Regulations, title 40, part 262, including state-designated hazardous wastes when a list of state-designated hazardous wastes has been filed by the state with the national repository under the uniform program.

(h) "Participating state" means a state electing to participate in the uniform program by entering a base state agreement.

(i) "Person" means an individual, firm, copartnership, cooperative, company, association, limited liability company, corporation, or public entity.

(j) "Public entity" means a carrier who is a federal or state agency or political subdivision.

(k) "Shipper" means a person who offers a designated hazardous material to another person for shipment or who causes a designated hazardous material to be transported or shipped by another person.

(l) "Uniform application" means the uniform motor carrier registration and permit application form established under the uniform program.

(m) "Uniform program" means the Uniform State Hazardous Materials Transportation Motor Carrier Registration and Permit Program established in the report submitted to the secretary of transportation pursuant to the "Hazardous Materials Transportation Uniform Safety Act of 1990," United States Code, title 49 appendix, section 1819, subsection (c).

Sec. 11. Minnesota Statutes 2000, section 221.0355, subdivision 3, is amended to read:

Subd. 3. [GENERAL REQUIREMENTS.] Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

(f) A carrier registered under this section, who exclusively offers designated materials for shipment only in vehicles controlled or operated by that carrier and who does not offer hazardous materials to other private or for-hire carriers, is not required to register as a shipper under subdivision 7.

Sec. 12. Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2, is amended to read:

Subd. 2. [ENFORCEMENT POWERS.] Transportation program specialists and hazardous material program specialists of the department, for the purpose of enforcing ~~the provisions of~~ (1) this chapter, sections 169.781 to 169.783 relating to commercial vehicle inspections, and section 296A.27, subdivisions 6 and 12, relating to motor carrier licenses and trip permits, (2) Code of Federal Regulations, title 49, parts 40 and 382, and (3) the applicable rules, orders, or directives of the commissioner of transportation and the commissioner of revenue, issued under this chapter and chapter 296A, but for no other purpose, have the powers conferred by law upon police officers. The powers include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances.

Sec. 13. Minnesota Statutes 2000, section 221.221, subdivision 4, is amended to read:

Subd. 4. [DOCUMENT INSPECTION.] Records, log books, certificates, licenses, shipping documents, or other papers or documents required to determine compliance with this chapter ~~and,~~ rules adopted under this chapter, and Code of Federal Regulations, title 49, parts 40 and 382, must be presented for inspection, upon request, to a peace officer or police officer or other person empowered to enforce ~~the provisions of~~ this chapter.

Sec. 14. Minnesota Statutes 2000, section 221.605, subdivision 1, is amended to read:

Subdivision 1. [FEDERAL REGULATIONS.] (a) Interstate carriers and private carriers engaged in interstate commerce shall comply with the federal motor carrier ~~safety regulations, in Code of Federal Regulations, title 49, parts 40, 382, 387, and 390 to through 398; with Code of Federal Regulations, title 49, part 40;~~ and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists. For purposes of regulating commercial motor vehicles as defined in section 169.781, subdivision 1, the exemption provided in Code of Federal Regulations, title 49, section 396.11, paragraph (d), applies in Minnesota only to driveaway-towaway operations.

(b) An interstate carrier or private carrier engaged in interstate commerce who complies with federal regulations governing testing for controlled substances and alcohol is exempt from the requirements of sections 181.950 to 181.957 unless the carrier's drug testing program provides for testing for controlled substances in addition to those listed in Code of Federal Regulations, title 49, section ~~40.21, paragraph (a)~~ 40.85. Persons subject to this section may test for drugs, in addition to

those listed in Code of Federal Regulations, title 49, section 40.21, paragraph (a) 40.85, only in accordance with sections 181.950 to 181.957 and rules adopted under those sections.

Sec. 15. Minnesota Statutes 2000, section 366.011, is amended to read:

366.011 [CHARGES FOR EMERGENCY SERVICES; COLLECTION.]

A town may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the town or contracted for by the town. If the service charge remains unpaid 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the town or its contractor on behalf of the town may use any lawful means allowed to a private party for the collection of an unsecured delinquent debt. The town may also use the authority of section 366.012 to collect unpaid service charges of this kind from delinquent recipients of services who are owners of taxable real property in the town.

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a town to impose a service charge or assessment for a service provided by the town or contracted for by the town.

Sec. 16. Minnesota Statutes 2000, section 366.012, is amended to read:

366.012 [COLLECTION OF UNPAID SERVICE CHARGES.]

If a town is authorized to impose a service charge on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the town, the town board may certify to the county auditor of the county in which the recipient of the services owns real property, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. The county auditor shall remit to the town all service charges collected by the auditor on behalf of the town. Charges collected under this section for motor vehicle fires provided by section 161.465, subdivision 2, shall not exceed the amount authorized in that subdivision, but a town may recover expenses incurred for extinguishing a motor vehicle fire in excess of that amount by any other authorized method. A charge may be certified to the auditor only if, on or before September 15, the town has given written notice to the property owner of its intention to certify the charge to the auditor. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to other law authorizing the collection of unpaid costs and service charges.

Sec. 17. Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7, is amended to read:

Subd. 7. State Roads	975,975,000	988,878,000
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Summary by Fund

General	9,000	9,000
Trunk Highway	975,966,000	988,869,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

564,707,000	564,707,000
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It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

275,000,000	300,000,000
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Highway User Taxes

289,707,000

264,707,000

The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation finance committee of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

\$1,000,000 the first year and \$1,000,000 the second year are for trunk highway advantages to bus transit in conjunction with highway construction or reconstruction projects in the commissioner's statewide transportation improvement program. For purposes of this appropriation, "advantages to transit" includes shoulder bus lanes, bus park-and-ride facilities, and bus passenger waiting facilities, but does not include (1) any facility relating to light rail transit or commuter rail or (2) bus facilities or operating costs in a light rail transit or commuter rail corridor.

\$5,000,000 the first year and \$5,000,000 the second year are for acquisition of right-of-way for trunk highway construction and reconstruction projects in advance of final design work for those projects.

~~The commissioner may not spend any money from the trunk highway fund to pay the operating costs of bus service intended solely or primarily to mitigate the effects of trunk highway construction projects.~~

Until July 1, 2002, the commissioner may not cancel, or remove from the commissioner's statewide transportation improvement program, the trunk highway project that would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36.

(b) Highway Debt Service

19,235,000

24,228,000

\$9,235,000 the first year and \$14,228,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment Management

12,187,000

12,211,000

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area, including the Mankato area.

\$200,000 the first year is for an update of the statewide transportation plan. This is a onetime appropriation and may not be added to the agency's budget base.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$100,000 in the first year is for a study of the feasibility and desirability of allowing all vehicles to use lanes on marked interstate highways No. 394 and No. 35W presently

restricted to high-occupancy vehicles only. The commissioner shall determine a time during which such use shall be allowed, and take all necessary steps to permit such use for the period of the study. The commissioner shall contract with an independent consultant to study the effects of opening the lanes to all vehicles on traffic flow, traffic congestion, transit and high-occupancy vehicle use, and highway safety on interstate highways No. 394 and No. 35W and other affected highways. The commissioner shall report to the legislature on the results of the study by February 1, 2002. The commissioner shall take no actions with respect to this study that would result in a loss of federal funds to the state or significant delay to a state or local transportation project financed partly with federal funds.

(d) Central Engineering Services

65,031,000	66,338,000
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(e) Design and Construction Engineering

89,335,000	91,046,000
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\$500,000 the first year is for planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system.

(f) State Road Operations

219,863,000	224,602,000
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\$2,750,000 the first year and \$2,750,000 the second year are for facilities' maintenance.

\$2,000,000 the first year and \$2,000,000 the second year are for improved highway striping.

\$3,000,000 the first year and \$3,000,000 the second year are for road equipment and fabrication of auxiliary equipment for snowplow trucks.

\$875,000 the first year and \$875,000 the second year are to support highway signal and lighting maintenance activities.

The commissioner shall spend all money available to the department of transportation under Public Law Number 105-206, section 164 (repeat offender transfer program), for hazard elimination activities under United States Code, title 23, section 152, and shall not transfer any part of these funds to any other agency.

(g) Electronic Communications

5,617,000	5,746,000
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Summary by Fund

General	9,000	9,000
Trunk Highway	5,608,000	5,737,000

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Sec. 18. Laws 2001, First Special Session chapter 8, article 1, section 8, is amended to read:

Sec. 8. [DEPARTMENT OF TRANSPORTATION DISTRICT 1 CONSTRUCTION BUDGET.] The commissioner of transportation shall reduce the construction budget of the department of transportation construction district 1 by ~~\$35,000,000~~ \$24,700,000 over the period from fiscal year 2003 through fiscal year 2007, in order to repay the advance of highway construction funds in fiscal years 2001 and 2002. The reduction in each year of the period must ~~equal the cost of trunk highway construction projects that were originally scheduled to be constructed during that year that were constructed in fiscal year 2001 or 2002 instead be~~ approximately \$5,000,000 until the funds advanced have been repaid.

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

Sec. 19. [ST. CROIX RIVER BRIDGE.]

Until July 1, 2003, the commissioner of transportation may not cancel or remove from the commissioner's statewide transportation improvement program, the trunk highway project that would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36.

Sec. 20. [TRUNK HIGHWAY NO. 169 RECONSTRUCTION; PEDESTRIAN SIGNAL.]

The commissioner of transportation shall, as part of the reconstruction of marked trunk highway No. 169 (Ferry Street) in the city of Anoka, prepare a new signal agreement relating to the new pedestrian signal located between Benton Street and Fremont Street. All costs related to installation of the new pedestrian signal must be paid by the city of Anoka. The commissioner may annually review the installation of the signal at the East Frontage Road as described in signal agreement No. 81393R. Notwithstanding approval granted under Minnesota Statutes 2001, sections 161.162 to 161.167, the new pedestrian signal shall be designated as the priority signal and the commissioner may remove the signal at the East Frontage Road location if the signal is determined detrimental to the safe operation and functionality of trunk highway No. 169 (Ferry Street).

Sec. 21. [PROTECTION OF NATURAL FLOW.]

A stipulation agreement entered into between the Minnehaha Creek watershed district and the Minnesota department of transportation concerning the controversy at issue in Court File No. MC01-07478 in the fourth judicial district of Hennepin county, has the force of law and supersedes the provisions of Laws 2001, chapter 101, section 1.

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

Sec. 22. [TRUNK HIGHWAY CORRIDOR-PROTECTION DEMONSTRATION PROJECT.]

Subdivision 1. [ESTABLISHMENT OF PROJECT.] The commissioner of transportation, in cooperation with the trunk highway No. 55 joint powers board, shall establish a corridor-protection demonstration project along the corridor of trunk highway signed No. 55 between interstate highway signed No. I-494 in Hennepin county and the city of Annandale in Wright county. The purpose of the corridor-protection demonstration project is to develop a transferable process and methodologies for trunk highway corridor coalitions to use in protecting a

corridor for future capacity needs, such as for additional lanes, safety improvements, improved access management, and transit services.

The commissioner, or a designee, shall participate as a nonvoting member of the trunk highway No. 55 joint powers board, provide technical advice and guidance relating to developing a corridor-protection plan and official map, and provide a grant to the board to hire a consultant. The joint powers board shall use the grant to hire a consultant to conduct, at a minimum, the following activities:

(1) develop a preliminary plan and layout for the future boundaries and right-of-way needs of the highway corridor;

(2) develop an official map of the corridor;

(3) conduct at least one official public hearing in the corridor upon completion of the official map;

(4) assist the municipalities in making any necessary comprehensive plan amendments, zoning changes, or ordinance changes; and

(5) educate the municipalities regarding appropriate strategies, procedures, and tools to use to protect the corridor for the planned right-of-way needs.

Subd. 2. [REPORT TO THE LEGISLATURE.] By January 15, 2004, the commissioner shall report the results of the corridor-protection demonstration project to the committees of the senate and house of representatives with jurisdiction over transportation policy and finance. The report must include findings regarding the effectiveness of assisting communities in developing a corridor-protection plan and official map and estimates of future right-of-way savings due to early implementation of right-of-way protection mechanisms.

Subd. 3. [APPROPRIATION.] \$500,000 is appropriated from the trunk highway fund to the commissioner of transportation to be used as a grant to the trunk highway No. 55 joint powers board for costs of hiring a consultant to conduct the activities described in subdivision 1. The grant is available only upon the formation of a trunk highway No. 55 joint powers board that, at a minimum, includes the counties of Hennepin and Wright, and a majority of the cities and townships that include or border trunk highway signed No. 55 between interstate highway signed No. I-494 and the city of Annandale. This appropriation cancels to the trunk highway fund if a joint powers board has not been formed by January 15, 2003, otherwise, it is available until June 30, 2004.

Sec. 23. [APPROPRIATION FOR TRANSPORTATION BUILDING.]

\$5,046,000 is appropriated from the trunk highway fund to the commissioner of administration for Minnesota department of transportation building exterior repair, phase 1. This appropriation is to design and repair the anchoring system of the exterior cladding of the department of transportation building located at 395 John Ireland Boulevard in the capitol complex.

Sec. 24. [APPROPRIATION FOR CONSOLIDATED OPERATIONS SUPPORT FACILITY.]

\$9,500,000 is appropriated from the trunk highway fund to the commissioner of transportation to design, construct, furnish, and equip the consolidation of the central shop, electrical services, and central inventory center in one location.

Sec. 25. [APPROPRIATION FOR MANKATO HEADQUARTERS BUILDING.]

\$14,000,000 is appropriated from the trunk highway fund to the commissioner of transportation to design, construct, furnish, and equip a replacement headquarters building and support facilities on a new site in Mankato for Minnesota department of transportation, state patrol, and driver's license examination station.

Sec. 26. [APPROPRIATION FOR COMMUNICATIONS/BACKBONE DIGITAL CONVERSION.]

\$2,000,000 is appropriated from the trunk highway fund to the commissioner of transportation to convert the existing Minnesota department of transportation analog microwave backbone to digital equipment.

Sec. 27. [EXEMPTION FROM MATCHING REQUIREMENT.]

All money received under Public Law Number 107-71, the Aviation and Transportation Security Act, is exempt from the matching requirements of Minnesota Statutes, section 360.305, subdivision 4.

Sec. 28. [REPEALER.]

Minnesota Statutes 2000, section 221.0313, is repealed.

Sec. 29. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2002, and applies to public works contracts entered into on or after that date. Section 20 is effective the day following final enactment. Sections 23 to 26 are effective the day following final enactment, and each appropriation is available until the project is completed or abandoned."

Delete the title and insert:

"A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; requiring parked vehicle to be parallel with curb; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; appropriating money; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 161.465; 169.35, subdivision 1; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 2000, section 221.0313."

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

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

H.F. No. 2988 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2988	3023				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2988 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2988 and insert the language after the enacting clause of S.F. No. 3023, the first engrossment; further, delete the title of H.F. No. 2988 and insert the title of S.F. No. 3023, the first engrossment.

And when so amended H.F. No. 2988 will be identical to S.F. No. 3023, and further recommends that H.F. No. 2988 be given its second reading and substituted for S.F. No. 3023, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2618 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2618	3373				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2618 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2618 and insert the language after the enacting clause of S.F. No. 3373, the second engrossment; further, delete the title of H.F. No. 2618 and insert the title of S.F. No. 3373, the second engrossment.

And when so amended H.F. No. 2618 will be identical to S.F. No. 3373, and further recommends that H.F. No. 2618 be given its second reading and substituted for S.F. No. 3373, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1517 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1517	1443				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1517 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1517 and insert the language after the enacting clause of S.F. No. 1443, the second engrossment; further, delete the title of H.F. No. 1517 and insert the title of S.F. No. 1443, the second engrossment.

And when so amended H.F. No. 1517 will be identical to S.F. No. 1443, and further recommends that H.F. No. 1517 be given its second reading and substituted for S.F. No. 1443, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1224 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1224	887				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1224 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1224 and insert the language after the enacting clause of S.F. No. 887, the second engrossment; further, delete the title of H.F. No. 1224 and insert the title of S.F. No. 887, the second engrossment.

And when so amended H.F. No. 1224 will be identical to S.F. No. 887, and further recommends that H.F. No. 1224 be given its second reading and substituted for S.F. No. 887, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2706 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2706	3076				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2706 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2706 and insert the language after the enacting clause of S.F. No. 3076, the second engrossment; further, delete the title of H.F. No. 2706 and insert the title of S.F. No. 3076, the second engrossment.

And when so amended H.F. No. 2706 will be identical to S.F. No. 3076, and further recommends that H.F. No. 2706 be given its second reading and substituted for S.F. No. 3076, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3177 and 3298 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2988, 2618, 1517, 1224 and 2706 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Marty moved that the name of Senator Fowler be added as a co-author to S.F. No. 2644. The motion prevailed.

Senator Larson introduced--

Senate Resolution No. 197: A Senate resolution congratulating Donald Joseph Ahlschlager of Underwood, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2991: A bill for an act relating to the military; requiring payment of a salary differential to certain state employees who are members of the national guard or other military reserve units and who have been called to active military duty on or after September 11, 2001; permitting local governments to pay a similar salary differential for their employees who are called from reserve status to active military service; amending Minnesota Statutes 2000, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 2125: A bill for an act relating to natural resources; modifying provisions for all-terrain vehicle use on certain wildlife management area lands; modifying disposition of lottery ticket in lieu of sales tax receipts; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; amending Minnesota Statutes 2000, section 97A.133, subdivision 3; Minnesota Statutes 2001 Supplement, sections 297A.94; 477A.14.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 1811: A bill for an act relating to drainage; modifying the requirement for approval of drainage activities; allowing transfer of a public drainage system to a water management authority; defining water management authority; amending Minnesota Statutes 2000, sections 103E.005, subdivision 16, by adding a subdivision; 103E.011, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Page 2, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "modifying the requirement for approval of drainage activities;"

Page 1, line 6, delete "sections" and insert "section"

Page 1, lines 7 and 8, delete "103E.011, subdivision 3;"

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 2812: A bill for an act relating to transportation; allocating proceeds from sales tax on motor vehicles; increasing and indexing the motor fuel tax; authorizing trunk highway bonds; requiring a metropolitan area election concerning imposition of one-half cent general sales tax; dedicating sales tax revenues to highway improvements and transit capital in the metropolitan area; requiring the commissioner of transportation to utilize agriculture-based de-icing solutions; providing reimbursement to fire departments for certain vehicle fires; creating technical advisory group to streamline environmental review process; appropriating money; amending Minnesota Statutes 2000, sections 161.465; 162.07, subdivision 1, by adding subdivisions; 296A.07, subdivision 3, by adding a subdivision; 296A.08, subdivision 2, by adding a subdivision; 366.011; 366.012; 473.661, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 174.242, by adding a subdivision; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 161; 162; 270; proposing coding for new law as Minnesota Statutes, chapter 473J.

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

Page 7, line 12, delete "state bond" and insert "trunk highway"

Page 10, line 1, after the period, insert "Up to 15 percent of the appropriation each year may be used by the department for program delivery provided that all work related to program delivery must be done by state employees."

Page 10, line 9, delete everything after the period

Page 10, delete line 10

Page 10, line 28, after "Rock" insert "and"

Page 11, delete section 3 and insert:

"Sec. 3. [473J.03] [SALES TAX.]

There is imposed a sales and use tax of one-half percent on retail sales and uses taxable under chapter 297A that occur in the metropolitan transportation area. This tax is in addition to the taxes imposed by sections 297A.62, subdivision 1, and 297A.63, subdivision 1."

Page 11, line 22, delete "or acquired"

Page 15, after line 22, insert:

"Sec. 4. Minnesota Statutes 2000, section 360.305, subdivision 4, is amended to read:

Subd. 4. [COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR CONSTRUCTION REVOLVING ACCOUNT.] (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

(b) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (1) the project costs;
- (2) acquisition costs of the land and clear zones, which are referred to as acquisition costs.

(c) For any airport where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum of the project costs and acquisition costs.

(d) The commissioner may pay the total cost of radio and navigational aids.

(e) Notwithstanding paragraph (b) or (c), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(f) Notwithstanding paragraph (b) or (c), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this paragraph exceed five percent of the amount appropriated for construction grants.

(g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for 20 years after the date that any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality.

The agreement may contain other conditions as the commissioner deems reasonable.

(h) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the construction of hangars shall include their design. The commissioner shall transfer up to ~~\$4,100,000~~ \$4,400,000 from the state airports fund to the hangar construction revolving account.

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

(j) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971."

Page 17, after line 8, insert:

"Sec. 8. Laws 1998, chapter 389, article 8, section 43, subdivision 3, is amended to read:

Subd. 3. [USE OF REVENUES.] Revenues received from the taxes authorized by subdivisions 1 and 2 must be used by the city to pay for the cost of collecting and administering the taxes and to pay for the following projects:

- (1) transportation infrastructure improvements including both highway and airport improvements;
- (2) improvements to the civic center complex;
- (3) a municipal water, sewer, and storm sewer project necessary to improve regional ground water quality; and
- (4) construction of a regional recreation and sports center and associated facilities available for both community and student use, located at or adjacent to the Rochester center.

The total amount of capital expenditures or bonds for these projects that may be paid from the revenues raised from the taxes authorized in this section may not exceed \$71,500,000 \$86,500,000. The total amount of capital expenditures or bonds for the project in clause (4) that may be paid from the revenues raised from the taxes authorized in this section may not exceed \$20,000,000.

[EFFECTIVE DATE.] This section is effective the day after compliance by the governing body of the city of Rochester with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 9. Laws 1998, chapter 389, article 8, section 43, subdivision 4, is amended to read:

Subd. 4. [BONDING AUTHORITY.] (a) The city may issue bonds under Minnesota Statutes, chapter 475, to finance the capital expenditure and improvement projects. An election to approve the bonds under Minnesota Statutes, section 475.58, may be held in combination with the election to authorize imposition of the tax under subdivision 1. Whether to permit imposition of the tax and issuance of bonds may be posed to the voters as a single question. The question must state that the sales tax revenues are pledged to pay the bonds, but that the bonds are general obligations and will be guaranteed by the city's property taxes.

(b) The issuance of bonds under this subdivision is not subject to Minnesota Statutes, section 275.60.

(c) The bonds are not included in computing any debt limitation applicable to the city, and the levy of taxes under Minnesota Statutes, section 475.61, to pay principal of and interest on the bonds is not subject to any levy limitation.

The aggregate principal amount of bonds, plus the aggregate of the taxes used directly to pay eligible capital expenditures and improvements may not exceed \$71,500,000 \$86,500,000, plus an amount equal to the costs related to issuance of the bonds.

(d) The taxes may be pledged to and used for the payment of the bonds and any bonds issued to refund them, only if the bonds and any refunding bonds are general obligations of the city.

[EFFECTIVE DATE.] This section is effective the day after compliance by the governing body of the city of Rochester with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 10. Laws 1998, chapter 389, article 8, section 43, subdivision 5, is amended to read:

Subd. 5. [TERMINATION OF TAXES.] The taxes imposed under subdivisions 1 and 2 expire when the city council determines that sufficient funds have been received from the taxes to finance the projects and to prepay or retire at maturity the principal, interest, and premium due on any bonds issued for the projects under subdivision 4, but no later than June 30, 2013. Any funds remaining after completion of the project and retirement or redemption of the bonds may be placed in the general fund of the city. The taxes imposed under subdivisions 1 and 2 may expire at an earlier time if the city so determines by ordinance.

[EFFECTIVE DATE.] This section is effective the day after compliance by the governing body of the city of Rochester with Minnesota Statutes, section 645.021, subdivision 3."

Page 17, line 29, delete "1" and insert "15"

Page 19, after line 4, insert:

"Sec. 13. [CONTRACTS.]

Notwithstanding Laws 2002, chapter 220, article 10, section 37, the commissioner of transportation may enter into contracts or renew existing contracts for professional or technical services when general funds are not used to pay for the contracted services."

Page 19, line 5, delete "Sec" and insert "Sec."

Page 19, line 15, delete "3" and insert "6"

Page 19, line 17, delete "4" and insert "7"

Page 19, line 18, delete "expire" and insert "expires"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the semicolon, insert "authorizing the commissioner of transportation to enter into or renew certain contracts; authorizing expenditure of revenues from the Rochester sales tax for transportation purposes;"

Page 1, line 18, after the semicolon, insert "360.305, subdivision 4;"

Page 1, line 21, after the semicolon, insert "Laws 1998, chapter 389, article 8, section 43, subdivisions 3, 4, 5;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2991, 2125, 1811 and 2812 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Orfield and Moua introduced--

S.F. No. 3448: A bill for an act relating to municipalities; requiring a moratorium on use permits for large retail stores.

Referred to the Committee on State and Local Government Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2881 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2881: A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision.

Senator Cohen moved to amend S.F. No. 2881 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 462.358, is amended by adding a subdivision to read:

Subd. 11. [AFFORDABLE HOUSING.] For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate income, so proposes, the applicant may request that provisions authorized by clauses (1) to (4) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

(1) establishing sales prices or rents for housing affordable to low- and moderate-income households;

(2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units;

(3) establishing means, including, but not limited to, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units; and

(4) establishing a land trust agreement to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy except where public financing or subsidy requires longer terms."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Stevens imposed a call of the Senate for the balance of the proceedings on S.F. No. 2881. The Sergeant at Arms was instructed to bring in the absent members.

Senator Reiter moved to amend the Cohen amendment to S.F. No. 2881, adopted by the Senate March 21, 2002, as follows:

Page 1, lines 8 and 13, delete "municipality" and insert "city of the first class"

The question was taken on the adoption of the amendment.

Senator Cohen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 23 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Olson	Sams
Berg	Hottinger	Larson	Ourada	Stevens
Day	Johnson, Debbie	Lesewski	Pariseau	Terwilliger
Dille	Kierlin	Limmer	Reiter	
Fischbach	Kleis	Neuville	Robling	

Those who voted in the negative were:

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

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

S.F. No. 2881 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 39 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Doug	Marty	Price	Solon, Y.P.
Betzold	Kelley, S.P.	Metzen	Ranum	Stumpf
Cohen	Kinkel	Moe, R.D.	Rest	Terwilliger
Foley	Knutson	Moua	Ring	Tomassoni
Fowler	Krentz	Olson	Robertson	Vickerman
Higgins	Langseth	Orfield	Robling	Wiener
Hottinger	Lessard	Pappas	Sabo	Wiger
Johnson, Dean	Lourey	Pogemiller	Samuelson	

Those who voted in the negative were:

Bachmann	Dille	Kierlin	Limmer	Reiter
Belanger	Fischbach	Kleis	Neuville	Sams
Berg	Frederickson	Larson	Ourada	Stevens
Day	Johnson, Debbie	Lesewski	Pariseau	

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

MOTIONS AND RESOLUTIONS - CONTINUED

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 S.F. No. 2812 and that the rules of the Senate be so far suspended as to give S.F. No. 2812, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2812: A bill for an act relating to transportation; allocating proceeds from sales tax on motor vehicles; increasing and indexing the motor fuel tax; authorizing trunk highway bonds; requiring a metropolitan area election concerning imposition of one-half cent general sales tax; dedicating sales tax revenues to highway improvements and transit capital in the metropolitan area; requiring the commissioner of transportation to utilize agriculture-based de-icing solutions; providing reimbursement to fire departments for certain vehicle fires; creating technical advisory group to streamline environmental review process; increasing limit for funds that may be transferred from state airports fund to hanger construction revolving account; authorizing the commissioner of transportation to enter into or renew certain contracts; authorizing expenditure of revenues from the Rochester sales tax for transportation purposes; appropriating money; amending Minnesota Statutes 2000, sections 161.465; 162.07, subdivision 1, by adding subdivisions; 296A.07, subdivision 3, by adding a subdivision; 296A.08, subdivision 2, by adding a subdivision; 360.305, subdivision 4; 366.011; 366.012; 473.661, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 174.242, by adding a subdivision; 297B.09, subdivision 1; Laws 1998, chapter 389, article 8, section 43, subdivisions 3, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 161; 162; 270; proposing coding for new law as Minnesota Statutes, chapter 473J.

Senator Johnson, Dean moved to amend S.F. No. 2812 as follows:

Page 23, line 26, delete "6" and insert "7"

Page 23, line 28, delete "7" and insert "11"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2812. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 2812 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 39 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Pappas	Solon, Y.P.
Belanger	Johnson, Dave	Lourey	Pogemiller	Stumpf
Betzold	Johnson, Dean	Metzen	Price	Terwilliger
Cohen	Johnson, Doug	Moe, R.D.	Ranum	Tomassoni
Foley	Kelley, S.P.	Moua	Rest	Vickerman
Fowler	Kinkel	Murphy	Ring	Wiener
Frederickson	Kiscaden	Orfield	Sabo	Wiger
Higgins	Krentz	Ourada	Scheid	

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Lessard	Reiter	Schwab
Berg	Kierlin	Limmer	Robertson	Stevens
Chaudhary	Kleis	Marty	Robling	
Day	Knutson	Neuville	Sams	
Dille	Larson	Olson	Samuelson	
Fischbach	Lesewski	Pariseau	Scheevel	

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

Senator Moe, R.D. moved that S.F. No. 2812 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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. 3246, 3187, H.F. No. 2882 and S.F. No. 2707.

SPECIAL ORDER

S.F. No. 3246: A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Marty moved to amend S.F. No. 3246 as follows:

Page 2, line 14, before the semicolon, insert "and the person is not using automatic dialing equipment to make the solicitation"

Page 2, line 16, after the semicolon, insert "or"

Page 2, line 19, delete "; or" and insert a period

Page 2, delete lines 20 to 24

Page 3, line 27, delete "two" and insert "six"

Senator Marty requested division of his amendment as follows:

First portion:

Page 2, line 14, before the semicolon, insert "and the person is not using automatic dialing equipment to make the solicitation"

The motion prevailed. So the first portion of the Marty amendment was adopted.

Second portion:

Page 2, line 16, after the semicolon, insert "or"

Page 2, line 19, delete "; or" and insert a period

Page 2, delete lines 20 to 24

The motion did not prevail. So the second portion of the Marty amendment was not adopted.

Third portion:

Page 3, line 27, delete "two" and insert "six"

The motion did not prevail. So the third portion of the Marty amendment was not adopted.

Senator Krentz moved to amend S.F. No. 3246 as follows:

Page 3, line 27, delete "two" and insert "four"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 3246. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 3246 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, Doug	Larson	Murphy
Bachmann	Foley	Kelley, S.P.	Lesewski	Neuville
Belanger	Fowler	Kierlin	Lessard	Oliver
Berg	Frederickson	Kinkel	Limmer	Olson
Betzold	Higgins	Kiscaden	Lourey	Orfield
Chaudhary	Hottinger	Kleis	Marty	Ourada
Cohen	Johnson, Dave	Knutson	Metzen	Pappas
Day	Johnson, Dean	Krentz	Moe, R.D.	Pariseau
Dille	Johnson, Debbie	Langseth	Moua	Pogemiller

Price	Ring	Sams	Solon, Y.P.	Tomassoni
Ranum	Robertson	Samuelson	Stevens	Vickerman
Reiter	Robling	Scheevel	Stumpf	Wiener
Rest	Sabo	Schwab	Terwilliger	Wiger

Those who voted in the negative were:

Scheid

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

S.F. No. 3187: A bill for an act relating to education; amending and repealing unneeded and obsolete education provisions; amending Minnesota Statutes 2000, sections 120B.11, subdivision 5; 121A.15, as amended; 121A.55; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 5, 8; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123B.02, subdivision 1; 123B.04, subdivision 5; 123B.147; 123B.43; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.83, subdivision 1; 123B.90, subdivision 2; 124D.02, subdivision 1; 124D.09, subdivisions 5, 6; 124D.10, subdivisions 1, 6; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.50, subdivisions 2, 3; 124D.65, subdivision 6; 124D.892, as amended; 124D.94, subdivision 4; 125B.05, subdivisions 1, 2; 127A.05, subdivision 3; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 2001 Supplement, section 129C.10, subdivision 3; repealing Minnesota Statutes 2000, sections 121A.03, subdivision 3; 121A.16; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 9, 10, 13; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.95, subdivision 3; 124D.02, subdivision 4; 124D.06; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.47, subdivision 1; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, 6; 125B.02; 127A.41, subdivision 4.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2882: A bill for an act relating to traffic regulations; regulating the operation of electric personal assistive mobility devices on roadways and sidewalks; amending Minnesota Statutes 2000, sections 168.011, subdivision 4; 169.01, subdivision 3, by adding a subdivision; 171.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Pursuant to Rule 41, Senator Schwab moved that she be excused from voting on H.F. No. 2882. The motion prevailed.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 4, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	Lesewski	Pappas	Samuelson
Belanger	Hottinger	Lessard	Pogemiller	Scheevel
Berg	Johnson, Dean	Lourey	Price	Scheid
Chaudhary	Johnson, Debbie	Marty	Ranum	Solon, Y.P.
Cohen	Kelley, S.P.	Metzen	Reiter	Stevens
Day	Kierlin	Moua	Rest	Stumpf
Dille	Kinkel	Murphy	Ring	Tomassoni
Fischbach	Kiscaden	Neuville	Robertson	Wiener
Foley	Kleis	Olson	Robling	Wiger
Fowler	Knutson	Orfield	Sabo	
Frederickson	Krentz	Ourada	Sams	

Those who voted in the negative were:

Betzold	Larson	Limmer	Vickerman
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So the bill passed and its title was agreed to.

S.F. No. 2707: A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; appropriating money; amending Minnesota Statutes 2001 Supplement, sections 357.18, subdivision 3; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2001, First Special Session chapter 10, article 2, section 98; Laws 2001, First Special Session chapter 10, article 2, section 99.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3200.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 3200: A bill for an act relating to health occupations; establishing guest licenses for dentists and dental hygienists; establishing guest registration for dental assistants; appropriating money; amending Minnesota Statutes 2000, section 150A.06, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3155, now on General Orders.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2683: A bill for an act relating to public safety; enacting various antiterrorism measures; expanding first-degree murder to include death resulting from an act of terrorism and imposing a term of life imprisonment without release for this; establishing crimes relating to the use of biological agents, toxic chemicals, toxins, or radioactive materials; modifying and expanding provisions relating to terroristic threats; increasing penalties for trespass on a public utility or a critical public service facility; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; providing criminal penalties for certain persons who aid others to commit terrorism; increasing criminal penalties for giving false information to law enforcement officers relating to terrorism; increasing the emergency telephone service fee; imposing criminal penalties; creating and modifying grant programs for emergency preparedness training and equipment purchases and other expenses related to terrorism; appropriating money for various emergency response and antiterrorism measures; amending Minnesota Statutes 2000, sections 299A.62, subdivision 1; 299F.72, subdivision 1; 609.106, subdivision 2; 609.185; 609.505; 609.605, by adding a subdivision; 609.713, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 403.11, subdivision 1; 473.901, subdivision 1; 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 299A; 609.

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

Pages 1 to 8, delete sections 1 to 7 and insert:

"Section 1. [APPROPRIATIONS.]

The sums in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this article, to be available for the fiscal years indicated for each purpose. The figures "2002" and "2003" where used in this article, mean that the appropriation or appropriations listed under them are available for the fiscal year ending June 30, 2002, or June 30, 2003, respectively. The term "first year" means the year ending June 30, 2002, and the term "second year" means the year ending June 30, 2003.

SUMMARY BY FUND

	2002	2003	TOTAL
General	-0-	\$4,000,000	\$4,000,000
Special Revenue	\$1,781,000	\$14,228,000	\$16,009,000
TOTAL	\$1,781,000	\$18,228,000	\$20,009,000

APPROPRIATIONS

Available for the Year

Ending June 30

2002

2003

Sec. 2. PUBLIC SAFETY

Subdivision 1. Total

Appropriation

-0-

4,000,000

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

Subd. 2. Emergency Management

-0-

500,000

[HAZARDOUS MATERIAL EMERGENCY RESPONSE TEAMS.] \$240,000 is for the conversion of the Rochester, Moorhead, and Duluth chemical assessment teams to hazardous material emergency response teams and for equipment purchases to upgrade the capability of these teams.

[STATEWIDE ASSESSMENT OF EMERGENCY COMMUNICATION NEEDS.] \$260,000 is for a statewide assessment of emergency communication capabilities and an implementation plan for addressing those needs. This is a onetime appropriation.

Subd. 3. Law Enforcement and Community Grants

-0-

3,500,000

[EMERGENCY PREPAREDNESS TRAINING GRANTS.] \$2,500,000 is for grants described in new Minnesota Statutes, section 299A.77, subdivision 1. This appropriation is available until expended.

[EMERGENCY PREPAREDNESS EQUIPMENT GRANTS.] \$1,000,000 is for grants described in new Minnesota Statutes, section 299A.77, subdivision 2. This is a onetime appropriation and is available until expended.

Sec. 3. ADMINISTRATION

1,781,000

14,288,000

This appropriation is from the 911 emergency telephone service account in the special revenue fund to provide for 911 emergency telephone

service and the public safety radio communication system. These appropriations are added to the appropriations in Laws 2001, First Special Session chapter 10, article 1, section 12, subdivision 4. Of the appropriation for the second year, \$6,366,000 must be paid to the metropolitan radio board.

Sec. 4. [174.71] [STATEWIDE PUBLIC SAFETY RADIO COMMUNICATION SYSTEM.]

As appropriations for this purpose permit, the commissioner of transportation shall extend the regionwide public safety radio communication system created under sections 473.891 to 473.905 to serve greater Minnesota. The first regions to be served outside the metropolitan area must be the southeast district of the state patrol and the counties of Stearns, Sherburne, Benton, and Wright in the central district of the state patrol. Extending the system to serve these regions is called the "third phase" of the public safety radio communication system.

Sec. 5. [174.72] [OPERATING COSTS.]

Subdivision 1. [ALLOCATION OF OPERATING COSTS.] The current costs of the commissioner in implementing phase three of the public safety radio communication system must be allocated among and paid by the following users:

- (1) the state of Minnesota for its operations using the system;
- (2) all local government units using the system; and
- (3) other eligible users of the system.

Subd. 2. [PAYMENTS TO COMMISSIONER; AMOUNTS DUE COMMISSIONER WHEN PAYABLE.] Charges payable to the commissioner by users of the system may be made payable at those times during each year as the commissioner determines, but those dates shall be fixed with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay the charges.

Subd. 3. [COMPONENT MUNICIPALITIES OBLIGATIONS TO COMMISSIONER.] Each local government and other eligible users of the third phase system shall pay to the commissioner all sums charged to it under this section, at the times and in the manner determined by the commissioner. The governing body of each local government shall take all action that may be necessary to provide the money required for these payments and to make them when due.

Subd. 4. [POWERS OF GOVERNMENT UNITS.] To accomplish any duty imposed on it by the commissioner, the governing body of every local government using the third phase system may exercise the powers granted any municipality by chapters 117, 412, 429, 475, and by sections 115.46, 444.075, and 471.59.

Subd. 5. [DEFICIENCY TAX LEVIES.] If the governing body of any local government using the third phase system fails to meet any payment to the commissioner under subdivision 1 when due, the commissioner may certify to the auditor of the county in which the government unit is located the amount required for payment of the amount due with interest at six percent per year. The auditor shall levy and extend the amount due, with interest, as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. This tax must be collected in the same manner as the general taxes of the government unit, and the proceeds of the tax, when collected, must be paid by the county treasurer to the commissioner and credited to the government unit for which the tax was levied.

Sec. 6. [299A.77] [EMERGENCY PREPAREDNESS TRAINING AND EQUIPMENT GRANTS.]

Subdivision 1. [TRAINING GRANTS.] The commissioner of public safety may award grants

to state agencies and local and tribal units of government for costs, including reimbursement of costs, related to emergency preparedness training for law enforcement, fire, ambulance, and medical personnel and agencies. Training exercises eligible for grants include, but are not limited to, fire, police and emergency medical first responder training, structural collapse training, urban search and rescue training, and specialized natural, biological, and chemical incident training. Training grantees shall include local and tribal public health officials or their designees in training activities as they relate to public health emergency preparedness.

Subd. 2. [EQUIPMENT GRANTS.] The commissioner may award grants to state agencies and local and tribal units of government for costs, including reimbursement of costs, related to purchase of emergency preparedness equipment for law enforcement, fire, ambulance, and medical personnel and agencies. Equipment eligible for grants includes, but is not limited to, personal protection equipment, equipment to detect and monitor chemical or biological agents, decontamination equipment, and burn towers for public safety training.

Subd. 3. [LOCAL MATCH.] Eligible local units of government must provide a 25 percent match for grants received.

Subd. 4. [GRANT APPLICATION.] State agencies and local and tribal units of government shall submit an application to the commissioner in the form and manner the commissioner establishes.

Subd. 5. [AWARDING GRANTS.] (a) Before a grant is awarded, a committee consisting of representatives from the Minnesota chiefs of police association, Minnesota fire chief's association, Minnesota sheriff's association, the Minnesota police and peace officer's association, the Minnesota professional firefighter's association, the Minnesota ambulance association, the Minnesota hospital and health care partnership, the Minnesota emergency medical services regulatory board, the Minnesota nurses association, the local public health association of Minnesota, the Indian affairs council, and the emergency management division of the department of public safety shall evaluate the grant application. The commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on the grant application before awarding the grant.

(b) A committee member may not participate in the evaluation of a grant application or make a recommendation on an application if the member is employed by or has a direct or indirect financial interest in the entity making the application.

Sec. 7. Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1, is amended to read:

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

(b) The fee is 27 may not be less than eight cents nor more than 52 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. With the approval of the commissioner of finance, the commissioner of administration shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers.

(c) The commissioner of administration shall transfer to the commissioner of public safety from the fee assessed under this section an amount equal to two cents a month for the development and implementation of a communication system connecting firefighters with emergency medical services providers.

The commissioner of administration shall transfer to the director of the Minnesota emergency medical services regulatory board from the fee assessed under this section an amount equal to one cent a month for grants for medical resource communication efforts.

The commissioner of administration shall use from the fee assessed under this section an amount equal to 17 cents a month in fiscal years 2003 and 2004 and 20 cents thereafter for public safety answering points.

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

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

Sec. 8. Minnesota Statutes 2000, section 473.891, is amended by adding a subdivision to read:

Subd. 10. [SECOND PHASE.] "Second phase" means the metropolitan radio board building subsystems for local government units in the metropolitan area that did not build their own subsystems in the first phase.

Sec. 9. Minnesota Statutes 2000, section 473.891, is amended by adding a subdivision to read:

Subd. 11. [THIRD PHASE.] "Third phase" means an extension of the backbone system to serve all of the southeast district of the state patrol and to serve the counties of Stearns, Sherburne, Benton, and Wright in the central district of the state patrol.

Sec. 10. Minnesota Statutes 2000, section 473.898, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The council, if requested by a vote of at least two-thirds of all of the members of the metropolitan radio board may, by resolution, authorize the issuance of its revenue bonds for any of the following purposes to:

- (1) provide funds for regionwide mutual aid and emergency medical services communications;
- (2) provide funds for the elements of the first phase of the regionwide public safety radio communications system that the board determines are of regionwide benefit and support mutual aid and emergency medical services communication including, but not limited to, costs of master controllers of the backbone; or
- (3) provide money for the second phase of the public safety radio communication system;
- (4) provide money for the elements of the third phase of the public safety radio communication

system that the commissioner of transportation determines are of nationwide benefit in the regions served by the third phase and that support mutual aid and emergency medical services communication, including, but not limited to, costs of master controllers of the backbone; or

(5) to the extent money is available after meeting the needs described in clauses (1) to (4), to provide money to reimburse local units of government for amounts expended for capital improvements to the first phase system previously paid for by the local government units; or

(6) refund bonds issued under this section.

Sec. 11. Minnesota Statutes 2000, section 473.898, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS.] (a) The principal amount of the bonds issued pursuant to subdivision 1, exclusive of any original issue discount, shall not exceed the amount of \$10,000,000 plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and pay for any bond insurance or other credit enhancement.

(b) In addition to the amount authorized under paragraph (a), the council may issue bonds under subdivision 1 in a principal amount of \$3,306,300, plus the amount the council determines necessary to pay the cost of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph may not be used to finance portable or subscriber radio sets.

(c) In addition to the amounts authorized under paragraphs (a) and (b), the council may issue bonds under subdivision 1 in a principal amount not to exceed \$60,000,000, plus the amount the council determines necessary to pay the costs of issuance, fund reserves for debt service, and pay the costs of any bond insurance or other credit enhancement. \$26,000,000 of the bond proceeds are appropriated to the commissioner of transportation for phase three of the public safety radio communications system. In anticipation of the receipt by the commissioner of transportation of the bond proceeds, the metropolitan radio board may advance money from its operating appropriation to the commissioner of transportation to pay for design and preliminary engineering for phase three. The commissioner of transportation must return these amounts to the metropolitan radio board when the bond proceeds are received.

Sec. 12. Minnesota Statutes 2001 Supplement, section 473.901, subdivision 1, is amended to read:

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

(1) debt service costs and reserves for bonds issued pursuant to section 473.898;

(2) repayment of the right-of-way acquisition loans;

(3) costs of design, construction, maintenance of, and improvements to those elements of the first phase and second phases that support mutual aid communications and emergency medical services; or

(4) recurring charges for leased sites and equipment for those elements of the first phase and second phases that support mutual aid and emergency medical communication services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 473.898 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to four 13 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year.

Sec. 13. Minnesota Statutes 2000, section 473.902, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION OF OPERATING COSTS.] The current costs of the board in implementing the regionwide public safety radio communication plan system and the first phase system and second phase systems shall be allocated among and paid by the following users, all in accordance with the regionwide public safety radio system communication plan adopted by the board:

- (1) the state of Minnesota for its operations using the system in the metropolitan counties;
- (2) all local government units using the system; and
- (3) other eligible users of the system.

Sec. 14. Minnesota Statutes 2000, section 473.902, subdivision 3, is amended to read:

Subd. 3. [COMPONENT MUNICIPALITIES OBLIGATIONS TO BOARD.] Each local government and other eligible users of the first or second phase system shall pay to the board all sums charged to it under this section, at the times and in the manner determined by the board. The governing body of each local government shall take all action that may be necessary to provide the funds required for these payments and to make them when due.

Sec. 15. Minnesota Statutes 2000, section 473.902, subdivision 5, is amended to read:

Subd. 5. [DEFICIENCY TAX LEVIES.] If the governing body of any local government using the first or second phase system fails to meet any payment to the board under subdivision 1 when due, the metropolitan council may certify to the auditor of the county in which the government unit is located the amount required for payment of the amount due with interest at six percent per year. The auditor shall levy and extend the amount due, with interest, as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. This tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds of the tax, when collected, shall be paid by the county treasurer to the board and credited to the government unit for which the tax was levied."

Page 8, after line 30, insert:

"Section 1. Minnesota Statutes 2000, section 12.03, subdivision 4, is amended to read:

Subd. 4. [EMERGENCY MANAGEMENT.] "Emergency management" means the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, emergency waste and debris management and disposal, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions.

Sec. 2. Minnesota Statutes 2000, section 12.21, subdivision 1, is amended to read:

Subdivision 1. [GENERAL AUTHORITY.] The governor (1) has general direction and control of emergency management, (2) may carry out the provisions of this chapter, and (3) during a national security emergency or peacetime emergency declared as existing under section 12.31, during the existence of an energy supply emergency as declared under section 216C.15, or during the existence of an emergency resulting from an incident at a nuclear power plant that poses a radiological or other health hazard, may assume direct operational control over all or any part of the emergency management functions within this state.

Sec. 3. Minnesota Statutes 2000, section 12.21, subdivision 3, is amended to read:

Subd. 3. [SPECIFIC AUTHORITY.] (a) In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies and equipment, institute training programs and public information programs, and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states and with Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes, and coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the

working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under section 124D.10, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) authorize the commissioner of the pollution control agency to provide an exemption for the management and disposal of debris and waste from specific requirements in statutes, rules, permits, and agreements that are enforced by the pollution control agency, including if needed, disposal of waste at a temporary site until safe permanent disposal can be made.

(b) In implementing the authority in paragraph (a), clause (12), the commissioner shall minimize the impact on human health and the environment as much as practicable, given the need for expedited management of the waste. An exemption granted under paragraph (a), clause (12), must be valid for the duration of the declared emergency and for up to 90 days following the governor's closure of the emergency. If proper management or disposal of waste materials and debris cannot be completed within this 90-day period, the commissioner may extend the exemption for additional 90-day periods as needed to achieve proper management or disposal. Notification of an exemption granted under paragraph (a), clause (12), and each extension must be made to the governor and to the chairs of the senate and house of representatives committees with jurisdiction over environmental policy.

Sec. 4. Minnesota Statutes 2000, section 12.22, subdivision 2, is amended to read:

Subd. 2. [OFFERS OF AID, POLITICAL SUBDIVISIONS OR PERSONS.] Whenever a person offers to the state or to a political subdivision of the state, services, equipment, supplies, materials, real property, or funds by the way of gift, grant, or loan, for purposes of civil emergency management, the state, acting through the governor, or a political subdivision, acting through its governing body, may accept the offer and then may authorize an officer of the state or of the political subdivision, as the case may be, to receive the services, equipment, supplies, materials, real property, or funds on behalf of the state or political subdivision, and subject to the terms of the offer. However, no money or other funds may be accepted or received as a loan nor any indebtedness incurred except as provided by law. Real property so accepted must be treated as, and subject to the same immunities during time of national security or peacetime emergency as, real property owned by the state.

Sec. 5. Minnesota Statutes 2000, section 12.31, subdivision 2, is amended to read:

Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and, property, or the environment and local government resources are inadequate to handle the situation. It must not be continued for more than five days unless extended by resolution of the executive council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

Sec. 6. Minnesota Statutes 2000, section 12.32, is amended to read:

12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and filed in the office of the secretary of state, have, during a national security emergency, peacetime emergency, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and

effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 7. Minnesota Statutes 2000, section 12.34, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY POWERS.] When necessary to save life, property, or the environment during a national security emergency or a peacetime emergency, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above, ~~and~~;

(2) commandeer, during a national security emergency, any motor vehicle, tools, appliances, or other personal property and any facilities or other real property.

Sec. 8. Minnesota Statutes 2000, section 12.36, is amended to read:

12.36 [GOVERNOR MAY CONTRACT.]

(a) The governor, during an emergency or disaster and notwithstanding any other law, may:

(1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and the safety of property and the environment and by providing emergency assistance to the victims of the disaster; and

(2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:

(i) the performance of public work;

(ii) entering into contract;

(iii) incurring of obligations;

(iv) employment of temporary workers;

(v) rental of equipment;

(vi) purchase of supplies and materials, for example, but not limited to, publication of calls for bids;

(vii) provisions of the Civil Service Act and rules;

(viii) provisions relating to low bids; and

(ix) requirements for the budgeting and allotment of funds.

(b) All contracts must be in writing, executed on behalf of the state by the governor or a person delegated by the governor in writing so to do, and must be promptly filed with the commissioner of finance, who shall forthwith encumber funds appropriated for the purposes of the contract for the full contract liability and certify thereon that the encumbrance has been made.

Sec. 9. [18D.302] [FALSE STATEMENT OR RECORD.]

A person must not make or offer a false statement, record, or other information as part of:

(1) an application for registration, license, certification, permit, or land application of contaminated soil or other media under this chapter or chapter 18B, 18C, or 18F or rules adopted under one of those chapters;

(2) records or reports required under this chapter or chapter 18B, 18C, 18E, or 18F or rules adopted under one of those chapters; or

(3) an investigation of a violation of this chapter or chapter 18B, 18C, 18E, or 18F or rules adopted under one of those chapters.

Sec. 10. Minnesota Statutes 2001 Supplement, section 28A.085, subdivision 4, is amended to read:

Subd. 4. [FOOD HANDLER REINSPECTION ACCOUNT; APPROPRIATION.] A food handler reinspection account is established in the agricultural fund. All reinspection fees, court awarded costs under section 31.05, and assessments collected must be deposited in the state treasury and are credited to the food handler reinspection account. Money in the account, including interest accrued, is appropriated to the commissioner to pay the expenses relating to reinspections conducted under the chapters listed in subdivision 1.

Sec. 11. Minnesota Statutes 2000, section 31.05, subdivision 1, is amended to read:

Subdivision 1. A duly authorized agent of the commissioner who finds or has probable cause to believe that any food or consumer commodity is adulterated or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131 shall affix to such article a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

In the event of an emergency declared by the governor under section 12.31, an embargo may be placed on a geographical area of the state limiting food or consumer commodity movement into or out of the embargoed area.

Sec. 12. Minnesota Statutes 2000, section 31.05, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT OF COSTS.] If a person is convicted of adulteration under section 609.687, terroristic threats under section 609.713, use of biological agents, toxic chemicals, toxins, or radioactive materials under section 609.712, or a misdemeanor under section 31.032, the person is responsible for, and the district court shall award to the commissioner, all costs incurred for laboratory testing, inspection, investigation, and disposal of the food or consumer commodity.

Sec. 13. Minnesota Statutes 2001 Supplement, section 35.0661, subdivision 2, is amended to read:

Subd. 2. [QUARANTINE ZONES.] Upon an emergency declaration by the governor under subdivision 1, the board or any licensed veterinarian designated by the board may establish quarantine zones of control in any area where a specific animal is deemed by a licensed veterinarian as likely to be infected with the disease based on an actual veterinary examination or laboratory testing. Quarantine zones of control must be the smallest size practicable to prevent the spread of disease and must exist for the shortest duration consistent with effective disease control. A quarantine zone of control must not extend beyond a radius of three miles from an animal deemed as likely to be infected with the disease, unless the board has adopted a rule regarding a specific disease requiring a larger quarantine zone of control. for humans, machinery, and personal property, excluding livestock products, must be limited to infected premises. The size of the quarantine zone of control for livestock and livestock products must depend on weather conditions, type of farms, time of year, species affected, and geography of area affected."

Page 12, line 14, delete "which" and insert "that"

Page 13, line 18, delete ", which" and insert "that,"

Page 13, line 19, after "processes" insert a comma

Page 14, line 14, delete "such acts" and insert "the violation or act"

Page 15, after line 27, insert:

"Sec. 25. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 35.0661, subdivision 4, is repealed."

Page 15, line 29, before "Sections" insert "Sections 1 to 13, and 25 are effective the day following final enactment." and delete "1 to 11" and insert "14 to 24"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 19, after "fee;" insert "extending the public safety radio communication system to parts of greater Minnesota; authorizing sale of metropolitan council revenue bonds;"

Page 1, line 23, after "measures;" insert "providing for expedited management and disposal of waste in peacetime emergencies and for other changes related to peacetime emergencies;"

Page 1, line 24, delete "299A.62;" and insert "12.03, subdivision 4; 12.21, subdivisions 1, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 31.05, subdivision 1, by adding a subdivision;"

Page 1, delete line 25 and insert "299F.72, subdivision 1; 473.891, by adding subdivisions; 473.898, subdivisions 1, 3; 473.902, subdivisions 1, 3, 5; 609.106,"

Page 1, line 29, delete "403.11, subdivision 1; 473.901, subdivision" and insert "28A.085, subdivision 4; 35.0661, subdivision 2; 403.11, subdivision 1; 473.901, subdivision 1;"

Page 1, line 30, delete "1;"

Page 1, line 31, delete "299A; 609" and insert "18D; 174; 299A; 609; repealing Minnesota Statutes 2001 Supplement, section 35.066, subdivision 4"

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

SECOND READING OF SENATE BILLS

S.F. No. 2683 was read the second time.

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. 2739: Senators Metzen, Scheid and Schwab.

S.F. No. 2680: Senators Limmer, Wiener and Metzen.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Higgins moved that S.F. No. 2968, No. 10 on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

Senator Higgins moved that S.F. No. 3243, No. 22 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

Senator Higgins moved that S.F. No. 709, No. 24 on General Orders, be stricken and re-referred to the Committee on Commerce. The motion prevailed.

Senator Higgins moved that S.F. No. 2770, No. 41 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Higgins moved that S.F. No. 2763, No. 43 on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

Senator Higgins moved that S.F. No. 2871, No. 46 on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3020 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 3020: A bill for an act relating to crimes; requiring presumptive executed sentences for persons convicted of certain criminal sexual conduct offenses in the second degree; amending Minnesota Statutes 2000, section 609.343, subdivision 2.

Senator Kleis moved to amend S.F. No. 3020 as follows:

Page 1, line 18, delete everything after "1"

Page 1, line 19, delete everything before the period

Amend the title accordingly

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 3020. The Sergeant at Arms was instructed to bring in the absent members.

Senator Ranum moved that S.F. No. 3020 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 2622 be taken from the table. The motion prevailed.

H.F. No. 2622: A bill for an act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's endorsement regulations; establishing a biological agents registry; providing for background checks of new applicants for aerial applicator licenses; providing for a civil penalty; providing criminal penalties; providing for expedited

management and disposal of waste in peacetime emergencies; authorizing closing public meetings to discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of residency for drivers' licenses; providing for expense reimbursement of bomb disposal units; upon commission of terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae, or poultry; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; updating the wiretapping law to help interception of terroristic communications; prescribing penalties; establishing an anti-terrorism account in the special revenue fund; abolishing the office of corrections ombudsman; transferring certain funds from the tobacco use prevention and local public health endowment funds to the general fund; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; requiring a report on the best way to exchange data with the federal government with respect to foreign students; appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision; 13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355, subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.531, subdivision 1; 609.532, subdivision 3; 609.625, by adding a subdivision; 609.668, subdivision 6; 609.713, subdivision 1, by adding a subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 16; 626A.05, subdivision 2; 626A.06, subdivisions 11, 12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; 260B.171, subdivision 1; repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; Minnesota Statutes 2001 Supplement, section 241.45; proposing coding for new law in Minnesota Statutes, chapters 18D; 144; 168; 171; 609.

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. 2622 and that the rules of the Senate be so far suspended as to give H.F. No. 2622 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2622 was read the second time.

Senator Ranum moved to amend H.F. No. 2622 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2622, and insert the language after the enacting clause, and the title, of S.F. No. 2683, the third engrossment.

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2622. The Sergeant at Arms was instructed to bring in the absent members.

Senator Ranum moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 2, delete lines 17 to 19 and insert:

"General	\$	-0-	\$4,000,000	\$4,000,000
Special Revenue		1,781,000	14,288,000	16,069,000

TOTAL	\$1,781,000	\$18,288,000	\$20,069,000"
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The motion prevailed. So the amendment was adopted.

Senator Schwab moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 3, after line 28, insert:

"Sec. 4. [168.1297] [UNITED WE STAND LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The registrar shall issue special license plates bearing the words "United We Stand" to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, van, or motorcycle;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes a minimum of \$50 annually to the antiterrorism account established under subdivision 6 as provided in subdivision 5; and

(6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) License plates issued under paragraph (a) for a motorcycle must be the same size as standard motorcycle license plates.

(c) Fees under paragraph (a), clauses (2) and (4), must be deposited in the highway user tax distribution fund.

(d) The application form for the special plates must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the license plate and that the applicant may make an additional contribution to the account.

Subd. 2. [DESIGN.] After consultation with interested groups, including the administrators of the rewards for justice program, the commissioner shall select a suitable design for the special plates. The design must include a representation of the United States flag and the words "United We Stand."

Subd. 3. [NO REFUND.] Contributions under this section may not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, van, or motorcycle owned or jointly owned by the person to whom the special plates were issued. A fee collected under this subdivision must be deposited in the highway user tax distribution fund.

Subd. 5. [CONTRIBUTIONS.] Contributions made under subdivision 1, paragraph (a), clause (5), shall be paid to the registrar and credited to the antiterrorism account established in subdivision 6.

Subd. 6. [ANTITERRORISM ACCOUNT ESTABLISHED.] An antiterrorism account is established in the state treasury, consisting of money contributed to the account under subdivision 1, paragraph (a), clause (5). Money in the fund is appropriated to the commissioner. The commissioner shall spend money in the fund as follows:

- (1) one-half of the money in the fund must be transmitted to the United States Department of State exclusively for allocation to the rewards for justice fund; and

(2) one-half must be spent by the commissioner for emergency preparedness training and equipment grants under section 299A.77."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson moved to amend the Schwab amendment to H.F. No. 2622 as follows:

Page 2, line 18, delete everything after "fund"

Page 2, delete lines 19 to 21

Page 2, line 22, delete everything before "for"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Schwab amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Lessard moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 23, line 30, delete the colon and insert ", the following terms have the meanings given in paragraphs (b) to (d)."

Page 23, line 31, delete "(1) 'critical'" and insert "(b) 'Critical'"

Page 23, line 33, delete everything after "refineries" and insert a period and insert:

"(c) 'Facility' includes buildings and other physical structures, and fenced in or otherwise enclosed property."

Page 23, line 34, delete "(2) 'public'" and insert "(d) 'Public'"

Page 23, line 35, delete "(i)" and insert "(1)"

Page 24, line 3, delete "(ii)" and insert "(2)"

Page 24, line 6, delete "(iii)" and insert "(3)"

Page 24, after line 13, insert:

"'Public utility' does not include property located above buried power or telecommunications lines or property located below suspended power or telecommunications lines, unless the property is fenced in or otherwise enclosed and is described in clause (1), (2), or (3)."

Page 24, line 14, delete "(b)" and insert "(e)"

Page 24, line 23, delete "(c)" and insert "(f)" and delete "(b)" and insert "(e)"

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 21, after line 9, insert:

"Sec. 16. Minnesota Statutes 2001 Supplement, section 609.117, is amended to read:

609.117 [DNA ANALYSIS OF CERTAIN OFFENDERS REQUIRED.]

Subdivision 1. [UPON SENTENCING.] (a) The court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when:

(1) the court sentences a person charged with violating or attempting to violate any of the following, and the person is convicted of that offense or of any offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, subdivision 3;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3;

(2) the court sentences a person as a patterned sex offender under section 609.108; or

(3) the juvenile court adjudicates a person a delinquent child who is the subject of a delinquency petition for violating or attempting to violate any of the following, and the delinquency adjudication is based on a violation of one of those sections or of any offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, subdivision 3;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3.

The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

(b) The court shall order an offender to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 when:

(1) the court sentences a person convicted of committing or attempting to commit a felony offense not described in paragraph (a); or

(2) the juvenile court adjudicates a person a delinquent child for committing or attempting to commit a felony offense not described in paragraph (a).

The biological specimen shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Subd. 2. [BEFORE RELEASE.] (a) The commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis and the person:

(1) is currently serving a term of imprisonment for or has a past conviction for violating or attempting to violate any of the following or a similar law of another state or the United States or initially charged with violating one of the following sections or a similar law of another state or the United States and convicted of another offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, subdivision 3;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3; or

(2) was sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections; or

(3) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

(b) The commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis, and the person:

(1) was convicted of committing or attempting to commit a felony offense not described in paragraph (a); or

(2) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of committing or attempting to commit a felony offense not described in paragraph (a).

The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Subd. 3. [OFFENDERS FROM OTHER STATES.] (a) When the state accepts an offender from another state under the interstate compact authorized by section 243.16, the acceptance is conditional on the offender providing a biological specimen for the purposes of DNA analysis as defined in section 299C.155, if the offender was convicted of an offense described in subdivision 1, paragraph (a), or a similar law of the United States or any other state. The specimen must be provided under supervision of staff from the department of corrections or a community corrections act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

(b) When the state accepts an offender from another state under the interstate compact authorized by section 243.16, the acceptance is conditional on the offender providing a biological specimen for the purposes of future DNA analysis as described in section 299C.155, if the offender was convicted of committing or attempting to commit a felony offense not described in subdivision 1, paragraph (a). The specimen must be provided under supervision of staff from the department of corrections or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision."

Page 27, line 29, after the period, insert "Section 16 is effective August 1, 2003, and applies to offenders sentenced, released from incarceration, or accepted for supervision on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Kleis appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the decision of the President was sustained.

Senator Kelley, S.P. moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 12, after line 8, insert:

"Sec. 16. [REPORT ON GOVERNANCE.]

The commissioner of transportation, the commissioner of public safety, and the metropolitan radio board shall jointly report to the legislature by January 15, 2003, their recommendations on governance of the public safety radio communication system in greater Minnesota."

Amend the title as follows:

Page 1, line 20, before the semicolon, insert "and requiring recommendations on its governance"

Senator Kiscaden moved to amend the Kelley, S.P. amendment to H.F. No. 2622 as follows:

Page 1, line 10, delete "in" and insert a period

Page 1, delete line 11

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Kelley, S.P. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Kleis moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 24, after line 32, insert:

"Sec. 20. Minnesota Statutes 2000, section 609.668, subdivision 6, is amended to read:

Subd. 6. [ACTS PROHIBITED; PENALTIES.] (a) Except as otherwise provided in this section, whoever possesses, manufactures, transports, or stores an explosive device or incendiary device in violation of this section may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) Whoever legally possesses, manufactures, transports, or stores an explosive device or incendiary device, with intent to use the device to damage property or cause injury, 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.

(c) Whoever, acting with gross disregard for human life or property, negligently causes an explosive device or incendiary device to be discharged, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

(d) Whoever intentionally places any explosive or incendiary device in, upon, under, against, or near any building, motor vehicle, vessel, railroad, airplane, public utility transmission system, or structure, with intent to destroy or injure it without consent or legal authority, whether or not it actually explodes, is guilty of a felony and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

(e) Whoever intentionally places a simulated explosive or incendiary device in, upon, under, against, or near any building, motor vehicle, vessel, railroad, airplane, public utility transmission system, or structure, with intent to cause another person to fear destruction of property or injury, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 44 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Lesewski	Price	Scheid
Bachmann	Johnson, Debbie	Lessard	Reiter	Schwab
Belanger	Johnson, Doug	Limmer	Rest	Solon, Y.P.
Berg	Kinkel	Metzen	Ring	Stevens
Chaudhary	Kiscaden	Murphy	Robertson	Terwilliger
Day	Kleis	Neuville	Robling	Tomassoni
Dille	Knutson	Oliver	Sams	Wiener
Fischbach	Krentz	Olson	Samuelson	Wiger
Frederickson	Larson	Pariseau	Scheevel	

Those who voted in the negative were:

Berglin	Higgins	Lourey	Pappas	Vickerman
Betzold	Hottinger	Marty	Pogemiller	
Cohen	Kelley, S.P.	Moe, R.D.	Ranum	
Foley	Kierlin	Moua	Sabo	
Fowler	Langseth	Orfield	Stumpf	

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 8, delete sections 8 and 9 and insert:

"Sec. 8. Minnesota Statutes 2000, section 473.891, is amended by adding a subdivision to read:

Subd. 10. [SECOND PHASE.] "Second phase" means an extension of the backbone system to serve all of the southeast district of the state patrol and to serve the counties of Stearns, Sherburne, Benton, and Wright in the central district of the state patrol.

Sec. 9. Minnesota Statutes 2000, section 473.891, is amended by adding a subdivision to read:

Subd. 11. [THIRD PHASE.] "Third phase" means the metropolitan radio board building subsystems for local government units in the metropolitan area that did not build their own subsystems in the first phase."

Page 9, delete lines 8 to 16 and insert:

"(3) provide money for the elements of the second phase of the public safety radio communication system that the commissioner of transportation determines are of regionwide benefit in the regions served by the second phase and that support mutual aid and emergency medical services communication, including, but not limited to, costs of master controllers of the backbone;

(4) provide money for the third phase of the public safety radio communication system; or"

Page 10, lines 9 and 14, delete "three" and insert "two"

Page 10, lines 28 and 32, delete "second" and insert "third"

Page 11, lines 12, 24, and 32, delete "second" and insert "third"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Belanger	Fischbach	Kiscaden	Lessard	Solon, Y.P.
Berg	Fowler	Kleis	Neuville	Stevens
Chaudhary	Frederickson	Knutson	Ourada	Stumpf
Day	Johnson, Dean	Larson	Scheevel	
Dille	Kierlin	Lesewski	Schwab	

Those who voted in the negative were:

Anderson	Johnson, Debbie	Metzen	Price	Samuelson
Bachmann	Johnson, Doug	Moe, R.D.	Ranum	Scheid
Berglin	Kelley, S.P.	Moua	Reiter	Tomassoni
Betzold	Kinkel	Oliver	Rest	Vickerman
Cohen	Krentz	Olson	Ring	Wiener
Foley	Langseth	Orfield	Robertson	Wiger
Higgins	Limmer	Pappas	Robling	
Hottinger	Lourey	Pariseau	Sabo	
Johnson, Dave	Marty	Pogemiller	Sams	

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

Senator Kiscaden then moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 4, after line 36, insert:

"Sec. 6. Minnesota Statutes 2001 Supplement, section 275.70, subdivision 5, is amended to read:

Subd. 5. [SPECIAL LEVIES.] "Special levies" means those portions of ad valorem taxes levied by a local governmental unit for the following purposes or in the following manner:

(1) to pay the costs of the principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due on municipal liquor store bonds in the year preceding the year for which the levy limit is calculated;

(2) to pay the costs of principal and interest on certificates of indebtedness issued for any corporate purpose except for the following:

(i) tax anticipation or aid anticipation certificates of indebtedness;

(ii) certificates of indebtedness issued under sections 298.28 and 298.282;

(iii) certificates of indebtedness used to fund current expenses or to pay the costs of extraordinary expenditures that result from a public emergency; or

(iv) certificates of indebtedness used to fund an insufficiency in tax receipts or an insufficiency in other revenue sources;

(3) to provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(4) to fund payments made to the Minnesota state armory building commission under section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(5) property taxes approved by voters which are levied against the referendum market value as provided under section 275.61;

(6) to fund matching requirements needed to qualify for federal or state grants or programs to the extent that either (i) the matching requirement exceeds the matching requirement in calendar year 2001, or (ii) it is a new matching requirement that didn't exist prior to 2002;

(7) to pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes, in accordance with standards formulated by the emergency services division of the state department of public safety, as allowed by the commissioner of revenue under section 275.74, paragraph (b);

(8) pay amounts required to correct an error in the levy certified to the county auditor by a city

or county in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.70 to 275.74 in the preceding levy year;

(9) to pay an abatement under section 469.1815;

(10) to pay any costs attributable to increases in the employer contribution rates under chapter 353 that are effective after June 30, 2001;

(11) to pay the operating or maintenance costs of a county jail as authorized in section 641.01 or 641.262, or of a correctional facility as defined in section 241.021, subdivision 1, paragraph (5), to the extent that the county can demonstrate to the commissioner of revenue that the amount has been included in the county budget as a direct result of a rule, minimum requirement, minimum standard, or directive of the department of corrections, or to pay the operating or maintenance costs of a regional jail as authorized in section 641.262. For purposes of this clause, a district court order is not a rule, minimum requirement, minimum standard, or directive of the department of corrections. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.71, shall be deducted from the levy limit base under section 275.71, subdivision 2, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(12) to pay for operation of a lake improvement district, as authorized under section 103B.555. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.71 shall be deducted from the levy limit base under section 275.71, subdivision 2, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(13) to repay a state or federal loan used to fund the direct or indirect required spending by the local government due to a state or federal transportation project or other state or federal capital project. This authority may only be used if the project is not a local government initiative;

(14) for counties only, to pay the costs reasonably expected to be incurred in 2002 related to the redistricting of election districts and establishment of election precincts under sections 204B.135 and 204B.14, the notice required by section 204B.14, subdivision 4, and the reassignment of voters in the statewide registration system, not to exceed \$1 per capita, provided that the county shall distribute a portion of the amount levied under this clause equal to 25 cents times the population of the city to all cities in the county with a population of 30,000 or more; and

(15) to pay for court administration costs as required under section 273.1398, subdivision 4b; however, for taxes levied to pay for these costs in the year in which the court financing is transferred to the state, the amount under this section is limited to one-third of the aid reduction under section 273.1398, subdivision 4a; and

(16) to pay the cost to the local government unit of using the public safety radio communication system.

[EFFECTIVE DATE.] This section is effective for taxes payable in 2003 only."

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.

Senator Kiscaden then moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 2, line 14, after the period, insert "Appropriations from the bond proceeds fund are available until the project is completed or abandoned."

Page 2, delete lines 15 to 19 and insert:

	"SUMMARY BY FUND		
	2002	2003	TOTAL
General	\$ -0-	\$4,000,000	\$4,000,000
Special Revenue	1,781,000	7,922,000	9,703,000
Bond Proceeds	-0-	60,000,000	60,000,000
TOTAL	\$1,781,000	\$71,922,000	\$73,703,000"

Page 3, line 16, delete "14,288,000" and insert "41,922,000"

Page 3, line 27, delete "\$6,366,000" and insert "\$34,000,000 is from the bond proceeds fund and"

Page 3, after line 28, insert:

"Sec. 4. TRANSPORTATION	-0-	26,000,000
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This appropriation is from the bond proceeds fund to pay the costs of phase 3 of the public safety radio communication system."

Page 7, line 13, delete "52" and insert "43"

Pages 8 to 10, delete sections 10 and 11

Page 11, line 2, delete the new language and reinstate the stricken language

Page 12, after line 8, insert:

"Sec. 15. [BOND SALE AUTHORIZATION.]

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 \$60,000,000 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.

Sec. 16. [APPROPRIATION AND BOND AUTHORIZATION REDUCTION.]

The commissioner of finance shall reduce appropriations from the bond proceeds fund in H.F. No. 3618, if enacted, for purposes of the capital asset preservation and replacement account under Minnesota Statutes, section 16A.632, and the higher education asset preservation and replacement account under Minnesota Statutes, section 135A.046, by \$60,000,000. The reductions must be pro rated equally among all the appropriations. The bond authorization in H.F. No. 3618, if enacted, is reduced by the same amount."

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.

Senator Limmer moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 2, line 6, delete "general fund, or any other fund named," and insert "tobacco use prevention and local public health endowment fund"

Page 2, line 15, delete "BY FUND"

Page 2, delete lines 17 and 18

Page 2, delete line 19 and insert:

"Tobacco Endowment	\$1,781,000	\$77,674,000	\$79,455,000"
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Page 3, line 16, delete "14,288,000" and insert "51,674,000"

Page 3, line 17, delete everything after "is"

Page 3, delete line 18

Page 3, line 19, delete "the special revenue fund"

Page 3, line 27, delete "\$6,366,000" and insert "\$40,366,000"

Page 3, line 28, before the period, insert ", \$1,415,000 must be paid to the commissioner of public safety to develop and implement a communication system connecting firefighters with emergency medical services providers, and \$707,000 must be paid to the director of the Minnesota emergency medical services regulatory board for grants for medical resource communication efforts"

Page 3, after line 28, insert:

"Sec. 4. TRANSPORTATION	-0-	26,000,000
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To pay the costs of phase 3 of the public safety radio communication system."

Pages 6 to 8, delete section 7

Pages 8 to 10, delete sections 10 and 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 47, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Larson	Ourada	Scheevel
Berg	Kierlin	Limmer	Pariseau	Schwab
Day	Kleis	Neuville	Reiter	Stevens
Fischbach	Knutson	Olson	Robertson	Tomassoni

Those who voted in the negative were:

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

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

Senator Schwab moved to amend H.F. No. 2622, as amended by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2683.)

Page 19, after line 1, insert:

"Sec. 10. [18D.3025] [AERIAL APPLICATOR LICENSE BACKGROUND CHECK.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Disqualifying crime" means a crime of violence as defined in section 624.712, subdivision 5; or a gross misdemeanor violation of section 609.2231; 609.2242; 609.377; 609.66; or 609.749.

Subd. 2. [AERIAL APPLICATOR; BACKGROUND CHECK.] (a) An individual who seeks an aerial applicator license issued under this chapter must agree to undergo a background check under this section. The individual must request the superintendent of the bureau of criminal apprehension to perform a background check under this section and to notify the commissioner in writing whether the individual is or is not eligible for an aerial applicator license. The superintendent shall charge the individual for the cost of a background check performed under this subdivision.

(b) The commissioner shall deny a license application by an individual who has been convicted of a disqualifying crime, unless the individual has been pardoned for the offense.

Subd. 3. [BACKGROUND CHECK PROCESS.] The superintendent of the bureau of criminal apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system. If the subject of the check has resided in Minnesota for fewer than five years or does not reside in Minnesota, the superintendent shall also either:

(1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or

(2) conduct a search of the criminal justice data communications network records in any state where the subject of the check has resided during the preceding five years. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the background check. The superintendent shall reply to the commissioner in writing, indicating whether the person is or is not eligible for an aerial applicator license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was germane.

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

H.F. No. 2622 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hottinger	Kelley, S.P.
Bachmann	Chaudhary	Foley	Johnson, Dave	Kierlin
Belanger	Cohen	Fowler	Johnson, Dean	Kinkel
Berg	Day	Frederickson	Johnson, Debbie	Kiscaden
Berglin	Dille	Higgins	Johnson, Doug	Kleis

Knutson	Moe, R.D.	Pariseau	Sabo	Terwilliger
Krentz	Moua	Pogemiller	Sams	Tomassoni
Langseth	Murphy	Price	Samuelson	Vickerman
Larson	Neuville	Ranum	Scheevel	Wiener
Lesewski	Oliver	Reiter	Scheid	Wiger
Lessard	Olson	Rest	Schwab	
Limmer	Orfield	Ring	Solon, Y.P.	
Marty	Ourada	Robertson	Stevens	
Metzen	Pappas	Robling	Stumpf	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Ranum moved that S.F. No. 2683 on General Orders, be stricken and laid on the table. The motion prevailed.

Senator Higgins moved that S.F. No. 709 be withdrawn from the Committee on Commerce, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 709 was read the second time.

MEMBERS EXCUSED

Senator Chaudhary was excused from the Session of today from 10:00 a.m. to 12:30 p.m. Senator Oliver was excused from the Session of today from 10:00 a.m. to 1:30 p.m. Senator Kinkel was excused from the Session of today from 11:30 to 11:45 a.m. Senator Berglin was excused from the Session of today from 12:35 to 2:30 p.m. Senator Johnson, Dave was excused from the Session of today from 1:40 to 4:30 p.m. Senator Anderson was excused from the Session of today from 1:50 to 2:00 p.m. Senator Pariseau was excused from the Session of today from 1:50 to 2:25 p.m. Senator Lourey was excused from the Session of today at 5:30 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, March 22, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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