

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FORTY-FIRST DAY

St. Paul, Minnesota, Thursday, April 26, 2001

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. John Estrem.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senator Orfield was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 25, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2001	Date Filed 2001
274		31	10:05 a.m. April 24	April 24
283		32	9:55 a.m. April 24	April 24
1435		33	10:01 a.m. April 24	April 24
319		34	10:00 a.m. April 24	April 24
456		35	10:05 a.m. April 24	April 24
	275	36	10:07 a.m. April 24	April 24
	125	37	10:08 a.m. April 24	April 24
	949	38	9:56 a.m. April 24	April 24
142		39	10:10 a.m. April 24	April 24
741		40	10:02 a.m. April 24	April 24
1780		41	10:02 a.m. April 24	April 24
1460		42	10:11 a.m. April 24	April 24
1709		43	10:04 a.m. April 24	April 24
	867	44	10:11 a.m. April 24	April 24
	2119	45	10:12 a.m. April 24	April 24

Sincerely,
Mary Kiffmeyer
Secretary of State

REPORTS OF COMMITTEES

Senator Hottinger 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. 2340: A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying public safety and law enforcement provisions; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fees; amending Minnesota Statutes 2000, sections 13.87, by adding a subdivision; 16A.641, subdivision 8; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 167.51, subdivision 2; 168.013, subdivision 1d; 168.33, subdivision 7; 168.381; 169.06, by adding a subdivision; 169.09, subdivision 13; 169.18, subdivision 1, by adding a subdivision; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.06, subdivision 2a; 171.07, subdivision 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.185; 171.26; 171.29, subdivision 2; 171.36; 174.03, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.70, subdivisions 2, 3; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216C.41; 297B.09, subdivision 1; 299C.10, subdivision 1; 299C.11; 299C.147,

subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 446A.085; 473.859, subdivision 2; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 169; 174; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2.

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

Page 2, line 19, after the period, insert "All 2001 appropriations in this article are effective immediately on final enactment and do not cancel, but are available until expended."

Page 4, after line 48, insert:

"For the years ending June 30, 2004, and June 30, 2005, the budget base for the general fund appropriations under this subdivision is transferred from the general fund to the transit assistance fund, when the deposit of revenues specified in article 4, section 46, takes effect."

Page 8, line 56, after "cities" insert "and towns" and after the first comma, insert "of which \$8,000,000 is for distribution to small cities and \$2,000,000 is for distribution to towns,"

Page 11, after line 48, insert:

"\$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."

Page 14, after line 31, insert:

"For the years ending June 30, 2004, and June 30, 2005, the budget base for the general fund appropriations under this subdivision is transferred from the general fund to the transit assistance fund, when the deposit of revenues specified in article 4, section 46, takes effect."

Page 14, after line 53, insert:

"\$200,000 is for a pilot project which will decrease traffic and parking needs in the vicinity of regional parks."

Page 20, line 43, after the period, insert "All 2001 appropriations in this article are effective immediately on final enactment and do not cancel, but are available until expended."

Page 22, line 20, delete "\$1,121,000" and insert "\$1,022,000"

Page 22, line 21, delete "\$1,128,000" and insert "\$1,026,000"

Page 22, line 24, after the period, insert "The commissioner shall maintain operation of four combined hazardous materials emergency response/chemical assessment teams and six stand-alone chemical assessment teams with this appropriation."

Page 23, after line 32, insert:

"\$99,000 the first year and \$102,000 the second year from the general fund are for hazardous materials emergency response/chemical assessment teams."

Page 28, after line 15, insert:

"Sec. 7. [299A.68] [FINANCIAL CRIMES INVESTIGATION UNIT ESTABLISHED.]

Subdivision 1. [INVESTIGATION UNIT ESTABLISHED.] A group of two or more local governmental units may enter into an agreement to establish a major financial crimes investigation unit.

Subd. 2. [INVESTIGATION UNIT'S DUTIES.] The investigation unit shall investigate consumer identity theft cases and reported financial crimes from individuals and businesses who are victims of such crimes. The investigation unit shall focus on financial crimes including, but not limited to: theft, fraud, and forgery crimes, including identity theft, check forgery, fraud in obtaining credit, financial transaction card fraud, theft from merchants, possession or sale of stolen or counterfeit checks, issuance of dishonored checks, creation or use of counterfeit state identification, obtaining counterfeit state identification, fraudulent Internet transactions, fraudulent merchandise returns, and other related financial crimes. In particular, the investigation unit shall target criminals who:

- (1) commit multiple cross-jurisdictional financial crimes;
- (2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or
- (3) illegally obtain consumer information for identity theft.

Subd. 3. [ROLE OF PARTICIPATING LOCAL GOVERNMENTAL UNITS.] The local governmental units that agree to form and participate in the financial crimes investigation unit shall oversee the investigation unit's operation by establishing procedures and guidelines in their agreement. The agreement may address the following:

- (1) the command structure of the investigation unit;
- (2) acquisition of equipment, office space, and transportation;
- (3) procedures for contracting for necessary administrative support;
- (4) selection and assignment of members;
- (5) transfer of investigation unit members;

(6) resolution of disputes between participating local governmental units; and

(7) all other issues deemed pertinent by the participating local governmental units.

Subd. 4. [COMMANDER.] The participating local governmental units shall select a commander to direct the investigation unit. The commander shall make tactical decisions regarding the commencement, continuation, and conclusion of investigations of crimes within the investigation unit's jurisdiction. The commander shall also report annually to the office of drug policy and violence prevention as required in subdivision 11.

Subd. 5. [MEMBERS.] The investigation unit may include law enforcement officers, prosecutors, and investigators from local governmental units who are selected by their supervisors to participate in the investigation unit. All law enforcement officers selected to join the investigation unit must be licensed peace officers under section 626.84, subdivision 1.

Subd. 6. [JURISDICTION.] Law enforcement officers who are members of the investigation unit shall have statewide jurisdiction to conduct criminal investigations into financial crimes as described in subdivision 2 and possess the same powers of arrest as those possessed by a sheriff.

Subd. 7. [COLLABORATION WITH OTHER PROSECUTORS AND LAW ENFORCEMENT OFFICERS.] To the greatest degree possible, the investigation unit shall cooperate and collaborate with existing prosecutorial offices and law enforcement agencies.

Subd. 8. [PROSECUTOR.] A participating prosecutor shall remain an employee of the contributing county.

Subd. 9. [MONITOR.] The commissioner of public safety shall select a representative from the office of drug policy and violence prevention to monitor the activities of the investigation unit.

Subd. 10. [FORFEITURE.] Property seized by the investigation unit is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The investigation unit shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 11. [REQUIRED REPORTS.] (a) Beginning June 30, 2002, the commander of the investigation unit shall report annually to the monitor from the office of drug policy and violence prevention on the activities of the investigation unit.

(b) Beginning October 1, 2002, the monitor from the office of drug policy and violence prevention shall report annually to the commissioner of public safety on the activities of the investigation unit.

(c) By March 1, 2003, the monitor and commander, in collaboration with the commissioner of public safety, shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the investigation unit.

Subd. 12. [EXPIRATION.] This investigation unit legislation expires on June 30, 2003."

Page 34, delete line 19

Page 34, delete line 24 and insert:

"TOTAL \$ 96,602,000 \$ 93,742,000 \$190,344,000"

Page 34, line 31, delete "41,897,000" and insert "26,897,000" and delete "42,557,000" and insert "27,557,000"

Page 34, delete lines 38 and 39

Page 35, delete line 4 and insert:

"5,526,000 5,670,000"

Page 35, delete lines 9 and 10 and insert:

"Of this amount, \$138,000 the first year and \$161,000 the second year from the general fund are for the cost of implementing the Minnesota Money Transmitters Act, if enacted. This appropriation is available only if S.F. No. 1485 or similar legislation is enacted."

Page 36, delete line 47 and insert:

"1,957,000 2,005,000"

Page 37, delete line 2 and insert:

"302,000 302,000"

Page 37, line 3, delete "\$331,000" and insert "\$302,000"

Page 37, delete lines 8 and 9

Page 56, line 28, delete "\$150,000" and insert "\$100,000"

Page 58, line 4, delete "30"

Page 58, line 5, delete everything before the period and insert "six months after the contractor delivers the final documents and invoice"

Page 58, line 28, delete "\$150,000" and insert "\$100,000"

Page 61, line 12, delete "new" and insert "net"

Page 76, line 8, strike "as follows:"

Page 76, strike lines 9 to 14 and insert "to the Minnesota safety council"

Page 82, line 16, delete "or"

Page 82, line 18, before the period, insert "; or"

(6) the project is for the construction of a regional trail along a trunk highway or local roads"

Page 82, line 19, after "CITIES" insert "AND TOWNS" and after "cities" insert "and towns"

Page 82, line 23, before the period, insert "and to towns to assist in paying costs related to maintenance snowplowing costs and reconstruction costs necessitated by severe weather or natural disaster"

Page 82, line 24, after "cities" insert "and towns"

Page 82, line 26, after "city" insert "and town"

Page 83, line 2, after "construction" insert "and maintenance" and delete "a statewide" and insert "the state's"

Page 83, line 3, strike "system" and before "and" insert "systems"

Page 83, line 8, delete "communications" and strike "system" and insert "state's communications systems"

Page 83, line 20, delete the period and insert "on a first-come, first-served basis for each tower or site. The commissioner may not make agreements that grant the exclusive use of towers. After the commissioner has agreed to make space available on a specific tower or at a specific site,"

Page 83, line 25, strike "(1)" and after "improvements" insert "such as tower reinforcement, reconstruction, site development, or other site improvements" and strike "state-owned" and insert "the state's"

Page 83, line 27, strike everything after "property"

Page 83, line 28, strike "wireless service provider" and delete "or other tower owner" and insert ". This section is not intended to create a right to install privately owned towers on the trunk highway right-of-way"

Page 84, line 2, delete "communications" and strike "system" and before the period, insert "communications systems that serve state agencies"

Page 103, after line 6, insert:

"Sec. 63. [SPEED REDUCTION AWARENESS.]

The commissioner of public safety shall develop and implement a long-range plan to promote awareness among drivers of the need for reduced speed in proximity to stopped emergency vehicles."

Page 103, after line 14, insert:

"Sec. 64. [ADJUSTMENT TO CITY OF CHISHOLM POPULATION BY ERROR MARGIN TO KEEP AID.]

If, by an upward adjustment of three percent in the 2000 United States census of population of the city of Chisholm, the city's population continues eligibility for an aid, grant, loan, or other program of financial assistance of the state, the upward adjustment must be included in the city's population solely for purposes of the program's benefits until a later federal census, as similarly adjusted, no longer makes the city eligible for the program's benefits."

Page 103, after line 17, insert:

"ARTICLE 5

PUBLIC SERVICE CONSOLIDATION

Section 1. [CONSOLIDATION OF STATE REGULATION OF COMMERCE.]

In order to make state government more efficient and effective and to accomplish more efficient and effective regulation of commerce in Minnesota, all of the powers, rights, responsibilities, and duties that remain in the department of public service after reorganization order No. 181 are transferred to the department of commerce under Minnesota Statutes, section 15.039. This transfer is governed in all respects by Minnesota Statutes, section 15.039. The department of public service is abolished.

Sec. 2. Minnesota Statutes 2000, section 3C.12, subdivision 2, is amended to read:

Subd. 2. [FREE DISTRIBUTION.] The revisor shall distribute without charge copies of each edition of Minnesota Statutes, supplements to Minnesota Statutes, and Laws of Minnesota to the persons or bodies listed in this subdivision. Before distributing the copies, the revisor shall inform these persons or bodies of the cost of the publication and the availability of statutes and session laws on the Internet, and shall ask whether their work requires the full number of copies authorized by this subdivision. Unless a smaller number is needed, the revisor shall distribute:

- (a) 30 copies to the supreme court;
- (b) 30 copies to the court of appeals;
- (c) one copy to each judge of a district court;

(d) one copy to the court administrator of each district court for use in each courtroom of the district court;

(e) one copy to each judge, district attorney, clerk of court of the United States, and deputy clerk of each division of the United States district court in Minnesota;

(f) 100 copies to the office of the attorney general;

(g) ten copies each to the governor's office, the departments of agriculture, ~~commerce~~, corrections, children, families, and learning, finance, health, transportation, labor and industry, economic security, natural resources, public safety, ~~public service~~, human services, revenue, and the pollution control agency;

(h) two copies each to the lieutenant governor and the state treasurer;

(i) 20 copies each to the ~~department~~ departments of administration and commerce, state auditor, and legislative auditor;

(j) one copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;

(k) one copy to each member of the legislature;

(l) 150 copies for the use of the senate and 200 copies for the use of the house of representatives;

(m) 50 copies to the revisor of statutes from which the revisor shall send the appropriate number to the Library of Congress for copyright and depository purposes;

(n) four copies to the secretary of the senate;

(o) four copies to the chief clerk of the house of representatives;

(p) 100 copies to the state law library;

(q) 100 copies to the law school of the University of Minnesota;

(r) five copies each to the Minnesota historical society and the secretary of state;

(s) one copy each to the public library of the largest municipality of each county if the library is not otherwise eligible to receive a free copy under this section or section 15.18; and

(t) one copy to each county library maintained pursuant to chapter 134, except in counties containing cities of the first class. If a county has not established a county library pursuant to chapter 134, the copy shall be provided to any public library in the county.

Sec. 3. Minnesota Statutes 2000, section 13.679, is amended to read:

13.679 [DEPARTMENT OF PUBLIC SERVICE DATA.]

Subdivision 1. [TENANT.] Data collected by the ~~department of public service~~ commissioner of commerce that reveals the identity of a tenant who makes a complaint regarding energy efficiency standards for rental housing are private data on individuals.

Subd. 2. [UTILITY OR TELEPHONE COMPANY EMPLOYEE OR CUSTOMER.] (a) The following are private data on individuals: data collected by the ~~department of public service~~ commissioner of commerce or the public utilities commission, including the names or any other data that would reveal the identity of either an employee or customer of a telephone company or public utility who files a complaint or provides information regarding a violation or suspected violation by the telephone company or public utility of any federal or state law or rule; except this data may be released as needed to law enforcement authorities.

(b) The following are private data on individuals: data collected by the ~~commission or the department of public service~~ commissioner of commerce on individual public utility or telephone company customers or prospective customers, including copies of tax forms, needed to administer federal or state programs that provide relief from telephone company bills, public utility bills, or

cold weather disconnection. The determination of eligibility of the customers or prospective customers may be released to public utilities or telephone companies to administer the programs.

Sec. 4. Minnesota Statutes 2000, section 15.01, is amended to read:

15.01 [DEPARTMENTS OF THE STATE.]

The following agencies are designated as the departments of the state government: the department of administration; the department of agriculture; the department of commerce; the department of corrections; the department of children, families, and learning; the department of economic security; the department of trade and economic development; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of employee relations; the department of public safety; ~~the department of public service~~; the department of human services; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

Sec. 5. Minnesota Statutes 2000, section 15.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, economic security, children, families, and learning, employee relations, trade and economic development, finance, health, human rights, labor and industry, natural resources, public safety, ~~public service~~, human services, revenue, transportation, and veterans affairs; the housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are "commissioners."

Sec. 6. Minnesota Statutes 2000, section 15A.0815, subdivision 2, is amended to read:

Subd. 2. [GROUP I SALARY LIMITS.] The salaries for positions in this subdivision may not exceed 95 percent of the salary of the governor:

Commissioner of administration;
Commissioner of agriculture;
Commissioner of children, families, and learning;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of economic security;
Commissioner of employee relations;
Commissioner of finance;
Commissioner of health;
Executive director, higher education services office;
Commissioner, housing finance agency;
Commissioner of human rights;
Commissioner of human services;
Executive director, state board of investment;
Commissioner of labor and industry;

Commissioner of natural resources;
Director of office of strategic and long-range planning;
Commissioner, pollution control agency;
Commissioner of public safety;
~~Commissioner, department of public service;~~
Commissioner of revenue;
Commissioner of trade and economic development;
Commissioner of transportation; and
Commissioner of veterans affairs.

Sec. 7. Minnesota Statutes 2000, section 16B.32, subdivision 2, is amended to read:

Subd. 2. [ENERGY CONSERVATION GOALS; EFFICIENCY PROGRAM.] (a) The commissioner of administration in consultation with the ~~department of public service~~ commissioner of commerce, in cooperation with one or more public utilities or comprehensive energy services providers, may conduct a shared-savings program involving energy conservation expenditures on state-owned buildings. The public utility or energy services provider shall contract with appropriate state agencies to implement energy efficiency improvements in the selected buildings. A contract must require the public utility or energy services provider to include all energy efficiency improvements in selected buildings that are calculated to achieve a cost payback within ten years. The contract must require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments must be interest-free. The goal of the program in this paragraph is to demonstrate that through effective energy conservation the total energy consumption per square foot of state-owned and wholly state-leased buildings could be reduced by at least 25 percent from consumption in the base year of 1990. All agencies participating in the program must report to the commissioner of administration their monthly energy usage, building schedules, inventory of energy-consuming equipment, and other information as needed by the commissioner to manage and evaluate the program.

(b) The commissioner may exclude from the program of paragraph (a) a building in which energy conservation measures are carried out. "Energy conservation measures" means measures that are applied to a state building that improve energy efficiency and have a simple return of investment in ten years or within the remaining period of a lease, whichever time is shorter, and involves energy conservation, conservation facilities, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities.

(c) This subdivision expires January 1, 2001.

Sec. 8. Minnesota Statutes 2000, section 16B.335, subdivision 4, is amended to read:

Subd. 4. [ENERGY CONSERVATION.] A recipient to whom a direct appropriation is made for a capital improvement project shall ensure that the project complies with the applicable energy conservation standards contained in law, including sections 216C.19 to 216C.20, and rules adopted thereunder. The recipient may use ~~the energy planning and intervention and energy technologies units of the department of public service~~ to obtain information and technical assistance from the state energy office in the department of commerce on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Sec. 9. Minnesota Statutes 2000, section 16B.56, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE TRANSPORTATION PROGRAM.] (a) [ESTABLISHMENT.] To conserve energy and alleviate traffic congestion around state offices, the commissioner shall, in

cooperation with ~~the commissioner of public service~~, the commissioner of transportation, the state energy office in the department of commerce, and interested nonprofit agencies, establish and operate an employee transportation program using commuter vans with a capacity of not less than seven nor more than 16 passengers. Commuter vans may be used by state employees and others to travel between their homes and their work locations. However, only state employee drivers may use the van for personal purposes after working hours, not including partisan political activity. The commissioner shall acquire or lease commuter vans, or otherwise contract for the provision of commuter vans, and shall make the vans available for the use of state employees and others in accordance with standards and procedures adopted by the commissioner. The commissioner shall promote the maximum participation of state employees and others in the use of the vans.

(b) [ADMINISTRATIVE POLICIES.] The commissioner shall adopt standards and procedures under this section without regard to chapter 14. The commissioner shall provide for the recovery by the state of vehicle acquisition, lease, operation, and insurance costs through efficient and convenient assignment of vans, and for the billing of costs and collection of fees. A state employee using a van for personal use shall pay, pursuant to the standards and procedures adopted by the commissioner, for operating and routine maintenance costs incurred as a result of the personal use. Fees collected under this subdivision shall be deposited in the accounts from which the costs of operating, maintaining, and leasing or amortization for the specific vehicle are paid.

Sec. 10. Minnesota Statutes 2000, section 16B.76, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) The construction codes advisory council consists of the following members:

(1) the commissioner of administration or the commissioner's designee representing the department's building codes and standards division;

(2) the commissioner of health or the commissioner's designee representing an environmental health section of the department;

(3) the commissioner of public safety or the commissioner's designee representing the department's state fire marshal division;

(4) the commissioner of ~~public service~~ commerce or the commissioner's designee representing the department's ~~energy regulation and resource management division~~ state energy office; and

(5) one member representing each of the following occupations or entities, appointed by the commissioner of administration:

- (i) a certified building official;
- (ii) a fire service representative;
- (iii) a licensed architect;
- (iv) a licensed engineer;
- (v) a building owners and managers representative;
- (vi) a licensed residential building contractor;
- (vii) a commercial building contractor;
- (viii) a heating and ventilation contractor;
- (ix) a plumbing contractor;
- (x) a representative of a construction and building trades union; and
- (xi) a local unit of government representative.

(b) For members who are not state officials or employees, terms, compensation, removal, and

the filling of vacancies are governed by section 15.059. The council shall select one of its members to serve as chair.

(c) The council expires June 30, 2001.

Sec. 11. Minnesota Statutes 2000, section 17.86, subdivision 3, is amended to read:

Subd. 3. [INFORMATION.] The University of Minnesota extension service, in cooperation with the commissioners of agriculture, children, families, and learning, natural resources, and ~~public service commerce~~, shall serve as the principal agency for publishing and circulating information derived from research under subdivision 2 among the various municipalities and individual property owners in the state. Where practical, the extension service and the state energy office in the department of public service commerce shall secure the advice and assistance of various energy utilities interested and concerned with conservation. The commissioner of agriculture shall establish an information source for requests for nursery stock, to match needs of municipalities with stocks of trees available for planting from private and governmental sources.

Sec. 12. Minnesota Statutes 2000, section 18.024, subdivision 1, is amended to read:

Subdivision 1. [WOOD UTILIZATION.] The departments of agriculture and natural resources, after consultation with the Minnesota shade tree advisory committee and the ~~commissioner of public service state energy office in the department of commerce~~, shall investigate, evaluate, and make recommendations to the legislature concerning the potential uses of wood from community trees removed due to disease or other disorders. These recommendations shall include maximum resource recovery through recycling, use as an alternative energy source, or use in construction or the manufacture of new products. Wood utilization or disposal systems as defined in section 18.023 must be included to ensure maximum utilization of diseased shade trees with designs and procedures to ensure public safety and to assure compliance with approved disease control programs.

Sec. 13. Minnesota Statutes 2000, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; economic security; children, families, and learning; employee relations; trade and economic development; finance; health; human rights; labor and industry; natural resources; public safety; ~~public service~~; human services; revenue; transportation; and veterans affairs; the housing finance and pollution control agencies; the state lottery; the state board of investment; the office of administrative hearings; the office of environmental assistance; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the Minnesota state colleges and universities; the higher education services office; the Perpich center for arts education; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 14. Minnesota Statutes 2000, section 45.012, is amended to read:

45.012 [COMMISSIONER.]

(a) The department of commerce is under the supervision and control of the commissioner of commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.

(b) Data that is received by the commissioner or the commissioner's designee by virtue of membership or participation in an association, group, or organization that is not otherwise subject to chapter 13 is confidential or protected nonpublic data but may be shared with the department employees as the commissioner considers appropriate. The commissioner may release the data to any person, agency, or the public if the commissioner determines that the access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

(c) It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

(d) The commissioner also has all the powers and responsibilities and shall perform all the duties previously assigned to the commissioner of public service and the department of public service under chapters 216, 216A, 216B, 216C, 237, 238, 239, and other statutes prior to the date of final enactment of this act, except in the case where those powers, responsibilities, or duties have been specifically otherwise assigned by law.

Sec. 15. Minnesota Statutes 2000, section 103F.325, subdivision 2, is amended to read:

Subd. 2. [REVIEW AND HEARING.] (a) The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, the commissioner of trade and economic development, the commissioner of ~~public service~~ commerce, the governor, and the general public. The ~~commissioners of trade and economic development and of public service,~~ the state energy office in the department of commerce, and the governor shall review the proposed management plan in accordance with the criteria in section 86A.09, subdivision 3, and submit any written comments to the commissioner within 60 days after receipt of the proposed management plan.

(b) By 60 days after making the information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county that contains a portion of the designated system area, in the manner provided in chapter 14.

Sec. 16. Minnesota Statutes 2000, section 103F.325, subdivision 3, is amended to read:

Subd. 3. [POST HEARING REVIEW.] Upon receipt of the administrative law judge's report, the commissioner shall immediately forward the proposed management plan and the administrative law judge's report to the commissioners of trade and economic development and of ~~public service commerce~~ for review under section 86A.09, subdivision 3, except that the review by the commissioners must be completed or be deemed completed within 30 days after receiving the administrative law judge's report, and the review by the governor must be completed or be deemed completed within 15 days after receipt.

Sec. 17. Minnesota Statutes 2000, section 115A.15, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] (a) By January 1 of each odd-numbered year, the commissioner of administration shall submit a report to the governor and to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance summarizing past activities and proposed goals of the program for the following biennium. The report shall include at least:

- (1) a summary list of product and commodity purchases that contain recycled materials;
- (2) the results of any performance tests conducted on recycled products and agencies' experience with recycled products used;
- (3) a list of all organizations participating in and using the cooperative purchasing program; and
- (4) a list of products and commodities purchased for their recyclability and of recycled products reviewed for purchase.

(b) By July 1 of each even-numbered year, the director of the office of environmental assistance and the commissioner of ~~public service commerce through the state energy office~~ shall submit recommendations to the commissioner regarding the operation of the program.

Sec. 18. Minnesota Statutes 2000, section 116O.06, subdivision 2, is amended to read:

Subd. 2. [EQUITY INVESTMENTS.] The corporation may acquire an interest in a product or a private business entity, except that the corporation may not acquire an interest in a business entity engaged in a trade or industry whose profits are directly regulated by the commissioner of commerce or the ~~department of public service~~ public utilities commission. The corporation may enter into joint venture agreements with other private corporations to promote economic development and job creation.

Sec. 19. Minnesota Statutes 2000, section 123B.65, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Energy conservation measure" means a training program or facility alteration designed to reduce energy consumption or operating costs and includes:

- (1) insulation of the building structure and systems within the building;
- (2) storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;
- (3) automatic energy control systems;

(4) heating, ventilating, or air conditioning system modifications or replacements;

(5) replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(6) energy recovery systems;

(7) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(8) energy conservation measures that provide long-term operating cost reductions.

(b) "Guaranteed energy savings contract" means a contract for the evaluation and recommendations of energy conservation measures, and for one or more energy conservation measures. The contract must provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed 15 years from the date of final installation, and the savings are guaranteed to the extent necessary to make payments for the systems.

(c) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures. A qualified provider to whom the contract is awarded shall give a sufficient bond to the school district for its faithful performance.

(d) "Commissioner" means the commissioner of public service commerce through the state energy office.

Sec. 20. Minnesota Statutes 2000, section 123B.65, subdivision 3, is amended to read:

Subd. 3. [EVALUATION BY COMMISSIONER.] Upon request of the board, the commissioner of ~~public service~~ shall review the report required in subdivision 2 and provide an evaluation to the board on the proposed contract within 15 working days of receiving the report. In evaluating the proposed contract, the commissioner shall determine whether the detailed calculations of the costs and of the energy and operating savings are accurate and reasonable. The commissioner may request additional information about a proposed contract as the commissioner deems necessary. If the commissioner requests additional information, the commissioner shall not be required to submit an evaluation to the board within fewer than ten working days of receiving the requested information.

Sec. 21. Minnesota Statutes 2000, section 123B.65, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF REVIEW EXPENSES.] The commissioner of ~~public service~~ may charge a district requesting services under subdivisions 3 and 4 actual costs incurred by the department of ~~public service~~ commerce while conducting the review, or one-half percent of the total identified project cost, whichever is less. Before conducting the review, the commissioner shall notify a district requesting review services that expenses will be charged to the district. The commissioner shall bill the district upon completion of the contract review. Money collected by the commissioner under this subdivision must be deposited in the general fund. A district may include the cost of a review by the commissioner under subdivision 3 in a contract made pursuant to this section.

Sec. 22. Minnesota Statutes 2000, section 161.45, subdivision 1, is amended to read:

Subdivision 1. [RULES.] Electric transmission, telephone or telegraph lines, pole lines, community antenna television lines, railways, ditches, sewers, water, heat or gas mains, gas and other pipe lines, flumes, or other structures which, under the laws of this state or the ordinance of any city, may be constructed, placed, or maintained across or along any trunk highway, or the roadway thereof, by any person, persons, corporation, or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such rules as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules with reference

to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth. Nothing herein shall restrict the actions of public authorities in extraordinary emergencies nor restrict the power and authority of the ~~department of public service~~ commissioner of commerce as provided for in other provisions of law. Provided, however, that in the event any local subdivision of government has enacted ordinances relating to the method of installation or requiring underground installation of such community antenna television lines, the permit granted by the commissioner of transportation shall require compliance with such local ordinance.

Sec. 23. Minnesota Statutes 2000, section 168.61, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] The term "intercity bus" as used in sections 168.61 to 168.65 means a motor bus as defined in section 168.011, subdivision 9, which is owned or operated by either a resident or nonresident of Minnesota in interstate commerce under authority of the Interstate Commerce Commission or in combined interstate and intrastate commerce under authority of the Interstate Commerce Commission and the ~~department of public service~~ transportation of Minnesota, as a result of which operation such bus operates both within and without the territorial limits of the state of Minnesota.

Sec. 24. Minnesota Statutes 2000, section 169.073, is amended to read:

169.073 [PROHIBITED LIGHT OR SIGNAL.]

(a) No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain it in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation, a person or corporation maintaining or owning or displaying a prohibited light shall promptly remove it, or change the color of it to some other color than red. Where a prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the ~~department of public service~~ transportation may cause the removal of it and the department may issue notices and orders for its removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party in accordance with chapter 14.

(b) No person or corporation shall maintain or display any light after written notice from the commissioner of transportation or the department of public service that the light constitutes a traffic hazard and that it has ordered the removal thereof.

Sec. 25. Minnesota Statutes 2000, section 174.03, subdivision 7, is amended to read:

Subd. 7. [ENERGY CONSERVATION.] The commissioner, in cooperation with the commissioner of ~~public service~~ commerce through the state energy office, shall evaluate all modes of transportation in terms of their levels of energy consumption. The commissioner of ~~public service~~ commerce shall provide the commissioner with projections of the future availability of energy resources for transportation. The commissioner shall use the results of this evaluation and the projections to evaluate alternative programs and facilities to be included in the statewide plan and to otherwise promote the more efficient use of energy resources for transportation purposes.

Sec. 26. Minnesota Statutes 2000, section 181.30, is amended to read:

181.30 [DUTY OF DEPARTMENT OF PUBLIC SERVICE.]

Any officer of any railroad company in the state violating any of the provisions of section 181.29 shall be guilty of a misdemeanor; and, upon conviction, punished by a fine of not less than \$100, and not more than \$700, for each offense, or by imprisonment in the county jail not more than 60 days, or both fine and imprisonment, at the discretion of the court. It shall be the duty of the state department of ~~public service~~ transportation, upon complaint properly filed with it alleging a violation of section 181.29, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony and require the production of books and papers, and if such report shall show a violation of the provisions of

section 181.29, the department of ~~public service~~ transportation shall, through the attorney general, begin the prosecution of all parties against whom evidence of such violation is found; but section 181.29 shall not be construed to prevent any other person from beginning prosecution for the violation of the provisions thereof.

Sec. 27. Minnesota Statutes 2000, section 216A.01, is amended to read:

216A.01 [ESTABLISHMENT OF DEPARTMENT AND COMMISSION; POWERS AND DUTIES.]

~~There are hereby created and established the department of public service, and the public utilities commission. The department of public service commerce shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter. The public utilities commission shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter, and those formerly vested by law in the railroad and warehouse commission.~~

Sec. 28. Minnesota Statutes 2000, section 216A.035, is amended to read:

216A.035 [CONFLICT OF INTEREST.]

(a) No person, while a member of the public utilities commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission.

(b) No person is eligible to be appointed as a member of the commission if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin.

(c) No person who is an employee of the ~~public service~~ department of commerce shall participate in any manner in any decision or action of the commission where that person has a direct or indirect financial interest. Each commissioner or employee of the ~~public service~~ department who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to ~~public utilities or transportation utility, telephone company, or telecommunications company~~ regulation shall report to the campaign finance and public disclosure board annually before April 15 any interest in an industry or business regulated by the commission. Each commissioner shall file a statement of economic interest as required by section 10A.09 with the campaign finance and public disclosure board and the public utilities commission before taking office. The statement of economic interest must state any interest that the commissioner has in an industry or business regulated by the commission.

(d) A professional employee of the commission or department must immediately disclose to the commission or to the commissioner of the department, respectively, any communication, direct or indirect, with a person who is a party to a pending proceeding before the commission regarding future benefits, compensation, or employment to be received from that person.

Sec. 29. Minnesota Statutes 2000, section 216A.036, is amended to read:

216A.036 [EMPLOYMENT RESTRICTIONS.]

(a) A person who serves as (1) a commissioner of the public utilities commission, (2) commissioner of the ~~department of public service commerce~~, or (3) deputy commissioner of the ~~department~~ commerce, shall not, while employed with or within one year after leaving the commission, or department, accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission.

(b) An entity or an affiliated company of an entity that is subject to rate regulation by the commission, or a person acting on behalf of the entity, shall not negotiate or offer to employ or compensate a commissioner of the public utilities commission, the commissioner of public service commerce, or the deputy commissioner of commerce, while the person is so employed or within one year after the person leaves that employment.

(c) For the purposes of this section, "affiliated company" means a company that controls, is controlled by, or is under common control with an entity subject to rate regulation by the commission.

(d) A person who violates this section is subject to a civil penalty not to exceed \$10,000 for each violation. The attorney general may bring an action in district court to collect the penalties provided in this section.

Sec. 30. Minnesota Statutes 2000, section 216A.05, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE AND QUASI-JUDICIAL FUNCTIONS.] The functions of the commission shall be legislative and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction as the legislature itself might make but only as it shall from time to time authorize. It may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the department of commerce is alleged.

Sec. 31. Minnesota Statutes 2000, section 216A.07, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE COMMISSIONER DUTIES.] The commissioner shall be the executive and administrative head of the public service department and shall have and possess of commerce has all the rights and powers and shall perform all the duties relating to the administrative function of the department as set forth in this chapter. The commissioner may:

(1) prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful in the proper exercise of the authority and duties of the commissioner in connection with regulated businesses;

(2) prescribe the time and manner within which forms or blanks shall be filed with the department;

(3) inspect at all reasonable times, and copy the books, records, memoranda and correspondence or other documents and records of any person relating to any regulated business; and

(4) cause the deposition to be taken of any person concerning the business and affairs of any business regulated by the department. Information sought through said deposition shall be for a lawfully authorized purpose and shall be relevant and material to the investigation or hearing before the commission. Information obtained from said deposition shall be used by the department only for a lawfully authorized purpose and pursuant to powers and responsibilities conferred upon the department. Said deposition is to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

Sec. 32. Minnesota Statutes 2000, section 216A.08, is amended to read:

216A.08 [CONTINUATION OF RULES OF PUBLIC SERVICE DEPARTMENT.]

All valid rules, orders, and directives heretofore enforced, issued, or promulgated by the public service department under authority of chapter 216, 216A, 216B, 216C, 218, 219, 221, or 222, 237, 238, or 239 shall remain in force and effect until repealed, modified, or superseded by duly authorized rules, orders, or directives of the public utilities commission or the commissioner of transportation, or the commissioner of commerce.

Sec. 33. Minnesota Statutes 2000, section 216A.085, subdivision 3, is amended to read:

Subd. 3. [STAFFING.] The intervention office shall be under the control and supervision of the commissioner of the department of ~~public service~~ commerce. The commissioner may hire staff or contract for outside services as needed to carry out the purposes of this section. The attorney general shall act as counsel in all intervention proceedings.

Sec. 34. Minnesota Statutes 2000, section 216B.02, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] For the purposes of ~~Laws 1974, chapter 429~~ this chapter the terms defined in this section have the meanings given them.

Sec. 35. Minnesota Statutes 2000, section 216B.02, subdivision 7, is amended to read:

Subd. 7. [COMMISSION.] "Commission" means the public utilities commission ~~of the department of public service~~.

Sec. 36. Minnesota Statutes 2000, section 216B.02, subdivision 8, is amended to read:

Subd. 8. [DEPARTMENT.] "Department" means the department of ~~public service~~ commerce of the state of Minnesota.

Sec. 37. Minnesota Statutes 2000, section 216B.16, subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] Unless the commission otherwise orders, no public utility shall change a rate which has been duly established under this chapter, except upon 60 days' notice to the commission. The notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and state the change proposed to be made in the rates then in force and the time when the modified rates will go into effect. If the filing utility does not have an approved conservation improvement plan on file with the department of ~~public service~~, it shall also include in its notice an energy conservation plan pursuant to section 216B.241. The filing utility shall give written notice, as approved by the commission, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Sec. 38. Minnesota Statutes 2000, section 216B.16, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF PROPOSED RATE; HEARING; FINAL DETERMINATION DEFINED.] (a) Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date except as provided in this subdivision or subdivision 1a.

(b) During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the ~~administrative division of the department of public service~~ can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section.

(c) The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission.

(d) All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of ~~public service~~ commerce.

(e) If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; except if:

(1) an extension of the procedural schedule has been granted under subdivision 1a, in which case the schedule of rates is deemed to have been approved by the commission on the last day of the extended period of suspension; or

(2) a settlement has been submitted to and rejected by the commission and the commission does not make a final determination concerning the schedule of rates, the schedule of rates is deemed to have been approved 60 days after the initial or, if applicable, the extended period of suspension.

(f) If the commission finds that it has insufficient time during the suspension period to make a final determination of a case involving changes in general rates because of the need to make a final determination of another previously filed case involving changes in general rates under this section or section 237.075, the commission may extend the suspension period to the extent necessary to allow itself 20 working days to make the final determination after it has made a final determination in the previously filed case. An extension of the suspension period under this paragraph does not alter the setting of interim rates under subdivision 3.

(g) For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 39. Minnesota Statutes 2000, section 216B.16, subdivision 6b, is amended to read:

Subd. 6b. [ENERGY CONSERVATION IMPROVEMENT.] (a) Except as otherwise provided in this subdivision, all investments and expenses of a public utility as defined in section 216B.241, subdivision 1, paragraph (e), incurred in connection with energy conservation improvements shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service.

(b) After December 31, 1999, investments and expenses for energy conservation improvements shall not be included by the commission in the determination of just and reasonable electric and gas rates for retail electric and gas service provided to large electric customer facilities that have been exempted by the commissioner of the department of ~~public service~~ pursuant to section 216B.241, subdivision 1a, paragraph (b). However, no public utility shall be prevented from recovering its investment in energy conservation improvements from all customers that were made on or before December 31, 1999, in compliance with the requirements of section 216B.241.

(c) The commission may permit a public utility to file rate schedules providing for annual recovery of the costs of energy conservation improvements. These rate schedules may be applicable to less than all the customers in a class of retail customers if necessary to reflect the differing minimum spending requirements of section 216B.241, subdivision 1a. After December 31, 1999, the commission shall allow a public utility, without requiring a general rate filing under this section, to reduce the electric and gas rates applicable to large electric customer facilities that have been exempted by the commissioner of the department of ~~public service~~ pursuant to section 216B.241, subdivision 1a, paragraph (b), by an amount that reflects the elimination of energy conservation improvement investments or expenditures for those facilities required on or before December 31, 1999. In the event that the commission has set electric or gas rates based on the use of an accounting methodology that results in the cost of conservation improvements being recovered from utility customers over a period of years, the rate reduction may occur in a series of steps to coincide with the recovery of balances due to the utility for conservation improvements made by the utility on or before December 31, 1999.

Sec. 40. Minnesota Statutes 2000, section 216B.16, subdivision 15, is amended to read:

Subd. 15. [LOW-INCOME RATE PROGRAMS; REPORT.] (a) The commission may

consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential ratepayers in order to ensure affordable, reliable, and continuous service to low-income utility customers. The commission shall order a pilot program for at least one utility. In ordering pilot programs, the commission shall consider the following:

(1) the potential for low-income programs to provide savings to the utility for all collection costs including but not limited to: costs of disconnecting and reconnecting residential ratepayers' service, all activities related to the utilities' attempt to collect past due bills, utility working capital costs, and any other administrative costs related to inability to pay programs and initiatives;

(2) the potential for leveraging federal low-income energy dollars to the state; and

(3) the impact of energy costs as a percentage of the total income of a low-income residential customer.

(b) In determining the structure of the pilot utility program, the commission shall:

(1) consult with advocates for and representatives of low-income utility customers, administrators of energy assistance and conservation programs, and utility representatives;

(2) coordinate eligibility for the program with the state and federal energy assistance program and low-income residential energy programs, including weatherization programs; and

(3) evaluate comprehensive low-income programs offered by utilities in other states.

(c) The commission shall implement at least one pilot project by January 1, 1995, and shall allow a utility required to implement a pilot project to recover the net costs of the project in the utility's rates.

~~(d) The commission, in conjunction with the commissioner of the department of public service and the commissioner of economic security, shall review low-income rate programs and shall report to the legislature by January 1, 1998. The report must include:~~

~~(1) the increase in federal energy assistance money leveraged by the state as a result of this program;~~

~~(2) the effect of the program on low-income customer's ability to pay energy costs;~~

~~(3) the effect of the program on utility customer bad debt and arrearages;~~

~~(4) the effect of the program on the costs and numbers of utility disconnections and reconnections and other costs incurred by the utility in association with inability to pay programs;~~

~~(5) the ability of the utility to recover the costs of the low-income program without a general rate change;~~

~~(6) how other ratepayers have been affected by this program;~~

~~(7) recommendations for continuing, eliminating, or expanding the low-income pilot program; and~~

~~(8) how general revenue funds may be utilized in conjunction with low-income programs.~~

Sec. 41. Minnesota Statutes 2000, section 216B.162, subdivision 7, is amended to read:

Subd. 7. [COMMISSION DETERMINATION.] (a) Except as provided under subdivision 6, competitive rates offered by electric utilities under this section must be filed with the commission and must be approved, modified, or rejected by the commission within 90 days. The utility's filing must include statements of fact demonstrating that the proposed rates meet the standards of this subdivision. The filing must be served on the department of public service and the office of the attorney general at the same time as it is served on the commission.

(b) In reviewing a specific rate proposal, the commission shall determine:

(1) that the rate meets the terms and conditions in subdivision 4, unless the commission determines that waiver of one or more terms and conditions would be in the public interest;

(2) that the consumer can obtain its energy requirements from an energy supplier not rate-regulated by the commission under section 216B.16;

(3) that the customer is not likely to take service from the electric utility seeking to offer the competitive rate if the customer was charged the electric utility's standard tariffed rate; and

(4) that after consideration of environmental and socioeconomic impacts it is in the best interest of all other customers to offer the competitive rate to the customer subject to effective competition.

(c) If the commission approves the competitive rate, it becomes effective as agreed to by the electric utility and the customer. If the competitive rate is modified by the commission, the commission shall issue an order modifying the competitive rate subject to the approval of the electric utility and the customer. Each party has ten days in which to reject the proposed modification. If no party rejects the proposed modification, the commissioner's order becomes final. If either party rejects the commission's proposed modification, the electric utility, on its behalf or on the behalf of the customer, may submit to the commission a modified version of the commission's proposal. The commission shall accept or reject the modified version within 30 days. If the commission rejects the competitive rate, it shall issue an order indicating the reasons for the rejection.

Sec. 42. Minnesota Statutes 2000, section 216B.162, subdivision 11, is amended to read:

Subd. 11. [COMMISSION DETERMINATION.] (a) Proposals for discretionary rate reductions offered by utilities must be filed with the commission, with copies of the filing served upon the department of ~~public service~~ and the office of attorney general at the same time it is served upon the commission. The commission shall review the proposals according to procedures developed under section 216B.05, subdivision 2a. The commission shall not approve discretionary rate reductions offered by public utilities that do not have an accepted resource plan on file with the commission. The commission shall not approve discretionary rate reductions unless the utility has made the customer aware of all cost-effective opportunities for energy efficiency improvements offered by the utility.

(b) Public utilities that provide service under discretionary rate reductions shall not, through increased revenue requirements or through prospective rate design changes, recover any revenues foregone due to the discretionary rate reductions, nor shall the commission grant such recovery.

Sec. 43. Minnesota Statutes 2000, section 216B.1675, subdivision 9, is amended to read:

Subd. 9. [COMMISSION FINDINGS.] The commission shall issue findings concerning the appropriateness of the proposed plan. The commission may approve, reject, or modify the plan in a manner which meets the requirements of this section. An approved or modified plan becomes effective unless the plan is withdrawn by the utility within 30 days of a final appealable order. If the utility withdraws an approved or modified plan, all of the administrative costs related to the plan that are charged by the commission or the department of ~~public service~~ to the utility may not be recovered from ratepayers in current or subsequent rates. A utility that withdraws an approved or modified plan may not file another plan under this section for a period of one year following the withdrawal of the plan.

Sec. 44. Minnesota Statutes 2000, section 216B.241, subdivision 1a, is amended to read:

Subd. 1a. [INVESTMENT, EXPENDITURE, AND CONTRIBUTION; PUBLIC UTILITY.] (a) For purposes of this subdivision and subdivision 2, "public utility" has the meaning given it in section 216B.02, subdivision 4. Each public utility shall spend and invest for energy conservation improvements under this subdivision and subdivision 2 the following amounts:

(1) for a utility that furnishes gas service, 0.5 percent of its gross operating revenues from service provided in the state;

(2) for a utility that furnishes electric service, 1.5 percent of its gross operating revenues from service provided in the state; and

(3) for a utility that furnishes electric service and that operates a nuclear-powered electric generating plant within the state, two percent of its gross operating revenues from service provided in the state.

For purposes of this paragraph (a), "gross operating revenues" do not include revenues from large electric customer facilities exempted by the commissioner of the department of ~~public service~~ pursuant to paragraph (b).

(b) The owner of a large electric customer facility may petition the commissioner of the department of ~~public service~~ to exempt both electric and gas utilities serving the large energy customer facility from the investment and expenditure requirements of paragraph (a) with respect to retail revenues attributable to the facility. At a minimum, the petition must be supported by evidence relating to competitive or economic pressures on the customer and a showing by the customer of reasonable efforts to identify, evaluate, and implement cost-effective conservation improvements at the facility. If a petition is filed on or before October 1 of any year, the order of the commissioner to exempt revenues attributable to the facility can be effective no earlier than January 1 of the following year. The commissioner shall not grant an exemption if the commissioner determines that granting the exemption is contrary to the public interest. The commissioner may, after investigation, rescind any exemption granted under this paragraph upon a determination that cost-effective energy conservation improvements are available at the large electric customer facility. For the purposes of this paragraph, "cost-effective" means that the projected total cost of the energy conservation improvement at the large electric customer facility is less than the projected present value of the energy and demand savings resulting from the energy conservation improvement. For the purposes of investigations by the commissioner under this paragraph, the owner of any large electric customer facility shall, upon request, provide the commissioner with updated information comparable to that originally supplied in or with the owner's original petition under this paragraph.

(c) The commissioner may require investments or spending greater than the amounts required under this subdivision for a public utility whose most recent advance forecast required under section 216B.2422 or 216C.17 projects a peak demand deficit of 100 megawatts or greater within five years under mid-range forecast assumptions.

(d) A public utility or owner of a large electric customer facility may appeal a decision of the commissioner under paragraph (b) or (c) to the commission under subdivision 2. In reviewing a decision of the commissioner under paragraph (b) or (c), the commission shall rescind the decision if it finds that the required investments or spending will:

- (1) not result in cost-effective energy conservation improvements; or
- (2) otherwise not be in the public interest.

(e) Each utility shall determine what portion of the amount it sets aside for conservation improvement will be used for conservation improvements under subdivision 2 and what portion it will contribute to the energy and conservation account established in subdivision 2a. A public utility may propose to the commissioner to designate that all or a portion of funds contributed to the account established in subdivision 2a be used for research and development projects. Contributions must be remitted to the commissioner of ~~public service~~ by February 1 of each year. Nothing in this subdivision prohibits a public utility from spending or investing for energy conservation improvement more than required in this subdivision.

Sec. 45. Minnesota Statutes 2000, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. [CONSERVATION IMPROVEMENT BY COOPERATIVE ASSOCIATION OR MUNICIPALITY.] (a) This subdivision applies to:

(1) a cooperative electric association that generates and transmits electricity to associations that provide electricity at retail including a cooperative electric association not located in this state that serves associations or others in the state;

(2) a municipality that provides electric service to retail customers; and

(3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas and one percent of its gross operating revenues from the sale of electricity not purchased from a public utility governed by subdivision 1a or a cooperative electric association governed by this subdivision, excluding gross operating revenues from electric and gas service provided in the state to large electric customer facilities; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state, excluding gross operating revenues from service provided in the state to large electric customer facilities indirectly through a distribution cooperative electric association.

(c) Each municipality and cooperative association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association, except that a municipality or association may not spend or invest for energy conservation improvements that directly benefit a large electric customer facility. Each municipality and cooperative electric association subject to this subdivision may spend and invest annually up to 15 percent of the total amount required to be spent and invested on energy conservation improvements under this subdivision on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the municipality or cooperative electric association. Load management may be used to meet the requirements of this subdivision if it reduces the demand for or increases the efficiency of electric services. A generation and transmission cooperative electric association may include as spending and investment required under this subdivision conservation improvement spending and investment by cooperative electric associations that provide electric service at retail to consumers and that are served by the generation and transmission association.

(d) By February 1 of each year, each municipality or cooperative shall report to the commissioner its energy conservation improvement spending and investments with a brief analysis of effectiveness in reducing consumption of electricity or gas. The commissioner shall review each report and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. The commissioner shall also review each report for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income of less than 185 percent of the federal poverty level.

(e) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. A municipality or association may propose to the commissioner to designate that all or a portion of funds contributed to the account be used for research and development projects. Any amount contributed must be remitted to the commissioner of public service by February 1 of each year.

Sec. 46. Minnesota Statutes 2000, section 216B.241, subdivision 2b, is amended to read:

Subd. 2b. [RECOVERY OF EXPENSES.] The commission shall allow a utility to recover expenses resulting from a conservation improvement program required by the department and contributions to the energy and conservation account, unless the recovery would be inconsistent with a financial incentive proposal approved by the commission. In addition, a utility may file annually, or the public utilities commission may require the utility to file, and the commission may approve, rate schedules containing provisions for the automatic adjustment of charges for utility

service in direct relation to changes in the expenses of the utility for real and personal property taxes, fees, and permits, the amounts of which the utility cannot control. A public utility is eligible to file for adjustment for real and personal property taxes, fees, and permits under this subdivision only if, in the year previous to the year in which it files for adjustment, it has spent or invested at least 1.75 percent of its gross revenues from provision of electric service, excluding gross operating revenues from electric service provided in the state to large electric customer facilities for which the commissioner of ~~public service~~ has issued an exemption under subdivision 1a, paragraph (b), and 0.6 percent of its gross revenues from provision of gas service, excluding gross operating revenues from gas services provided in the state to large electric customer facilities for which the commissioner of ~~public service~~ has issued an exemption under subdivision 1a, paragraph (b), for that year for energy conservation improvements under this section.

Sec. 47. Minnesota Statutes 2000, section 216C.01, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 216C.02, 216C.05, 216C.07 to 216C.19, 216C.20 to 216C.35, and 216C.373 to 216C.381 this chapter.

Sec. 48. Minnesota Statutes 2000, section 216C.01, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of ~~the department of public service~~ commerce.

Sec. 49. Minnesota Statutes 2000, section 216C.01, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT.] "Department" means the department of ~~public service~~ commerce.

Sec. 50. Minnesota Statutes 2000, section 216C.051, subdivision 6, is amended to read:

Subd. 6. [ASSESSMENT; APPROPRIATION.] On request by the cochairs of the legislative task force and after approval of the legislative coordinating commission, the commissioner of ~~the department of public service~~ commerce shall assess from electric utilities, in addition to assessments made under section 216B.62, the amount requested for the operation of the task force not to exceed \$700,000. This authority to assess continues until the commissioner has assessed a total of \$700,000. The amount assessed under this section is appropriated to the director of the legislative coordinating commission for those purposes, and is available until expended.

Sec. 51. Minnesota Statutes 2000, section 216C.37, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] In this section:

(a) "Commissioner" means the commissioner of ~~public service~~ commerce.

(b) "Energy conservation investments" means all capital expenditures that are associated with conservation measures identified in an energy project study, and that have a ten-year or less payback period.

(c) "Municipality" means any county, statutory or home rule charter city, town, school district, or any combination of those units operating under an agreement to jointly undertake projects authorized in this section.

(d) "Energy project study" means a study of one or more energy-related capital improvement projects analyzed in sufficient detail to support a financing application. At a minimum, it must include one year of energy consumption and cost data, a description of existing conditions, a description of proposed conditions, a detailed description of the costs of the project, and calculations sufficient to document the proposed energy savings.

Sec. 52. Minnesota Statutes 2000, section 216C.40, subdivision 4, is amended to read:

Subd. 4. [CONDITION PRECEDENT.] The duties of the department under this section are conditional on the commissioner of ~~public service~~ finding that there will be at least one public utility that will be subject to the assessment created by Laws 1993, chapter 254, section 7.

Sec. 53. Minnesota Statutes 2000, section 237.02, is amended to read:

237.02 [GENERAL AUTHORITY OF DEPARTMENT AND COMMISSION; DEFINITIONS.]

The department of public service commerce and the public utilities commission, ~~now existing under the laws of this state,~~ are hereby vested with the same jurisdiction and supervisory power over telephone and telecommunications companies doing business in this state as ~~it now has the commission's predecessor, the railroad and warehouse commission, had over railroad and express companies.~~ The definitions set forth in ~~section~~ sections 216A.02 shall apply and 216B.02 also apply to this chapter.

Sec. 54. Minnesota Statutes 2000, section 237.075, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF PROPOSED RATE; HEARING; FINAL DETERMINATION DEFINED.] (a) Whenever there is filed with the commission as provided in subdivision 1 a schedule modifying or resulting in a change in any rate then in force, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date except as provided in paragraph (b). During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the ~~administrative division of the department of public service~~ can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the telephone company's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service commerce. If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; except if a settlement has been submitted to and rejected by the commission, the schedule is deemed to have been approved 12 months after the initial filing.

(b) If the commission finds that it has insufficient time during the suspension period to make a final determination of a case involving changes in general rates because of the need to make final determinations of other previously filed cases involving changes in general rates under this section or section 216B.16, the commission may extend the suspension period to the extent necessary to allow itself 20 working days to make the final determination after it has made final determinations in the previously filed cases. An extension of the suspension period under this paragraph does not alter the setting of interim rates under subdivision 3.

(c) For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 55. Minnesota Statutes 2000, section 237.075, subdivision 9, is amended to read:

Subd. 9. [ELECTION ON REGULATION; COOPERATIVE, MUNICIPAL, INDEPENDENT.] For the purposes of this section, "telephone company" shall not include a cooperative telephone association organized under the provisions of chapter 308A, an independent telephone company, or a municipal, unless the cooperative telephone association, independent telephone company, or municipal makes the election provided in this subdivision.

A cooperative telephone association may elect to become subject to rate regulation by the

commission pursuant to this section. The election shall be (a) approved by the board of directors of the association in accordance with the procedures for amending the articles of incorporation contained in section 308A.135, excluding the filing requirements; or (b) approved by a majority of members or stockholders voting by mail ballot initiated by petition of no fewer than five percent of the members or stockholders of the association. The ballot to be used for the election shall be approved by the board of directors and the department of ~~public service~~. The department shall mail the ballots to the association's members who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the board of directors. On this date, representatives of the department and the association shall count the ballots. If a majority of the association's members who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted. For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing.

A municipal may elect to become subject to rate regulation by the commission pursuant to this section. The election shall be (a) approved by resolution of the governing body of the municipality; or (b) approved by a majority of the customers of the municipal voting by mail ballot initiated by petition of no fewer than 20 percent of the customers of the municipal. The ballot to be used for the election shall be approved by the governing body of the municipality and the department of ~~public service~~. The department shall mail the ballots to the municipal's customers who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the governing body of the municipality. On this date, representatives of the department and the municipal shall count the ballots. If a majority of the customers of the municipal who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted. For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing.

An independent telephone company may elect to become subject to rate regulation by the commission pursuant to this section. The election shall be (a) approved by the board of directors of the company in accordance with the procedures for amending the articles of incorporation contained in sections 302A.133 to 302A.139, excluding the filing requirements; or (b) approved by a majority of subscribers voting by mail ballot initiated by petition of no fewer than five percent of the subscribers of the company. The ballot to be used for the election shall be approved by the board of directors and the department of ~~public service~~. The department shall mail the ballots to the company's subscribers who shall return the ballots to the department. The department will keep the ballots sealed until a date agreed upon by the department and the board of directors. On this date, representatives of the department and the company shall count the ballots. If a majority of the company's subscribers who vote elect to become subject to rate regulation by the commission, the election shall be effective 30 days after the date the ballots are counted. For purposes of this section the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing.

Sec. 56. Minnesota Statutes 2000, section 237.082, is amended to read:

237.082 [TELECOMMUNICATION SERVICE; POLICY OF INCREASED SPEED AND SERVICE.]

When setting rates, adopting rules, or issuing orders related to telecommunication matters that affect deployment of the infrastructure, the commission may apply the goals of:

- (1) achieving economically efficient investment in:
 - (i) higher speed telecommunication services; and
 - (ii) greater capacity for voice, video, and data transmission; and

(2) just and reasonable rates.

The department of ~~public service~~ may apply the same goals in its regulation of and recommendations regarding telecommunication services.

Sec. 57. Minnesota Statutes 2000, section 237.21, is amended to read:

237.21 [VALUATION OF TELEPHONE PROPERTY.]

In determining the value of any telephone property for rate making purposes, no valuation shall be allowed upon the value of any franchise granted by the state or any municipality where no payment was or is being made to the state or municipality on account thereof. The requirement as to reasonableness of rates shall apply to each exchange unit as well as to telephone plants as a whole. Provided, that in the case of a company operating a telephone system consisting of more than one exchange in the state, reasonableness of rates, as measured by earnings, shall be determined by a reasonable return from the total operations of the system within the state rather than by the return from individual exchanges or services. No telephone rates or charges shall be allowed or approved by the commission under any circumstances, which are inadequate and which are intended to or naturally tend to destroy competition or produce a monopoly in telephone service in the locality affected.

~~Laws 1953, chapter 25, shall have no effect on proceedings pending before the courts or the department of public service at the time of its enactment.~~

Sec. 58. Minnesota Statutes 2000, section 237.30, is amended to read:

237.30 [TELEPHONE INVESTIGATION FUND; APPROPRIATION.]

The sum of \$25,000 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to establish and provide a revolving fund to be known as the Minnesota Telephone Investigation Fund for the use of the department of ~~public service~~ commerce and of the attorney general in investigations, valuations, and revaluations under section 237.295. All sums paid by the telephone companies to reimburse the department of ~~public service~~ for its expenses pursuant to section 237.295 shall be credited to the revolving fund and shall be deposited in a separate bank account and not commingled with any other state funds or moneys, but any balance in excess of \$25,000 in the revolving fund at the end of each fiscal year shall be paid into the state treasury and credited to the general fund. The sum of \$25,000 herein appropriated and all subsequent credits to said revolving fund shall be paid upon the warrant of the commissioner of finance upon application of the department or of the attorney general to an aggregate amount of not more than one-half of such sums to each of them, which proportion shall be constantly maintained in all credits and withdrawals from the revolving fund.

Sec. 59. Minnesota Statutes 2000, section 237.462, subdivision 6, is amended to read:

Subd. 6. [EXPEDITED PROCEEDING.] (a) The commission may order an expedited proceeding under section 237.61 and this subdivision, in lieu of a contested case under chapter 14, to develop an evidentiary record in any proceeding that involves contested issues of material fact either upon request of a party or upon the commission's own motion if the complaint alleges a violation described in subdivision 1, clauses (1) to (4). The commission may order an expedited proceeding under this subdivision if the commission finds an expedited proceeding is in the public interest, regardless of whether all parties agree to the expedited proceeding. In determining whether to grant an expedited proceeding, the commission may consider any evidence of impairment of the provision of telecommunications service to subscribers in the state or impairment of the provision of any service or network element subject to the jurisdiction of the commission.

(b) Any request for an expedited proceeding under this subdivision must be noted in the title of the first filing by a party. The filing shall also state the specific circumstances that the party believes warrant an expedited proceeding under this subdivision.

(c) A complaint requesting an expedited proceeding, unless filed by the department of ~~public~~

service or the attorney general, must set forth the actions and the dates of the actions taken by the party filing the complaint to attempt to resolve the alleged violations with the party against whom the complaint is filed, including any requests that the party against whom the complaint is filed correct the conduct giving rise to the violations alleged in the complaint. If no such actions were taken by the complainant, the complaint shall set forth the reasons why no such actions were taken. The commission may order an expedited proceeding even if the filing complaint fails to meet this requirement if the commission determines that it would be in the public interest to go forward with the expedited proceeding without information in the complaint on attempts to resolve the dispute.

(d) The complaining party shall serve the complaint along with any written discovery requests by hand delivery and facsimile on the party against whom the complaint is filed, the department of public service, and the office of the attorney general on the same day the complaint is filed with the commission.

(e) The party responding to a complaint that includes a request for an expedited proceeding under this subdivision shall file an answer within 15 days after receiving the complaint. The responding party shall state in the answer the party's position on the request for an expedited proceeding. The responding party shall serve with the answer any objections to any written discovery requests as well as any written discovery requests the responding party wishes to serve on the complaining party. Except for stating any objections, the responding party is not required to answer any written discovery requests under this subdivision until a time established at a prehearing conference. The responding party shall serve a copy of the answer and any discovery requests and objections on the complaining party, the department of public service, and office of the attorney general by hand delivery and facsimile on the same day as the answer is filed with the commission.

(f) Within 15 days of receiving the answer to a complaint in a proceeding in which a party has requested an expedited hearing, the commission shall determine whether the filing warrants an expedited proceeding. If the commission decides to grant a request by a party or if the commission orders an expedited proceeding on its own motion, the commission shall conduct within seven days of the decision a prehearing conference to schedule the evidentiary hearing. During the prehearing conference, the commission shall establish a discovery schedule that requires all discovery to be completed no later than three days before the start of the hearing. An evidentiary hearing under this subdivision must commence no later than 45 days after the commission's decision to order an expedited proceeding. A quorum of the commission shall preside at any evidentiary hearing under this subdivision unless all the parties to the proceeding agree otherwise.

(g) All pleadings submitted under this subdivision must be verified and all oral statements of fact made in a hearing or deposition under this subdivision must be made under oath or affirmation.

(h) The commission shall issue a written decision and final order on the complaint within 15 days after the close of the evidentiary hearing under this subdivision. On the day of issuance, the commission shall notify the parties by facsimile that a final order has been issued and shall provide each party with a copy of the final order.

(i) The commission may extend any time periods under this subdivision if all parties to the proceeding agree to the extension or if the commission finds the extension is necessary to ensure a just resolution of the complaint.

(j) Except as otherwise provided in this subdivision, an expedited proceeding under this subdivision shall be governed by the following procedural rules:

(1) the parties shall have the discovery rights provided in Minnesota Rules, parts 1400.6700 to 1400.7000;

(2) the parties shall have the right to cross-examine witnesses as provided in section 14.60, subdivision 3;

(3) the admissibility of evidence and development of record for decision shall be governed by section 14.60 and Minnesota Rules, part 1400.7300; and

(4) the commission may apply other procedures or standards included in the rules of the office of administrative hearings, as necessary to ensure the fair and expeditious resolution of disputes under this section.

Sec. 60. Minnesota Statutes 2000, section 237.51, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The ~~department of public service~~ commissioner of commerce shall administer through interagency agreement with the ~~department~~ commissioner of human services a program to distribute communication devices to eligible communication-impaired persons and contract with a local consumer group that serves communication-impaired persons to create and maintain a telecommunication relay service. For purposes of sections 237.51 to 237.56, the ~~department of public service~~ commerce and any organization with which it contracts pursuant to this section or section 237.54, subdivision 2, are not telephone companies or telecommunications carriers as defined in section 237.01.

Sec. 61. Minnesota Statutes 2000, section 237.51, subdivision 5, is amended to read:

Subd. 5. [~~DEPARTMENT OF PUBLIC SERVICE~~ COMMISSIONER OF COMMERCE DUTIES.] In addition to any duties specified elsewhere in sections 237.51 to 237.56, the ~~department of public service~~ commissioner of commerce shall:

- (1) prepare the reports required by section 237.55;
- (2) administer the fund created in section 237.52; and
- (3) adopt rules under chapter 14 to implement the provisions of sections 237.50 to 237.56.

Sec. 62. Minnesota Statutes 2000, section 237.51, subdivision 5a, is amended to read:

Subd. 5a. [DEPARTMENT OF HUMAN SERVICES DUTIES.] (a) In addition to any duties specified elsewhere in sections 237.51 to 237.56, the ~~department~~ commissioner of human services shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;

(2) establish a method to verify eligibility requirements;

(3) establish specifications for communication devices to be purchased under section 237.53, subdivision 3; and

(4) inform the public and specifically the community of communication-impaired persons of the program.

(b) The ~~department~~ commissioner may establish an advisory board to advise the department in carrying out the duties specified in this section and to advise the ~~department of public service~~ commissioner of commerce in carrying out its duties under section 237.54. If so established, the advisory board must include, at a minimum, the following communication-impaired persons:

- (1) at least one member who is deaf;
- (2) at least one member who is speech impaired;
- (3) at least one member who is mobility impaired; and
- (4) at least one member who is hard-of-hearing.

The membership terms, compensation, and removal of members and the filling of membership vacancies are governed by section 15.059. Advisory board meetings shall be held at the discretion of the commissioner.

Sec. 63. Minnesota Statutes 2000, section 237.52, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT.] The ~~department of public service~~ commissioner of commerce shall annually recommend to the commission an adequate and appropriate surcharge and budget to implement sections 237.50 to 237.56. The public utilities commission shall review the budget for reasonableness and may modify the budget to the extent it is unreasonable. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the department and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than 20 cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Sec. 64. Minnesota Statutes 2000, section 237.52, subdivision 4, is amended to read:

Subd. 4. [APPROPRIATION.] Money in the fund is appropriated to the ~~department of public service~~ commissioner of commerce to implement sections 237.51 to 237.56.

Sec. 65. Minnesota Statutes 2000, section 237.52, subdivision 5, is amended to read:

Subd. 5. [EXPENDITURES.] Money in the fund may only be used for:

(1) expenses of the department of ~~public service~~ commerce, including personnel cost, public relations, advisory board members' expenses, preparation of reports, and other reasonable expenses not to exceed ten percent of total program expenditures;

(2) reimbursing the commissioner of human services for purchases made or services provided pursuant to section 237.53;

(3) reimbursing telephone companies for purchases made or services provided under section 237.53, subdivision 5; and

(4) contracting for establishment and operation of the telecommunication relay service required by section 237.54.

All costs directly associated with the establishment of the program, the purchase and distribution of communication devices, and the establishment and operation of the telecommunication relay service are either reimbursable or directly payable from the fund after authorization by the ~~department of public service~~ commissioner of commerce. The ~~department of public service~~ commissioner of commerce shall contract with the message relay service operator to indemnify the local exchange carriers of the relay service for any fines imposed by the Federal Communications Commission related to the failure of the relay service to comply with federal service standards. Notwithstanding section 16A.41, the ~~department of public service~~ commissioner may advance money to the contractor of the telecommunication relay service if the contractor establishes to the ~~department's~~ commissioner's satisfaction that the advance payment is necessary for the operation of the service. The advance payment may be used only for working capital reserve for the operation of the service. The advance payment must be offset or repaid by the end of the contract fiscal year together with interest accrued from the date of payment.

Sec. 66. Minnesota Statutes 2000, section 237.54, subdivision 2, is amended to read:

Subd. 2. [OPERATION.] The ~~department of public service~~ commissioner of commerce shall contract with a local consumer organization that serves communication-impaired persons for operation and maintenance of the telecommunication relay system. The ~~department~~ commissioner may contract with other than a local consumer organization if no local consumer organization is available to enter into or perform a reasonable contract or the only available consumer organization fails to comply with terms of a contract. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. The operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a Braille device for use with a telephone.

Sec. 67. Minnesota Statutes 2000, section 237.55, is amended to read:

237.55 [ANNUAL REPORT ON COMMUNICATION ACCESS.]

The ~~department of public service~~ commissioner of commerce must prepare a report for presentation to the commission by January 31 of each year. Each report must review the accessibility of the telephone system to communication-impaired persons, review the ability of non-communication-impaired persons to communicate with communication-impaired persons via the telephone system, describe services provided, account for money received and disbursed annually for each aspect of the program to date, and include predicted future operation.

Sec. 68. Minnesota Statutes 2000, section 237.59, subdivision 2, is amended to read:

Subd. 2. [PETITION.] (a) A telephone company, or the commission on its own motion, may petition to have a service of that telephone company classified as subject to effective competition or emerging competition. The petition must be served on the commission, the ~~department of public service~~, the office of the attorney general, and any other person designated by the commission. The petition must contain at least:

(1) a list of the known alternative providers of the service available to the company's customers; and

(2) a description of affiliate relationships with any other provider of the service in the company's market.

(b) At the time the company first offers a service, it shall also file a petition with the commission for a determination as to how the service should be classified. In the event that no interested party or the commission objects to the company's proposed classification within 20 days of the filing of the petition, the company's proposed classification of the service is deemed approved. If an objection is filed, the commission shall determine the appropriate classification after a hearing conducted pursuant to section 237.61. In either event, the company may offer the new service to its customers ten days after the company files the price list and incremental cost study as provided in section 237.60, subdivision 2, paragraph (f).

(c) A new service may be classified as subject to effective competition or emerging competition pursuant to the criteria set forth in subdivision 5. A new service must be regulated under the emerging competition provisions if it is not integrally related to the provision of adequate local service or access to the telephone network or to the privacy, health, or safety of the company's customers, whether or not it meets the criteria set forth in subdivision 5.

Sec. 69. Minnesota Statutes 2000, section 237.768, is amended to read:

237.768 [PERIODIC FINANCIAL REPORT.]

In addition to the reports required under section 237.766, an alternative regulation plan may require a telephone company to file with the department an annual report of financial matters for the previous calendar year on or before May 1 of each year on report forms furnished by the ~~department of public service~~ in the same manner as is required of other telephone companies on August 1, 1995. In addition, any company subject to a plan shall file with the commission and department a copy of any filings it has made to the Federal Communications Commission regarding the provisions of video programming provided through a video dial tone facility in Minnesota. An alternative regulation plan may require a telephone company to maintain its accounts in accordance with the system of accounts prescribed for the company by the commission under section 237.10.

Sec. 70. Minnesota Statutes 2000, section 239.01, is amended to read:

239.01 [WEIGHTS AND MEASURES DIVISION; JURISDICTION.]

The weights and measures division, referred to in this chapter as the division, is created under the jurisdiction of the ~~department of public service~~ commerce. The division has supervision and control over all weights, weighing devices, and measures in the state.

Sec. 71. Minnesota Statutes 2000, section 239.10, is amended to read:

239.10 [ANNUAL INSPECTION.]

Subdivision 1. [LIGHT CAPACITY SCALES; RETAIL ESTABLISHMENTS.] The director shall inspect light capacity scales in retail establishments such as grocery stores, other retail food establishments, or hardware stores, not more often than 36 months except when the owner requests an inspection, when the scale is inspected as part of an investigation, or when the scale has been repaired.

Subd. 2. [PACKAGED FOOD COMMODITIES.] The director shall inspect packaged food commodities in grocery stores and other retail food establishments not more often than 36 months except when the owner requests an inspection or when packages are inspected as part of an investigation.

Subd. 3. [OTHER WEIGHTS AND MEASURES.] The director shall inspect all weights and measures, except those specified in subdivisions 1 and 2, annually, or as often as deemed possible within budget and staff limitations.

Sec. 72. Minnesota Statutes 2000, section 325E.11, is amended to read:

325E.11 [COLLECTION FACILITIES; NOTICE.]

(a) Any person selling at retail or offering motor oil or motor oil filters for retail sale in this state shall:

(1) post a notice indicating the nearest location where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse, post a toll-free telephone number that may be called by the public to determine a convenient location, or post a listing of locations where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse; or

(2) if the person is subject to section 325E.112, subdivision 1, paragraph (b), post a notice informing customers purchasing motor oil or motor oil filters of the location of the used motor oil and used motor oil filter collection site established by the retailer in accordance with section 325E.112, subdivision 1, paragraph (b), where used motor oil and used motor oil filters may be returned at no cost.

(b) A notice under paragraph (a) shall be posted on or adjacent to the motor oil and motor oil filter displays, be at least 8-1/2 inches by 11 inches in size, contain the universal recycling symbol with the following language:

(1) "It is illegal to put used oil and used motor oil filters in the garbage.";

(2) "Recycle your used oil and used motor oil filters."; and

(3)(i) "There is a free collection site here for your used oil and used motor oil filters.";

(ii) "There is a free collection site for used oil and used motor oil filters located at (name of business and street address).";

(iii) "For the location of a free collection site for used oil and used motor oil filters call (toll-free phone number)."; or

(iv) "Here is a list of free collection sites for used oil and used motor oil filters."

(c) The division of weights and measures ~~under~~ in the department of ~~public service commerce~~ shall enforce compliance with this section as provided in section 239.54. The pollution control agency shall enforce compliance with this section under sections 115.071 and 116.072 in coordination with the division of weights and measures.

Sec. 73. Minnesota Statutes 2000, section 325E.115, subdivision 2, is amended to read:

Subd. 2. [COMPLIANCE; MANAGEMENT.] The division of weights and measures ~~under~~ in the department of ~~public service~~ commerce shall enforce compliance of subdivision 1 as provided in section 239.54. The ~~commissioner~~ of the pollution control agency shall inform persons governed by subdivision 1 of requirements for managing lead acid batteries.

Sec. 74. Minnesota Statutes 2000, section 326.243, is amended to read:

326.243 [SAFETY STANDARDS.]

All electrical wiring, apparatus and equipment for electric light, heat and power, alarm and communication systems shall comply with the rules of the department of ~~public service~~, ~~the commissioner of commerce~~, or the department of labor and industry, as applicable, and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 16B.61, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Sec. 75. Minnesota Statutes 2000, section 484.50, is amended to read:

484.50 [SUMMONS; PLACE OF TRIAL; ST. LOUIS COUNTY.]

A party wishing to have an appeal from an order of the ~~department of public service~~ public utilities commission, an election contest, a lien foreclosure, or a civil cause or proceeding of a kind commenced or appealed by a party in the court, tried in the city of Virginia shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and a party wishing a matter commenced or appealed by a party in the court tried at the city of Hibbing shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Hibbing," and in a case where a summons, notice of appeal in a matter, or other jurisdictional instrument contains a specification, the case shall be tried at the city of Virginia, or the city of Hibbing, as the case may be, unless the defendant shall have the place of trial fixed in the manner specified in this section.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in a place, unless the defendant, in an answer in addition to the other allegations of defense, shall plead the location of the defendant's residence, and demand that the action be tried at the place of holding the court nearest the defendant's residence, as provided in this section; and in a case where the answer of the defendant pleads the place of residence and makes a demand of place of trial, the plaintiff, in reply, may admit or deny the allegations of residence, and if the allegations of residence are not expressly denied, the case shall be tried at the place demanded by the defendant, and if the allegations of residence are denied, the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in a county, the trial shall be at the place in which the majority of the defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority of the defendants.

The venue of an action may be changed from one of these places to another, by order of the court, in the following cases:

- (1) Upon written consent of the parties;
- (2) When it appears, on motion, that a party has been made a defendant for the purpose of preventing a change of venue as provided in this section;
- (3) When an impartial trial cannot be held in the place where the action is pending; or
- (4) When the convenience of witnesses and the ends of justice would be promoted by the change.

Application for a change under clause (2), (3), or (4), shall be made by motion which shall be returnable and heard at the place of commencement of the action.

Sec. 76. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "public service" to the word "commerce" in the following sections of Minnesota Statutes: 13.68; 13.681; 17A.04, subdivisions 6, 7, and 8; 17A.10, subdivision 1; 41A.09, subdivision 7; 116C.03, subdivision 2; 160.262, subdivision 3; 216A.085, subdivision 1; 216B.241, subdivision 1; 237.295, subdivision 1; 237.662, subdivision 3; 237.70, subdivision 7; 239.05, subdivisions 6c, 7a, 8, and 8c; 272.0211, subdivision 1; 296A.02, subdivision 1; 308A.210, subdivisions 5 and 6; 325F.733, subdivision 7; and 469.164, subdivision 2.

Sec. 77. [REPEALER.]

Minnesota Statutes 2000, sections 216A.06; and 237.69, subdivision 3, are repealed.

Sec. 78. [EFFECTIVE DATE.]

This article is effective July 1, 2001."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying public safety and law enforcement provisions; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fees; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 13.87, by adding a subdivision; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.641, subdivision 8; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 161.45, subdivision 1; 167.51, subdivision 2; 168.013, subdivision 1d; 168.33, subdivision 7; 168.381; 168.61, subdivision 1; 169.06, by adding a subdivision; 169.073; 169.09, subdivision 13; 169.18, subdivision 1, by adding a subdivision; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.06, subdivision 2a; 171.07, subdivision 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.185; 171.26; 171.29, subdivision 2; 171.36; 174.03, subdivision 7, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.70, subdivisions 2, 3; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6;

216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 297B.09, subdivision 1; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 325E.11; 325E.115, subdivision 2; 326.243; 446A.085; 473.859, subdivision 2; 484.50; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 169; 174; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3."

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. 1711: A bill for an act relating to crimes; prohibiting making or possessing counterfeit drivers' licenses and identification cards or having instruments and material for counterfeiting drivers' licenses and identification cards in certain instances; expanding the crime prohibiting the possession of shoplifting gear; imposing criminal penalties; amending Minnesota Statutes 2000, section 609.521; proposing coding for new law in Minnesota Statutes, chapter 609.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2351, 2340 and 1711 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Krentz moved that the name of Senator Marty be added as a co-author to S.F. No. 1963. The motion prevailed.

Senator Limmer moved that the name of Senator Foley be added as a co-author to S.F. No. 2349. The motion prevailed.

Senator Stevens moved that S.F. No. 2032 be withdrawn from the Committee on Finance and re-referred to the Committee on Capital Investment. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 873: A bill for an act relating to public lands; allowing private easements across tax-forfeited land; changing certain exchange requirements; modifying county lease terms for tax-forfeited land; authorizing a conveyance of certain Benton county land; authorizing public and private sales and conveyances of certain tax-forfeited lands in Aitkin, Cook, Hubbard, Lake, Meeker, Ramsey, St. Louis, and Washington counties; amending Minnesota Statutes 2000, section 282.04, subdivision 1, and by adding a subdivision; Laws 1998, chapter 389, article 16, section 31, subdivisions 2, as amended, and 4, as amended.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 865: A bill for an act relating to criminal justice; providing for community service in lieu of criminal fines in certain instances; amending Minnesota Statutes 2000, section 609.101, subdivision 5.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1932: A bill for an act relating to economic security; modifying and repealing various statutory provisions in the area of economic security; amending Minnesota Statutes 2000, sections 119A.46, subdivision 3; 268.0111, subdivision 4; 268.0122, subdivision 3; 268.665, subdivision 3; 268.871, subdivisions 1, 1a; repealing Minnesota Statutes 2000, sections 268.0111, subdivision 9; 268.6715; 268.672; 268.673; 268.6751; 268.677; 268.681; 268.6811; 268.682; 268.85; 268.86, subdivision 8; 268.871, subdivisions 2, 4; 268.88; 268.90; 268.971.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Foley	Johnson, Dean	Kierlin
Bachmann	Cohen	Frederickson	Johnson, Debbie	Kinkel
Belanger	Day	Higgins	Johnson, Doug	Kleis
Berg	Dille	Hottinger	Kelley, S.P.	Knutson
Berglin	Fischbach	Johnson, Dave	Kelly, R.C.	Krentz

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

So the bill passed and its title was agreed to.

H.F. No. 1188: A bill for an act relating to environment; regulating ash disposal from fire training exercises; amending Minnesota Statutes 2000, section 116.07, by adding a subdivision.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1748: A bill for an act relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by rural ambulance services; amending Minnesota Statutes 2000, section 144E.101, subdivision 6.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 933: A bill for an act relating to commerce; providing buyback requirements related to the sale of farm implements and outdoor power equipment; amending Minnesota Statutes 2000, sections 325E.06, subdivisions 1, 4, 5, and 6; and 325E.0681, subdivisions 3, 4, 5, 11, and 12.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2046: A bill for an act relating to workers' compensation; making technical changes; requiring interest earned on revenue collected by the special compensation fund to be deposited into the fund; extending a pilot program; providing for payment of various penalties to the commissioner of labor and industry; amending Minnesota Statutes 2000, sections 176.042, subdivision 2; 176.102, subdivisions 3a, 11, 14; 176.103, subdivision 3; 176.129, subdivisions 10, 13, by adding a subdivision; 176.1351, subdivision 5; 176.138; 176.1812, subdivision 6; 176.191, subdivision 1a; 176.192; 176.194, subdivision 4; 176.221, subdivisions 1, 3, 3a, 6; 176.231, subdivisions 2, 6, 10; 176.238, subdivision 10; repealing Minnesota Statutes 2000, section 176.445.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 779: A bill for an act relating to commerce; modifying provisions dealing with motor vehicle dealer franchise transfers; amending Minnesota Statutes 2000, section 80E.13.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Pariseau	Ring	Samuelson	Stevens	Wiener
Price	Robertson	Scheevel	Stumpf	Wiger
Ranum	Robling	Scheid	Terwilliger	
Reiter	Sabo	Schwab	Tomassoni	
Rest	Sams	Solon	Vickerman	

So the bill passed and its title was agreed to.

H.F. No. 1192: A bill for an act relating to education; permitting applicants for a temporary limited teaching license or a personnel variance to submit their application by July 1 in any year; directing the board of teaching to amend its rules to conform with the July 1 date; amending Minnesota Statutes 2000, section 122A.18, by adding a subdivision.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 923: A bill for an act relating to health occupations; temporarily exempting certain persons who are refugees or immigrants to the United States and for whom English is a second language from the examination requirement for social work licensure and for obtaining a temporary permit to practice social work; amending Minnesota Statutes 2000, section 148B.21, subdivisions 3, 4, 5, 6, and 7.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1712: A bill for an act relating to crime prevention; clarifying provisions of the sex

offender registration law, registration law for other offenders, and law requiring submission of a biological specimen for DNA testing; providing criminal penalties; requiring additional offenders to submit a biological specimen for DNA testing; amending Minnesota Statutes 2000, sections 243.166, subdivisions 3, 4a, 6; 243.167, subdivision 1; 609.117, subdivision 2; repealing Minnesota Statutes 2000, section 243.166, subdivision 10.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2006: A bill for an act relating to government data; authorizing certain accident data to be made public; amending Minnesota Statutes 2000, section 169.09, subdivision 13.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1219: A bill for an act relating to insurance; removing certain state involvement with the state fund mutual insurance company; repealing Minnesota Statutes 2000, sections 79.371; 176A.01; 176A.02; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; 176A.11; and 176A.12.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1263: A bill for an act relating to state government; changing the expiration dates of certain advisory councils and committees and other multimember entities; amending Minnesota Statutes 2000, sections 6.65; 15.059, subdivision 5; 15.50, subdivision 2; 16B.181, subdivision 2; 16B.27, subdivision 3; 16B.76, subdivision 1; 17.136; 18B.305, subdivision 3; 21.112, subdivision 2; 28A.20; 43A.316, subdivision 4; 62J.15, subdivision 1; 62J.46, subdivision 1; 62J.692, subdivision 2; 62Q.03, subdivision 5a; 82B.05, subdivision 1; 115A.12; 116P.06, subdivision 1; 122A.624, subdivision 2; 144.1481, subdivision 1; 144.672, subdivision 1; 144A.073, subdivisions 2, 3, 3c; 145A.10, subdivision 10; 148C.11, subdivision 3; 161.1419, subdivisions 2, 8; 161.17, subdivision 2; 174.55, subdivision 1; 175.007, subdivision 1; 175.008; 176.102, subdivision 3; 176.103, subdivision 3; 178.02, subdivision 2; 182.656, subdivision 3; 214.32, subdivision 1; 248.10; 254A.03, subdivision 2; 256.482, subdivision 8; 256B.0917, subdivisions 1, 2; 256B.093, subdivision 1; 256B.69, subdivision 5b; 256E.115, subdivision 1; 268.29; 268.362, subdivision 2; 268A.02, subdivision 2; 402.03; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 2000, sections 15.059, subdivision 5a, as amended; 17.49, subdivision 1; 17.703; 17.76; 40A.14, subdivision 3; 52.061; 60K.19, subdivision 4; 93.002; 97A.055, subdivision 4a; 116C.711; 124D.894; 124D.95, subdivision 6; 134.31, subdivision 5; 137.342, subdivision 2; 144A.31; 162.09, subdivision 2; 256B.071, subdivision 5; 256B.0911, subdivision 8; 256B.434, subdivision 13; 299A.295, subdivision 2; 299K.03, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Krentz introduced--

Senate Resolution No. 127: A Senate resolution honoring the life and service of the late Regents' Professor John R. Borchert for his countless contributions to the University and the state of Minnesota.

WHEREAS, Dr. John R. Borchert served his country with distinction in World War II as part of "The Greatest Generation"; and

WHEREAS, Dr. Borchert constantly challenged people to make existing institutions respond to newly identified needs, displayed unbounded curiosity about every place he visited and studied, and saw something positive in every person he met; and

WHEREAS, Dr. Borchert inspired three generations of students at the University of Minnesota to investigate their surroundings, understand their place in the world, leave it a better place than they found it, and go on to public and university service; and

WHEREAS, Dr. Borchert applied his knowledge and exercised his citizenship in the service of local land use planning and highway efforts through service in Golden Valley, the St. Croix River valley, the Metropolitan Council, the University's Center for Urban and Regional Affairs, the Minnesota Planning Agency, the Minnesota Department of Transportation, the Legislative Commission on Minnesota Resources, the Minnesota Experimental City project, and countless task forces and committees; and

WHEREAS, Dr. Borchert always impressed upon legislators he helped and other public officials the importance of acquiring appropriate natural resource data before making significant natural resource decisions; and

WHEREAS, Dr. Borchert was a pioneer in America in helping develop modern Geographic Information Systems, then using his extraordinary leadership in applying these information techniques to help protect and plan wise use of Minnesota's lands, lakes, and lakeshores; and

WHEREAS, Dr. Borchert served with distinction as a University of Minnesota Regents' Professor Emeritus of Geography, as President of the Association of American Geographers, as a contributing member of the National Academy of Sciences, as writer of several important books on national and state issues, and as the winner of several national and state awards; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it honors the great and many contributions Dr. Borchert made to our University, to the state entities that he wisely counselled, to the many students urged on to make further contributions, and to all the state's citizens.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit them to the family of Dr. John R. Borchert, the President of the University of Minnesota, the Chair of the Board of Regents, the Chair of the University of Minnesota Geography Department, the Director of the Center for Urban and Regional Affairs, and the Governor of Minnesota.

Senator Krentz moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

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. 2351 and that the rules of the Senate be so far suspended as to give S.F. No. 2351, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2351: A bill for an act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts,

assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 16A.531, subdivision 1, by adding subdivisions; 17.038; 17.1025; 17.117; 17.457, subdivision 10; 17.85; 18B.065, subdivision 5; 18C.425, subdivisions 2, 6; 18E.04, subdivisions 2, 4, 5; 21.85, subdivision 12; 27.041, subdivision 2; 28A.04, subdivision 1; 28A.085, subdivision 4; 29.22, subdivision 2; 31.39; 32.392; 32.394, subdivisions 8a, 8e; 34.07; 41A.09, subdivisions 3a, 5a; 84.025, subdivision 7; 84.0887, subdivision 4; 84.83, subdivision 3; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.32, subdivision 1; 86A.21; 89.001, by adding a subdivision; 89.012; 89A.01, subdivision 3; 89A.05, subdivisions 1, 2a, 4; 89A.06, subdivisions 2, 2a; 89A.08, subdivision 4; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 115.03, by adding a subdivision; 115.073; 115.55, subdivision 3; 115.56, subdivision 4; 115A.0716, by adding a subdivision; 115A.54, subdivision 2a; 115A.908, subdivisions 1, 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 2, 3, 4, 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d, 4h; 116.70, subdivision 1; 116.994; 116C.834, subdivision 1; 116P.06, subdivision 1; 223.17, subdivision 3; 231.16; 268.035, subdivision 20; 297A.94; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 325E.112, subdivision 3; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivisions 1, 1a; 473.845, subdivisions 3, 7, 8; 473.846; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 28A; 32; 41B; 84; 89; 103G; 116; 116P; 297H; 626; repealing Minnesota Statutes 2000, sections 31.11, subdivision 2; 41A.09, subdivision 1a; 86.71; 86.72; 89A.07, subdivisions 1, 2, 3; 103G.650; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115B.02, subdivision 1a; 115B.19; 115B.22, subdivision 8; 115B.42, subdivision 1; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.12; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; 297H.13, subdivisions 3, 4; 325E.113; 473.845, subdivisions 1, 4; Laws 2000, chapter 337, section 2; Minnesota Rules, parts 1560.9000, subpart 2; 7002.0210; 7002.0220; 7002.0230; 7002.0240; 7002.0250; 7002.0270; 7002.0280; 7002.0290; 7002.0300; 7002.0305; 7002.0310; 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450.

Senator Price moved to amend S.F. No. 2351 as follows:

Page 24, line 11, delete "6,506,000" and insert "6,086,000" and delete "6,660,000" and insert "6,240,000"

Page 26, after line 3, insert:

"\$210,000 in the first year and \$210,000 in the second year are for grants to organizations participating in the farm wrap network and rural help network. These grants may be used for outreach services, legal and accounting services, informal mediation support, mental health services, and emergency services for farmers. The appropriations for each year are available in the other year."

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Price then moved to amend S.F. No. 2351 as follows:

Page 36, line 29, before "\$616,000" insert "\$1,592,000 the first year and \$1,593,000 the second year are from the trust fund and"

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 the Stevens amendment to S.F. No. 2351. The Sergeant at Arms was instructed to bring in the absent members.

Senator Stevens moved to amend S.F. No. 2351 as follows:

Page 3, line 16, delete "\$52,365,000" and insert "\$53,865,000"

Page 3, line 18, delete "19,544,000" and insert "21,044,000"

Page 3, line 27, delete "16,982,000" and insert "18,482,000"

Page 3, line 29, delete "13,104,000" and insert "14,604,000"

Page 5, after line 44, insert:

"\$1,500,000 in the first year is for an increase in the water quality permit program to process the permit backlog. This appropriation is available until June 30, 2003."

Page 8, line 13, delete "241,169,000" and insert "238,669,000"

Page 8, line 15, delete "121,573,000" and insert "119,073,000"

Page 11, line 62, delete "43,591,000" and insert "41,091,000"

Page 12, line 2, delete "32,069,000" and insert "29,569,000"

Page 12, line 12, delete "\$6,000,000" and insert "\$3,500,000"

Page 22, line 39, delete "25,579,000" and insert "26,579,000"

Page 22, line 41, delete "25,232,000" and insert "26,232,000"

Page 25, line 27, delete "6,533,000" and insert "7,533,000"

Page 25, after line 48, insert:

"\$1,000,000 in the first year is for the manure processing project loan program under Minnesota Statutes, section 17.115, subdivision 5."

Page 50, after line 12, insert:

"Sec. 17. Minnesota Statutes 2000, section 17.115, is amended by adding a subdivision to read:

Subd. 5. [MANURE PROCESSING PROJECTS.] Notwithstanding subdivision 2, paragraph (b), interest free loans up to \$200,000 may be made under this section for projects that process manure, control odor, and produce usable energy. Loans under this subdivision may be used as a match for federal loans or grants. Money from repayment of loans must be deposited in the revolving loan account for this program to be used for future projects."

Correct the subdivision and section totals and the summaries by fund accordingly

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 24 and nays 40, as follows:

Those who voted in the affirmative were:

Bachmann	Fowler	Kleis	Murphy	Ring
Berg	Frederickson	Larson	Neuville	Scheevel
Day	Johnson, Debbie	Lesewski	Olson	Schwab
Dille	Kierlin	Limmer	Ourada	Stevens
Fischbach	Kiscaden	Lourey	Pariseau	

Those who voted in the negative were:

Anderson	Hottinger	Krentz	Ranum	Scheid
Belanger	Johnson, Dave	Langseth	Reiter	Solon
Berglin	Johnson, Dean	Marty	Rest	Stumpf
Betzold	Johnson, Doug	Metzen	Robertson	Terwilliger
Chaudhary	Kelley, S.P.	Moe, R.D.	Robling	Tomassoni
Cohen	Kelly, R.C.	Pappas	Sabo	Vickerman
Foley	Kinkel	Pogemiller	Sams	Wiener
Higgins	Knutson	Price	Samuelson	Wiger

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

Senator Fischbach moved to amend S.F. No. 2351 as follows:

Page 69, after line 5, insert:

"Sec. 18. Minnesota Statutes 2000, section 17.451, subdivision 2, is amended to read:

Subd. 2. [FARMED CERVIDAE.] "Farmed cervidae" means members of the cervidae family that are:

(1) raised for the purpose of shooting, harvesting, producing fiber, meat, or animal by-products, as pets, or as breeding stock; and

(2) registered in a manner approved by the board of animal health.

Sec. 19. Minnesota Statutes 2000, section 17.452, subdivision 5, is amended to read:

Subd. 5. [RAISING FARMED CERVIDAE IS AN AGRICULTURAL PURSUIT.] Raising farmed cervidae is agricultural production and an agricultural pursuit, which may include the sale of farmed cervidae to a person for personal consumption. Personal consumption may include the taking of farmed cervidae by firearms or archery on a licensed shooting preserve.

Sec. 20. Minnesota Statutes 2000, section 17.452, subdivision 8, is amended to read:

Subd. 8. [SLAUGHTER.] Farmed cervidae that are to be sold for commercial meat purposes must be slaughtered and inspected in accordance with the United States Department of Agriculture voluntary program for exotic animals, Code of Federal Regulations, title 9, part 352."

Page 87, after line 24, insert:

"Sec. 47. [84.66] [CERVIDAE SHOOTING PRESERVES.]

Subdivision 1. [HARVEST FEE; LICENSE FEES; RENEWAL.] (a) The fee for each initial cervidae shooting preserve license is \$1,000 plus \$100 for each month available to operate in the first year.

(b) Shooting preserve licenses issued under this subdivision expire on the last day of December. The annual renewal fee for a license is \$1,000.

(c) The fee for each cervidae harvested is \$75. The shooting preserve licensee shall submit the harvest fees collected to the commissioner of natural resources on a quarterly basis.

Subd. 2. [SHOOTING PRESERVE APPLICATION.] The commissioner of natural resources may license up to ten cervidae shooting preserves in the state. An application for a cervidae shooting preserve license must be filed with the commissioner. The application must include a legal description of the shooting preserve land, number of acres, species to be harvested, and other necessary information prescribed by the commissioner.

Subd. 3. [LICENSES.] A person may not operate a cervidae shooting preserve without a license. The commissioner of natural resources, in consultation with the commissioner of agriculture, shall issue a license to operate a cervidae shooting preserve if all laws and ordinances are followed. Shooting preserves may be located in all parts of the state as determined by the commissioner of natural resources. The commissioner must perform a site inspection before a license may be issued. The commissioner may waive the inspection prior to granting the license. The commissioner shall either grant or deny the request for a shooting preserve license within 60 days of the date the initial completed application was received or within 30 days of a request for license renewal.

Subd. 4. [STOCKED GAME.] Game that may be released and harvested in a licensed cervidae shooting preserve must be specified in the license and are limited to species raised as farmed cervidae under sections 17.451 and 17.452. Only farmed cervidae from herds in compliance with the general rules of the board of animal health may be transported to and released in a licensed cervidae shooting preserve.

Subd. 5. [SIZE OF PRESERVE; COVER REQUIRED.] A shooting preserve must contain not less than 320 nor more than 960 contiguous acres, including any water area. A shooting preserve must have areas of cover to provide for concealment of the cervidae sufficient to prevent the cervidae from being visible in all parts of the preserve at one time and must afford cervidae the chance of escape from pursuit by patrons of the shooting preserve.

Subd. 6. [POSTING OF BOUNDARIES.] The boundaries of a shooting preserve must be clearly posted in a manner prescribed by the commissioner of natural resources. The operator must post signs around the entire perimeter of the preserve at intervals not to exceed 500 feet.

Subd. 7. [FENCING AND ENCLOSURES.] All perimeter fencing must comply with the farmed cervidae requirements under section 17.452.

Subd. 8. [REMOVAL OF WILD CERVIDAE.] All wild cervidae must be removed from the shooting preserve property at the owner's expense prior to final issuance of the shooting preserve license.

Subd. 9. [REVOCAION OF LICENSE.] The commissioner of natural resources may revoke a shooting preserve license if the licensee or persons authorized to hunt in the shooting preserve have been convicted of a violation under this section. After revocation, a new license may be issued at the discretion of the commissioner.

Subd. 10. [HUNTING LICENSE NOT REQUIRED.] A hunting license is not required to hunt authorized species of cervidae on a licensed shooting preserve.

Subd. 11. [SEASON.] (a) The open season for harvesting in a shooting preserve is August 15 to December 31.

(b) The commissioner of natural resources may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of a particular species of wild cervidae is harmed by harvesting in the shooting preserve.

Subd. 12. [WEAPONS LIMITATIONS.] A person may take farmed cervidae on a shooting preserve by archery or firearms authorized by law to take wild cervidae in the same area.

Subd. 13. [LICENSEE MAY ESTABLISH RESTRICTIONS.] A shooting preserve licensee is

responsible for determining who is allowed to harvest in the preserve. In each preserve, the licensee may establish the charge for taking cervidae, the shooting hours, the season, weapon limitations, and restrictions on the age, sex, and number of each species that may be taken by the hunter. These provisions may not conflict with this section and may not be less restrictive than any rule.

Subd. 14. [IDENTIFICATION AND MARKING OF CERVIDAE.] All cervidae must be identified by permanent tattoo, electronic implant, or other means of identification that comply with section 17.452.

Subd. 15. [MARKING HARVESTED CERVIDAE.] Harvested cervidae must be marked as prescribed by the commissioner of natural resources or identified by the shooting preserve operator in a manner prescribed by the commissioner. The commissioner shall issue tags or other markings at a cost not to exceed \$5 each. The marking must remain attached on the cervidae while the cervidae is transported.

Subd. 16. [RECORDKEEPING.] A shooting preserve licensee must maintain a registration book listing the names, addresses, and hunting license numbers, if applicable, of all patrons of the shooting preserve, the date when they harvested, the amount and species of cervidae taken, and the tag numbers or other markings affixed to each animal. A shooting preserve must keep records of the number of each species raised and purchased and the date and number of each species released. The licensee must make an annual report to the commissioner of natural resources by the date herd registration is required. The records must be open to inspection by the commissioner at all reasonable times.

Subd. 17. [DISPOSITION OF FEES.] License fees paid under subdivision 1 are appropriated to the commissioner of natural resources to administer and enforce this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hottinger questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Fischbach amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Kierlin	Limmer	Sams	Tomassoni
Berg	Kleis	Neuville	Samuelson	Vickerman
Day	Knutson	Olson	Scheevel	
Dille	Larson	Ourada	Schwab	
Fischbach	Lesewski	Pariseau	Stevens	
Johnson, Debbie	Lessard	Reiter	Stumpf	

Those who voted in the negative were:

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

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

Senator Fowler moved to amend S.F. No. 2351 as follows:

Page 26, after line 60, insert:

"A grant made to a political subdivision from the appropriation in Laws 1998, chapter 404, section 11, is available to the political subdivision until June 30, 2003. The commissioner shall not order that any unobligated balance from the grant be returned until after that date."

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend S.F. No. 2351 as follows:

Page 84, lines 10 and 11, delete the new language and insert "for production capacity in the order in which the portion of production capacity covered by each claim went into production"

CALL OF THE SENATE

Senator Murphy imposed a call of the Senate for the balance of the proceedings on S.F. No. 2351. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Frederickson amendment.

The roll was called, and there were yeas 48 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kiscaden	Neuville	Scheevel
Bachmann	Higgins	Kleis	Olson	Schwab
Belanger	Hottinger	Knutson	Ourada	Stevens
Berg	Johnson, Dave	Krentz	Pappas	Terwilliger
Betzold	Johnson, Dean	Langseth	Pariseau	Tomassoni
Chaudhary	Johnson, Debbie	Larson	Price	Vickerman
Cohen	Johnson, Doug	Lesewski	Reiter	Wiener
Day	Kelley, S.P.	Limmer	Robertson	Wiger
Foley	Kelly, R.C.	Marty	Robling	
Fowler	Kierlin	Metzen	Samuelson	

Those who voted in the negative were:

Berglin	Kinkel	Pogemiller	Sabo	Stumpf
Dille	Lourey	Rest	Sams	
Fischbach	Murphy	Ring	Scheid	

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 2351 as follows:

Page 84, line 30, after "plants" insert "that provide a preference for investors who do not hold investments in other ethanol plants"

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 2351 as follows:

Page 134, line 21, after "metropolitan" insert "and greater Minnesota regional"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 46, as follows:

Those who voted in the affirmative were:

Berg	Kierlin	Lesewski	Ring	Schwab
Day	Kleis	Neuville	Sams	Solon
Dille	Larson	Pariseau	Scheevel	Stevens
Fischbach				

Those who voted in the negative were:

Anderson	Higgins	Knutson	Pogemiller	Stumpf
Bachmann	Hottinger	Krentz	Price	Terwilliger
Belanger	Johnson, Dave	Langseth	Ranum	Tomassoni
Berglin	Johnson, Dean	Lessard	Reiter	Vickerman
Betzold	Johnson, Debbie	Limmer	Rest	Wiener
Chaudhary	Johnson, Doug	Lourey	Robertson	Wiger
Cohen	Kelley, S.P.	Marty	Robling	
Foley	Kelly, R.C.	Metzen	Sabo	
Fowler	Kinkel	Olson	Samuelson	
Frederickson	Kiscaden	Pappas	Scheid	

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

Senator Anderson moved to amend S.F. No. 2351 as follows:

Page 3, line 42, delete "\$700,000" and insert "\$808,000"

Page 26, delete lines 38 to 60

Correct the subdivision and section totals and the summaries by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kelly, R.C.	Pappas	Ring
Berglin	Fowler	Krentz	Pogemiller	Sabo
Betzold	Higgins	Lourey	Price	Wiener
Chaudhary	Hottinger	Marty	Ranum	Wiger
Cohen	Kelley, S.P.	Moe, R.D.	Rest	

Those who voted in the negative were:

Bachmann	Johnson, Dean	Langseth	Olson	Scheid
Belanger	Johnson, Debbie	Larson	Pariseau	Schwab
Berg	Johnson, Doug	Lesewski	Reiter	Solon
Day	Kierlin	Lessard	Robertson	Stevens
Dille	Kinkel	Limmer	Robling	Stumpf
Fischbach	Kiscaden	Metzen	Sams	Terwilliger
Frederickson	Kleis	Murphy	Samuelson	Tomassoni
Johnson, Dave	Knutson	Neuville	Scheevel	Vickerman

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

RECONSIDERATION

Having voted on the prevailing side, Senator Vickerman moved that the vote whereby the Frederickson amendment to S.F. No. 2351 was adopted on April 26, 2001, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question was taken on the adoption of the Frederickson amendment.

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

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Bachmann	Day	Johnson, Debbie	Kleis	Lesewski
Belanger	Foley	Kelly, R.C.	Knutson	Lessard
Berg	Fowler	Kierlin	Krentz	Limmer
Betzold	Frederickson	Kiscaden	Larson	Marty

Neuville	Pariseau	Reiter	Samuelson	Stevens
Olson	Price	Robertson	Scheevel	Terwilliger
Pappas	Ranum	Robling	Schwab	

Those who voted in the negative were:

Anderson	Higgins	Kinkel	Pogemiller	Solon
Berglin	Hottinger	Langseth	Rest	Stumpf
Chaudhary	Johnson, Dave	Lourey	Ring	Tomassoni
Cohen	Johnson, Dean	Metzen	Sabo	Vickerman
Dille	Johnson, Doug	Moe, R.D.	Sams	Wiener
Fischbach	Kelley, S.P.	Murphy	Scheid	Wiger

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2351 as follows:

Page 3, after line 25, insert:

"The agency may use appropriations in this section to retain legal counsel if the attorney general declines to defend the agency in an action challenging an agency decision."

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

Senator Anderson moved to amend S.F. No. 2351 as follows:

Page 26, line 43, after "feedlot" insert "expanded before January 1, 2001, under plans subsequently challenged under the environmental review process"

The motion prevailed. So the amendment was adopted.

Senator Moe, R.D. moved to amend S.F. No. 2351 as follows:

Page 18, delete lines 41 to 47 and insert:

"The department shall maintain the same total number of overtime hours in fiscal year 2002 and fiscal year 2003 as in fiscal year 2001. If funding for enforcement is reduced because of an unallotment, the total number of overtime hours may be reduced in proportion to reductions made in other areas of the budget. By January 15, 2002, the commissioner shall report to the policy and finance committees with jurisdiction over natural resources on a plan for managing overtime hours of conservation officers."

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 41, Senator Robling moved that she be excused from voting on S.F. No. 2351. The motion prevailed.

S.F. No. 2351 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 47 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Cohen	Frederickson	Johnson, Dean
Belanger	Betzold	Dille	Higgins	Johnson, Doug
Berg	Chaudhary	Fowler	Hottinger	Kelley, S.P.

Kelly, R.C.	Larson	Pappas	Robertson	Tomassoni
Kierlin	Lesewski	Pariseau	Sabo	Vickerman
Kinkel	Lessard	Pogemiller	Sams	Wiener
Kiscaden	Limmer	Price	Samuelson	Wiger
Knutson	Lourey	Ranum	Solon	
Krentz	Metzen	Rest	Stumpf	
Langseth	Moe, R.D.	Ring	Terwilliger	

Those who voted in the negative were:

Bachmann	Foley	Marty	Reiter	Stevens
Day	Johnson, Debbie	Neuville	Scheevel	
Fischbach	Kleis	Olson	Schwab	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2343 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2343: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting obsolete references; making various technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

Senator Wiener moved to amend S.F. No. 2343 as follows:

Page 2, line 35, after the period, insert "This appropriation does not cancel, but is available until expended."

Page 4, delete lines 50 to 53 and insert:

"Subd. 10. Balances Forward

A balance in the first year under this section does not cancel, but is available for the second year."

Page 4, line 54, delete "10" and insert "11"

Page 5, delete lines 20 to 24

Page 5, line 35, delete "in the first year"

Page 5, line 41, delete "each year" and insert "fiscal year 2001 and fiscal year 2003"

Page 6, line 12, delete "each year" and insert "fiscal year 2001 and fiscal year 2003"

Page 9, delete lines 14 to 18

Page 9, line 27, delete "\$16,660,000" and insert "\$15,660,000"

Page 9, line 36, delete "\$22,132,000" and insert "\$14,244,000"

Page 13, lines 50 and 51, delete "for one resident"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Wiener imposed a call of the Senate for the balance of the proceedings on S.F. No. 2343. The Sergeant at Arms was instructed to bring in the absent members.

Senator Hottinger moved to amend S.F. No. 2343 as follows:

Page 6, after line 27, insert:

"This appropriation includes \$30,000 in each year on a one-time basis for Minnesota State University, Mankato for the talented youth math program. The board shall report to the appropriate education committees of the legislature by July 1, 2002, on a plan to maintain and expand the program to make it available for students statewide. The plan shall include recommendations for funding the program on a continuing basis and shall identify potential partner school districts."

The motion prevailed. So the amendment was adopted.

SUSPENSION OF RULES

Senator Kleis moved that Senate Rule 7.7 be suspended for the purpose of offering an amendment.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 26 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the rule was not suspended.

S.F. No. 2343 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 46 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Larson	Pogemiller	Stumpf
Berg	Johnson, Doug	Lesewski	Price	Terwilliger
Berglin	Kelley, S.P.	Lessard	Ranum	Tomassoni
Betzold	Kelly, R.C.	Lourey	Rest	Vickerman
Cohen	Kierlin	Marty	Ring	Wiener
Foley	Kinkel	Metzen	Sabo	Wiger
Fowler	Kiscaden	Moe, R.D.	Sams	
Higgins	Kleis	Murphy	Samuelson	
Hottinger	Krentz	Oliver	Scheid	
Johnson, Dave	Langseth	Pappas	Solon	

Those who voted in the negative were:

Bachmann	Fischbach	Limmer	Reiter	Schwab
Belanger	Frederickson	Neuville	Robertson	Stevens
Day	Johnson, Debbie	Olson	Robling	
Dille	Knutson	Pariseau	Scheevel	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Day introduced--

S.F. No. 2352: A bill for an act relating to commerce; amending the definition of an owner; amending Minnesota Statutes 2000, sections 326.01, subdivision 6e; 326.242, subdivision 12.

Referred to the Committee on Commerce.

Senators Johnson, Dean and Langseth introduced--

S.F. No. 2353: A bill for an act relating to flood relief; providing disaster relief and mitigation measures for counties designated a major disaster area; authorizing the sale of state bonds; appropriating money.

Referred to the Committee on Finance.

Senators Knutson, Stevens, Robertson, Larson and Fischbach introduced--

S.F. No. 2354: A bill for an act relating to public employees; requiring public employees to fund a portion of the cost of state-paid annual premiums due to rising health insurance costs; amending Minnesota Statutes 2000, sections 43A.18, by adding a subdivision; 43A.22; 43A.24; 43A.28; 43A.30, subdivision 1, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Kleis, Knutson, Neuville and Belanger introduced--

S.F. No. 2355: A bill for an act relating to redistricting; adopting a congressional redistricting plan for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.742; 2.752; 2.762; 2.772; 2.782; 2.792; 2.802; 2.812.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Kiscaden, Krentz and Lourey were excused from the Session of today from 9:00 to 9:30 a.m. Senator Pogemiller was excused from the Session of today from 9:00 to 9:45 a.m. Senator Chaudhary was excused from the Session of today from 9:00 to 9:50 a.m. and at 1:30 p.m. Senator Oliver was excused from the Session of today from 9:00 a.m. to 1:05 p.m. Senator Lessard was excused from the Session of today from 9:15 to 9:30 a.m. and from 11:30 a.m. to 12:00 noon. Senator Ourada was excused from the Session of today at 11:40 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, April 27, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, April 26, 2001

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1909 to 1910

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
274		31	1910
283		32	1910
1435		33	1910
319		34	1910
456		35	1910
	275	36	1910
	125	37	1910
	949	38	1910
142		39	1910
741		40	1910
1780		41	1910
1460		42	1910
1709		43	1910
	867	44	1910
	2119	45	1910

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
2351	1952		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1711	1944	1944			
2340	1910	1944			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1963	1944		
2032	1944		
2349	1944		
2351	1952		
Sen. Res.			

No. 1271952

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
923	.....1949	779	..... 1947
1263	.....1951	865	..... 1945
1334	.....1948	873	..... 1944
1712	.....1949	933	..... 1946
1932	.....1945	1188	..... 1946
2006	.....1950	1192	..... 1949
2046	.....1947	1219	..... 1950
2197	.....1948	1748	..... 1946

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2343	.....1961		

RECONSIDERATION

S.F. Nos.	Page	H.F. Nos.	Page
2351	.....1959		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 2352 to 2355Page 1963