

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

EIGHTY-THIRD DAY

St. Paul, Minnesota, Wednesday, March 13, 2002

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

CALL OF THE SENATE

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

Prayer was offered by Representative Gary W. Kubly.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senator/s # was/were excused from the Session of today.

REPORTS OF COMMITTEES

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

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

S.F. No. 2594: A bill for an act relating to agriculture; creating the agriculture and renewable energy loan program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B.

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

Page 3, delete lines 35 and 36

Page 4, delete lines 1 to 8

Page 4, line 9, delete "(b)"

Page 4, line 14, after "17.115" insert ", and Laws 2002, chapter 220, article 9, section 7"

Page 4, line 15, delete "section" and insert "sections"

Page 4, line 16, after "17.115" insert "and 41B.047"

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

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

S.F. No. 3010: A bill for an act relating to natural resources; appropriating money for maintenance, monitoring, and enforcement related to recreational motor vehicle use.

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

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

\$1,215,000 in fiscal year 2003 is appropriated from the natural resources fund to the commissioner of natural resources for maintaining lands and trails administered by the commissioner and open to recreational motor vehicle use and for monitoring and enforcement activities on those lands and trails and environmental review on planned recreational motor vehicle trails. Of this amount, \$700,000 is from the all-terrain vehicle account, \$460,000 is from the off-road vehicle account, and \$55,000 is from the off-highway motorcycle account. Notwithstanding Laws 2002, chapter 220, article 10, section 38, the commissioner may hire employees paid by this appropriation."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2594 and 3010 were read the second time.

MOTIONS AND RESOLUTIONS

Senators Chaudhary, Betzold, Metzen and Tomassoni introduced--

Senate Resolution No. 192: A Senate resolution congratulating the Totino-Grace High School Boys Hockey Team for winning the 2002 State High School Class A Hockey Tournament.

Referred to the Committee on Rules and Administration.

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

S.F. No. 1226: A bill for an act relating to insurance; no-fault auto; regulating basic economic loss benefits; amending Minnesota Statutes 2000, section 65B.44, subdivision 1.

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:

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

So the bill passed and its title was agreed to.

H.F. No. 2899: A bill for an act relating to metropolitan government; making changes to the livable community provisions; amending Minnesota Statutes 2000, sections 473.253, subdivision 2; 473.254, subdivisions 1, 6; 473.255, subdivisions 1, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2650: A bill for an act relating to financial institutions; modifying regulation of credit unions; amending Minnesota Statutes 2000, sections 52.02, subdivisions 2, 3; 52.04, subdivision 3; 52.05, subdivisions 1, 2; 52.09, subdivision 3; 52.12; 52.15, subdivision 1; 52.19, subdivision 2; Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 52.

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 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kierlin	Olson	Pariseau	Scheevel
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So the bill passed and its title was agreed to.

S.F. No. 3238: A bill for an act relating to nonprofit corporations; neighborhood organizations; providing options regarding the election of directors, voting rights, and meeting notice requirements; amending Minnesota Statutes 2000, sections 317A.435, by adding a subdivision; 317A.437, by adding a subdivision; 317A.439, by adding a subdivision; 317A.441.

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 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Berglin	Limmer	Pariseau
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So the bill passed and its title was agreed to.

S.F. No. 2559: A bill for an act relating to motor vehicles; authorizing sale of unauthorized, impounded vehicles within 15 days of notice unless owner declares intent to reclaim for vehicles impounded in the metropolitan area; amending Minnesota Statutes 2000, section 168B.051, subdivisions 1a, 2.

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 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Betzold Scheevel

So the bill passed and its title was agreed to.

S.F. No. 2932: A bill for an act relating to the environment; encouraging citizen water quality monitoring; amending Minnesota Statutes 2000, section 115.06, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2692: A bill for an act relating to human services; modifying requirements for background studies; requiring a review and report to the legislature on these requirements; limiting authority of commissioner of human services to set aside a disqualification; modifying list of disqualifying crimes; requesting a study and recommendations regarding methods for tracking civil actions involving sexual abuse; amending Minnesota Statutes 2001 Supplement, section 245A.04, subdivisions 3b, 3d.

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

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

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Frederickson moved that the vote whereby S.F. No. 2650 was passed by the Senate on March 13, 2002, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 2650 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 46 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Limmer	Reiter	Solon, Y.P.
Bachmann	Hottinger	Lourey	Rest	Stevens
Belanger	Johnson, Dave	Marty	Ring	Stumpf
Berg	Kelley, S.P.	Moe, R.D.	Robertson	Vickerman
Berglin	Kleis	Moua	Robling	Wiener
Betzold	Knutson	Oliver	Sabo	Wiger
Chaudhary	Krentz	Pappas	Sams	
Fischbach	Langseth	Pogemiller	Samuelson	
Foley	Lesewski	Price	Scheid	
Fowler	Lessard	Ranum	Schwab	

Those who voted in the negative were:

Day	Johnson, Debbie	Kiscaden	Neuville	Pariseau
Dille	Kierlin	Larson	Olson	Scheevel
Frederickson	Kinkel	Metzen	Ourada	Terwilliger
Johnson, Dean				

So the bill 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. 1857 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1857: A bill for an act relating to a baseball park; financing a major league baseball park; providing for the issuance of bonds; altering the membership of the metropolitan sports facilities commission; imposing requirements on the commission; providing property and sales tax exemptions; imposing taxes and fees; providing funding for local housing programs; authorizing local taxes by referendum; requiring conditions for financing of a football stadium; providing funding for St. Paul family housing; creating a site selection commission; establishing requirements for sale of a professional baseball team; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; 473.551, by adding subdivisions; 473.553, subdivisions 2, 3, 5; 473.595, subdivisions 1, 3, 7, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 295; 473; repealing Minnesota Statutes 2000, section 473.553, subdivision 14.

Senator Marty moved to amend S.F. No. 1857 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE; FINDING.]

The legislature finds that the Minnesota Twins major league baseball team is an important community asset and is highly valued by the people of Minnesota. The Minnesota Twins and major league baseball are demanding a new stadium for the team. However, the owner of the Minnesota Twins has not offered a private financing package, but is requesting public subsidies for construction of a new stadium.

In order to help the Minnesota Twins obtain a new ballpark, the metropolitan sports facilities commission shall assist the owner of the Minnesota Twins in developing a private financing plan for a stadium modeled after the financing used for the new Pacific Bell ballpark constructed by the San Francisco Giants.

Sec. 2. Minnesota Statutes 2000, section 473.556, is amended by adding a subdivision to read:

Subd. 18. [BASEBALL PARK.] (a) The commission shall provide assistance and advice to the owner of the Minnesota Twins on developing a private financing package for construction of a new baseball park. The commission's efforts may include facilitating meetings between the owner of the Minnesota Twins and representatives of the San Francisco Giants and financial experts involved in the financial planning of the privately financed Pacific Bell ballpark. The commission may also facilitate meetings between the Minnesota Twins and the local business community.

(b) The commission shall assist the owner of the Minnesota Twins in securing an appropriate site for the team to purchase or lease for the baseball park.

(c) The commission may assist the owner in securing tax increment financing on the site.

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title accordingly

Pursuant to Rule 41, Senator Frederickson moved that he be excused from voting on the Marty amendment to S.F. No. 1857. The motion prevailed.

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

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Limmer	Reiter	Scheevel
Bachmann	Kierlin	Lourey	Rest	Schwab
Chaudhary	Kiscaden	Marty	Ring	Stevens
Cohen	Kleis	Moua	Robertson	
Day	Knutson	Neuville	Robling	
Fischbach	Krentz	Pariseau	Sams	
Foley	Lesewski	Ranum	Samuelson	

Those who voted in the negative were:

Belanger	Johnson, Dave	Lessard	Pappas	Terwilliger
Berg	Johnson, Dean	Metzen	Pogemiller	Tomassoni
Berglin	Johnson, Debbie	Moe, R.D.	Price	Vickerman
Betzold	Johnson, Doug	Murphy	Sabo	Wiener
Dille	Kelley, S.P.	Oliver	Scheid	Wiger
Higgins	Kinkel	Olson	Solon, Y.P.	
Hottinger	Larson	Ourada	Stumpf	

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

Senator Johnson, Dean moved to amend S.F. No. 1857 as follows:

Page 4, line 36, after "TEAM" insert "AND BASEBALL TEAM"

Page 5, line 3, after the period, insert "Baseball team" means the Minnesota Twins major league baseball team, its successors or assigns or any other major league professional baseball team in Minnesota."

The motion prevailed. So the amendment was adopted.

Senator Kelley, S.P. moved to amend S.F. No. 1857 as follows:

Page 5, line 9, after the comma, insert "the football stadium,"

Page 17, line 15, after "(b)" insert "Subject to paragraphs (c) and (d),"

Page 17, after line 29, insert:

"(c) The council shall pledge for the payment of bonds issued for a baseball park pursuant to this section the revenues described in section 473.5965, subdivision 2, paragraphs (a) and (c), but not the revenues described in paragraph (b).

(d) The council shall pledge for the payment of bonds issued for a football stadium that may be authorized in the future the revenues described in section 473.5965, subdivision 2, paragraphs (b) and (c), but not the revenues described in paragraph (a).

(e) The revenues described in section 473.5965, subdivision 2, paragraph (c), may be pledged on a parity for the payment of bonds issued for a football stadium and for the payment of bonds issued for a baseball park."

Page 23, line 34, delete "as well as" and insert "revenue from the gross revenue tax imposed on baseball games at the metrodomo or events at the baseball park,"

Page 24, line 1, after "park" insert ", revenue from the sale of commemorative bricks, plaques, or other items at the baseball park, and revenue from a local parking tax or surcharge at the baseball park,"

Page 24, line 8, delete "as well as" and insert "revenue from the gross revenue tax imposed on football games at the metrodomo or events at the football stadium,"

Page 24, line 9, delete "professional"

Page 24, line 10, after the comma, insert "revenue from the sale of commemorative bricks, plaques, or other items at the football stadium, and revenue from a local parking tax or surcharge at the football stadium,"

Page 24, line 20, after "assistance" insert ", other than the metrodomo"

The motion prevailed. So the amendment was adopted.

Senator Johnson, Dean moved to amend S.F. No. 1857 as follows:

Page 20, line 33, before "Before" insert "Notwithstanding section 204B.135, subdivision 4,"

The motion prevailed. So the amendment was adopted.

Senator Larson moved to amend S.F. No. 1857 as follows:

Page 5, line 22, delete everything after "be" and insert "appointed from each of the eight congressional districts within the state, and the member must be a resident of the district from which they are appointed."

Page 5, delete lines 23 to 32

Page 6, line 2, strike "outside the" and after the stricken "Minneapolis" insert "in the state"

Page 6, line 3, delete everything before the period

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 1857 as follows:

Page 15, after line 15, insert:

"Subd. 6. [BASEBALL ECONOMIC REFORM.] (a) The governor shall appoint a special panel consisting of three retired state court judges. The special panel shall review information from major league baseball to determine if major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interest of teams with below average revenues, and enhances the viability of any new baseball park. The special panel shall provide its determination to the legislative commission on planning and fiscal policy.

(b) The panel may not make the findings under paragraph (a), unless the agreement between major league baseball and the major league baseball players' association is estimated to result in an increase in revenue sharing among major league baseball teams that is estimated, after full implementation of the agreement, which may be no later than five years after the date of enactment of this act, to reduce the disparity in team revenues from all services so that the revenues of the team with the highest revenue may be no more than 35 percent higher than the revenues of the team with the lowest revenue. The estimates under this paragraph must be made by either the commissioner of finance or an independent consultant retained by the commissioner of finance.

(c) The legislative commission on planning and fiscal policy shall review the determination and make its advisory recommendation to the metropolitan council on whether to authorize the metropolitan council to issue bonds under this act. The metropolitan council may authorize the state to issue bonds under this act only after considering the recommendations and determining that major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interests of teams with below average revenues, and enhances the viability of any new baseball park."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Lourey	Ranum	Samuelson
Bachmann	Johnson, Debbie	Marty	Reiter	Scheevel
Berg	Kiscaden	Moua	Ring	Schwab
Berglin	Kleis	Neuville	Robertson	Stevens
Chaudhary	Knutson	Ourada	Robling	Vickerman
Day	Krentz	Pappas	Sabo	
Fischbach	Limmer	Pariseau	Sams	

Those who voted in the negative were:

Belanger	Hottinger	Langseth	Oliver	Solon, Y.P.
Betzold	Johnson, Dave	Larson	Olson	Stumpf
Cohen	Johnson, Dean	Lesewski	Orfield	Terwilliger
Dille	Johnson, Doug	Lessard	Pogemiller	Tomassoni
Foley	Kelley, S.P.	Metzen	Price	Wiener
Fowler	Kierlin	Moe, R.D.	Rest	
Higgins	Kinkel	Murphy	Scheid	

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

Senator Marty then moved to amend S.F. No. 1857 as follows:

Page 4, line 11, delete "sports facilities account" and insert "grants to school districts fund"

Page 21, line 8, after "fees," insert "except for the taxes imposed under subdivisions 5 and 8,"

Page 21, line 13, after "account" insert ", except that the taxes imposed under subdivisions 5 and 8 must be deposited in the grants to school districts fund"

Page 23, line 5, delete "sports facilities account" and insert "grants to school districts fund"

Page 27, after line 7, insert:

"Sec. 28. [GRANTS TO SCHOOL DISTRICTS FUND.]

A grants to school districts fund is created in the special revenue fund in the state treasury. The proceeds of the taxes, surcharges, or fees imposed under this act and required to be deposited into the grants to school districts fund, must be deposited in the fund. The commissioner of children, families, and learning shall use the fund to make grants to school districts for capital repairs, or safety, health, or accessibility improvements. Funds deposited in the account that are attributable to taxes, surcharges, or fees that are imposed exclusively within a single taxing jurisdiction must be distributed as grants to the school district contained in the taxing jurisdiction."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Ranum	Samuelson
Bachmann	Fowler	Lourey	Reiter	Scheevel
Chaudhary	Johnson, Debbie	Marty	Rest	Schwab
Cohen	Kleis	Moua	Robertson	Stevens
Day	Krentz	Price	Robling	Wiger

Those who voted in the negative were:

Belanger	Johnson, Dean	Lesewski	Ourada	Stumpf
Berg	Johnson, Doug	Lessard	Pappas	Terwilliger
Berglin	Kelley, S.P.	Metzen	Pariseau	Tomassoni
Betzold	Kierlin	Moe, R.D.	Pogemiller	Vickerman
Dille	Kinkel	Murphy	Ring	Wiener
Foley	Kiscaden	Neuville	Sabo	
Higgins	Knutson	Oliver	Sams	
Hottinger	Langseth	Olson	Scheid	
Johnson, Dave	Larson	Orfield	Solon, Y.P.	

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

Senator Neuville moved to amend S.F. No. 1857 as follows:

Page 16, line 7, delete "\$370,000,000" and insert "\$205,000,000"

The motion prevailed. So the amendment was adopted.

Senator Day moved to amend S.F. No. 1857 as follows:

Pages 2 to 4, delete section 2

Page 4, after line 23, insert:

"Sec. 3. Minnesota Statutes 2000, section 299L.07, subdivision 2a, is amended to read:

Subd. 2a. [RESTRICTIONS.] (a) A manufacturer licensed under this section may sell, offer to sell, lease, or rent, in whole or in part, a gambling device only to a distributor licensed under this section or to the state lottery as authorized under chapter 349A.

(b) A distributor licensed under this section may sell, offer to sell, market, rent, lease, or otherwise provide, in whole or in part, a gambling device only to:

(1) the governing body of a federally recognized Indian tribe that is authorized to operate the gambling device under a tribal state compact under the Indian Gaming Regulatory Act, Public Law Number 100-497, and future amendments to it;

(2) a person for use in the person's dwelling for display or amusement purposes in a manner that does not afford players an opportunity to obtain anything of value;

(3) another distributor licensed under this section; or

(4) a person in another state who is authorized under the laws of that state to possess the gambling device; or

(5) the state lottery as authorized under chapter 349A.

Sec. 4. Minnesota Statutes 2000, section 349A.01, is amended by adding a subdivision to read:

Subd. 14. [GAMING MACHINE.] "Gaming machine" means any machine in which a coin token or other currency is deposited to play a game that uses a video display and microprocessors or an electromechanical device with a spinning reel.

Sec. 5. Minnesota Statutes 2000, section 349A.01, is amended by adding a subdivision to read:

Subd. 15. [GAMING MACHINE GAME.] "Gaming machine game" means a game operated by a gaming machine as authorized by the director.

Sec. 6. Minnesota Statutes 2000, section 349A.01, is amended by adding a subdivision to read:

Subd. 16. [GAMING MACHINE PLAY.] "Gaming machine play" means an electronic record that proves participation in a gaming machine game.

Sec. 7. Minnesota Statutes 2000, section 349A.01, is amended by adding a subdivision to read:

Subd. 17. [ADJUSTED GROSS GAMING MACHINE REVENUE.] "Adjusted gross gaming machine revenue" means the sum of all money received by the lottery for gaming machine plays, less the amount paid out in prizes for gaming machine games.

Sec. 8. [349A.161] [VENDOR CONTRACTS; GAMING MACHINES.]

Subdivision 1. [PROCUREMENT CONTRACTS.] Notwithstanding the provisions of section 349A.07, the director may enter into contracts for the procurement of gaming machines or any other contract necessary for maintaining, advertising, promoting, or monitoring gaming machines.

Subd. 2. [LOCATION CONTRACT.] The director may enter into a contract with a person to provide locations for and services related to gaming machines. Contracts entered into under this section are not subject to chapter 16B. The director may only enter a contract under this subdivision with a person that holds a class A license under chapter 240. The gaming machines may only be placed at the racetrack for which the class A license under chapter 240 was issued. The racetrack must have been operating as a racetrack prior to the effective date of this act. Contracts entered into must provide for reimbursement for any fair market rental, leasehold improvement, and expenses. The contract must provide that the location provider be paid a commission in an amount sufficient to ensure the financial security of the host facility and of the horse racing activities that take place there. The director may also contract directly with the location provider for other goods and services deemed necessary for the maintenance and operation of the gaming machines or related facilities.

Subd. 3. [RACING PURSES.] From the commission received pursuant to the location contract, the location provider must set aside an amount equal to not less than six percent of the adjusted gross gaming machine revenues to be used for purses for live horse races conducted by the location provider. Purse payments made pursuant to this subdivision are in addition to purse

payments otherwise established by law or contract. Twenty percent of the money set aside for purses pursuant to this subdivision shall be transferred to the racing commission and used for the purposes set forth in section 240.18, subdivision 2, paragraph (d), and subdivision 3, paragraph (b), subject to the proportionality requirement set forth in section 240.18, subdivision 1.

Subd. 4. [CONFLICT OF INTEREST.] The director or any employee of the lottery, or a member of their immediate family residing in the same household, must not have any personal pecuniary interest in a vendor holding a contract with the lottery under this section.

Sec. 9. [349A.17] [GAMING MACHINES.]

Subdivision 1. [SPECIFICATIONS.] Gaming machines must:

(1) maintain on nonresettable meters a permanent record, capable of being printed out, of all transactions by the machine and all entries into the machine; and

(2) be capable of being linked electronically to a central communication system to provide auditing program information as required by the director.

Subd. 2. [GAMES.] The director shall specify the games that may be placed on a gaming machine as set forth under section 349A.04. Gaming machines may conduct pari-mutuel wagering and display horse races pursuant to specifications set forth by the director.

Subd. 3. [EXAMINATION OF MACHINES.] The director shall examine prototypes of gaming machines and require that the manufacturer of the machine pay the cost of the examination. The director may contract for the examination of gaming machines.

Subd. 4. [TESTING OF MACHINES.] The director may require working models of a gaming machine to be transported to the locations the director designates for testing, examination, and analysis. The manufacturer shall pay all costs for testing, examination, analysis, and transportation of the machine model.

Subd. 5. [PRIZES.] A person who plays a gaming machine agrees to be bound by the rules and game procedures applicable to that particular gaming machine game. The player acknowledges that the determination of whether the player has won a prize is subject to the rules and game procedures adopted by the director, claim procedures established by the director for the game, and any confidential or public validation tests established by the director for that game. A person under 18 years of age may not claim a prize from the operation of a gaming machine. A prize claimed from the play of a gaming machine game is not subject to the provisions of section 349A.08, subdivision 8.

Subd. 6. [PROHIBITIONS.] (a) A person under the age of 18 years may not play a game on a gaming machine and the lottery may not allow a person under the age of 18 years to play a game on a gaming machine.

(b) The director or any employee of the lottery, or a member of their immediate family residing in the same household, may not play a game on a gaming machine or receive a prize from the operation of a gaming machine.

Subd. 7. [COMPULSIVE GAMBLING NOTICE.] The director shall prominently post, in the area where the gaming machines are located, the toll-free telephone number established by the commissioner of human services in connection with the compulsive gambling program established under section 245.98. The director and the location provider shall establish a proactive plan to identify problem gamblers and take appropriate action.

Sec. 10. [349A.18] [ADJUSTED GROSS GAMING MACHINE REVENUE.]

Subdivision 1. [DEPOSIT OF RECEIPTS.] The director shall deposit the adjusted gross machine revenue into the lottery fund.

Subd. 2. [LOTTERY OPERATIONS.] Notwithstanding section 349A.10, subdivision 3,

paragraphs (b) and (c), the director may credit, in any fiscal year, up to 52 percent of the adjusted gross gaming machine revenue to the lottery operations account established under section 349A.10, subdivision 3, for the operation, promotion, advertising, and placement of gaming machines. The director may credit up to an additional eight percent for the procurement and maintenance of the machines. Notwithstanding the provisions of this subdivision, the director may create a net operation reserve and deposit funds as necessary to meet the operating expenses of the lottery. However, the amount credited, in any fiscal year, to the net operating reserve account, shall not exceed five percent of the adjusted gross revenue and no more than 65 percent of the adjusted gross revenue shall be credited to the lottery operations account and the net operating reserve account in any one fiscal year. From the amounts credited to the lottery operation account, the director, for the purpose of off-setting some or all of the increased costs of government services, shall annually remit an amount equal to one-half of one percent of the gross gaming machine revenue to both the city and the county where the gaming machines are located.

Sec. 11. [349A.20] [LOCAL LICENSES.]

No political subdivision may require a local license to operate a gaming machine, restrict or regulate the placement of a gaming machine, or impose a tax or fee on the business of operating gaming machines.

Sec. 12. [349A.21] [CRIMINAL HISTORY.]

The director has access to all criminal history data compiled by the director of gambling enforcement on a person under contract with the lottery to provide goods or services under section 349A.161.

Sec. 13. [349A.22] [GAMING MACHINES.]

Notwithstanding section 349A.13, clause (2), the director may install and operate a gaming machine operated by coin or currency that when operated determines the winner of a game under sections 349A.161 to 349A.18. Section 340A.410 does not prohibit the placement, operation, or possession of a gaming machine under this chapter.

Sec. 14. [349A.23] [EMPLOYEES; GAMING MACHINES.]

The director may appoint personnel as necessary to operate gaming machines, to provide support for the conduct of gaming machine games, except that all employees appointed under this section are in the unclassified service. Section 349A.02, subdivision 6, applies to all employees hired under this section.

Sec. 15. [349A.24] [USE OF PROCEEDS.]

Prior to February 15 of each year, the director shall determine the amount of revenue produced from the operation of gaming machines operated by the state lottery after deduction of all related expenses, commissions, payments, and crediting of the environment and natural resources trust fund and report the amount to the commissioner of finance. Upon verification of the amount, the commissioner of finance shall credit that amount to the sports facilities account created in section 473.5965, until the legislature determines that the purposes of that account have been accomplished, after which time the amounts will be deposited in the general fund."

Pages 6 to 11, delete sections 11 to 18

Pages 20 to 23, delete section 23

Page 23, line 21, delete "proceeds of the taxes imposed under"

Page 23, delete lines 22 to 24 and insert "revenues credited under section 349A.24, any"

Page 23, line 34, delete ", as well as"

Page 23, delete lines 35 and 36

Page 24, line 1, delete "baseball park"

Page 24, line 8, delete ", as well as revenues from a"

Page 24, delete lines 9 and 10 and insert "must"

Page 27, after line 1, insert:

"Sec. 30. Minnesota Statutes 2000, section 541.21, is amended to read:

541.21 [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. The provisions of this section shall not apply to: (1) pari-mutuel wagering conducted under a license issued pursuant to chapter 240; (2) purchase of tickets in the state lottery or other wagering authorized under chapter 349A; (3) gaming activities conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.; or (4) lawful gambling activities permitted under chapter 349.

Sec. 31. Minnesota Statutes 2000, section 609.761, subdivision 2, is amended to read:

Subd. 2. [STATE LOTTERY.] Sections 609.755 and 609.76 do not prohibit the operation of the state lottery or the sale, possession, or purchase of tickets for the state lottery under chapter 349A, or the manufacture, possession, sale, or operation of a gaming machine under chapter 349A."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Neuville moved to amend the Day amendment to S.F. No. 1857 as follows:

Page 7, after line 23, insert:

"Sec. 32. [EFFECTIVE DATE.]

Sections 3 to 15, 30, and 31 are effective July 1, 2003."

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

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1857. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Belanger	Kierlin	Lessard	Robertson	Stevens
Berg	Kleis	Metzen	Robling	Terwilliger
Day	Knutson	Ourada	Sams	Tomassoni
Fischbach	Langseth	Pariseau	Samuelson	
Johnson, Debbie	Larson	Reiter	Schwab	

Those who voted in the negative were:

Anderson	Frederickson	Lesewski	Olson	Scheevel
Bachmann	Higgins	Limmer	Orfield	Scheid
Berglin	Hottinger	Lourey	Pappas	Solon, Y.P.
Betzold	Johnson, Dave	Marty	Pogemiller	Stumpf
Chaudhary	Johnson, Dean	Moe, R.D.	Price	Vickerman
Cohen	Johnson, Doug	Moua	Ranum	Wiener
Dille	Kelley, S.P.	Murphy	Rest	Wiger
Foley	Kinkel	Neuville	Ring	
Fowler	Krentz	Oliver	Sabo	

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

Senator Reiter moved to amend S.F. No. 1857 as follows:

Page 4, line 11, delete "sports facilities account" and insert "state of Minnesota highways fund"

Page 21, line 8, after "fees," insert "except for the taxes imposed under subdivisions 5 and 8,"

Page 21, line 13, after "account" insert ", except that the taxes imposed under subdivisions 5 and 8 must be deposited in the state of Minnesota highways fund"

Page 23, line 5, delete "sports facilities account" and insert "state of Minnesota highways fund"

Page 27, after line 7, insert:

"Sec. 28. [STATE OF MINNESOTA HIGHWAYS FUND.]

A state of Minnesota highways fund is created in the special revenue fund in the state treasury. The proceeds of the taxes, surcharges, or fees imposed under this act and required to be deposited into the state of Minnesota highways fund, must be deposited in the fund. The commissioner of transportation shall use the fund to repair and improve highways in this state."

Re-number the sections in sequence and correct the internal references

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

Senator Ranum moved to amend S.F. No. 1857 as follows:

Page 15, line 36, delete "and"

Page 16, line 3, after "park" insert "; and

(6) if the baseball park is located in the city of Minneapolis, \$40,000,000 of the proceeds of the bonds must be appropriated to the metropolitan council to be used for improvements to the transit system in the metropolitan area"

The motion prevailed. So the amendment was adopted.

Senator Terwilliger moved to amend S.F. No. 1857 as follows:

Page 20, delete lines 33 to 36

Page 21, delete lines 1 to 5

Page 21, line 6, delete "4" and insert "3"

Page 21, line 14, delete "5" and insert "4"

Page 21, line 36, delete "6" and insert "5"

Page 22, line 20, delete "7" and insert "6"

Page 22, line 28, delete "8" and insert "7"

Page 23, line 9, delete "9" and insert "8"

Page 23, line 12, delete "10" and insert "9"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Belanger	Johnson, Dave	Metzen	Pariseau	Wiener
Betzold	Johnson, Debbie	Murphy	Robertson	
Day	Johnson, Doug	Neuville	Sabo	
Dille	Kelley, S.P.	Oliver	Stevens	
Frederickson	Lessard	Olson	Terwilliger	

Those who voted in the negative were:

Anderson	Higgins	Larson	Pogemiller	Scheevel
Bachmann	Hottinger	Lesewski	Price	Scheid
Berg	Johnson, Dean	Limmer	Ranum	Schwab
Berglin	Kierlin	Lourey	Reiter	Solon, Y.P.
Chaudhary	Kinkel	Moe, R.D.	Rest	Stumpf
Cohen	Kleis	Moua	Ring	Tomassoni
Fischbach	Knutson	Orfield	Robling	Vickerman
Foley	Krentz	Ourada	Sams	Wiger
Fowler	Langseth	Pappas	Samuelson	

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

Senator Cohen moved to amend S.F. No. 1857 as follows:

Page 26, after line 4, insert:

"Subd. 5. [SITE SELECTION.] (a) In selecting the site for the baseball park, the city in which the baseball park is proposed to be located shall conduct one or more public hearings and shall gather information from experts on and analyze the effects of the development of a baseball park on surrounding properties. The city shall select the site for the baseball park that it determines maximizes the strategic community development benefits and promotes development of compatible mixed use, commercial and housing developments in the area surrounding the baseball park.

(b) After selecting the site for the baseball park, the city shall establish a ballpark local improvement district to foster the development and continuing growth of compact, pedestrian-oriented, compatible mixed uses within buildings and blocks around the ballpark. The purpose of the district is to encourage new commercial, retail, and cultural development, and additional choices in housing, in proximity to the ballpark and major transit streets and corridors."

Page 27, after line 14, insert:

"Sec. 29. [SALES TAX INCREMENT TO CITY.]

Subdivision 1. [FUND; USES OF MONIES.] The city in which the baseball park is located shall establish an infrastructure and housing fund to receive payments from the state under subdivision 3 and, if it is the city of St. Paul, to deposit a portion of its local sales tax revenues as provided in section 28. Money in this fund may only be used to pay for the construction of public improvements and for the acquisition, construction, improvement, and rehabilitation of housing in the city.

Subd. 2. [CALCULATION OF INCREMENT.] (a) The city is entitled to the portion of the state sales and use tax under Minnesota Statutes, chapter 297A, that is collected for sales and use made in the city that is attributable to development of the baseball park and the retention of a major league baseball franchise in the state. The amount of this entitlement equals:

(1) the total amount of state sales and use tax under Minnesota Statutes, chapter 297A, collected for sales and use made in the city for the calendar year, minus

(2) the base amount.

(b) (1) For purposes of this section the "base amount" equals the total amount of state sales and use tax under Minnesota Statutes, chapter 297A, collected for sales and use made in the city during the base year increased by the commissioner of finance's estimate in the February 2002 revenue forecast of the percentage increase in state sales tax over the base year.

(2) The "base year" is the calendar year immediately preceding the first year in which the major league baseball park began operations.

Subd. 3. [PAYMENTS TO CITY.] The commissioner of revenue shall pay to the city its entitlement under this section with the payments of local sales tax under Minnesota Statutes, section 297A.99, subdivision 11. The commissioner may make payments based on an estimate of the amount of the entitlement with a final settlement of the amount in the next calendar year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Ranum moved to amend S.F. No. 1857 as follows:

Page 23, line 5, delete "sports facilities account" and insert "special revenue account and used by the metropolitan airports commission for noise mitigation as provided in section 473.661, subdivision 4"

Page 27, after line 1, insert:

"Sec. 27. Minnesota Statutes 2000, section 473.661, subdivision 4, is amended to read:

Subd. 4. [NOISE MITIGATION.] (a) According to the schedule in paragraph (b), commission funds must be dedicated (1) to supplement the implementation of corrective land use management measures approved by the Federal Aviation Administration as part of the commission's Federal Aviation Regulations, part 150 noise compatibility program, and (2) for soundproofing and accompanying air conditioning of residences, schools, and other public buildings when there is a demonstrated need because of aircraft noise, regardless of the location of the building to be soundproofed.

(b) The noise mitigation program described in paragraph (a) shall be funded by the commission from whatever source of funds according to the following schedule:

In 1993, an amount equal to 20 percent of the passenger facilities charges revenue amount budgeted by the commission for 1993;

In 1994, an amount equal to 20 percent of the passenger facilities charges revenue amount budgeted by the commission for 1994;

In 1995, an amount equal to 35 percent of the passenger facilities charges revenue amount budgeted by the commission for 1995; and

In 1996 and 1997, an amount equal to 40 percent of the passenger facilities charges revenue amount budgeted by the commission for 1996.

(c) ~~From 1996 to~~ Beginning in 2002, in addition to the amount designated in section 473.5964, subdivision 8, paragraph (b), the commission shall spend no less than \$185,000,000 from any source of funds for insulation and accompanying air conditioning of residences, schools, and other publicly owned buildings where there is a demonstrated need because of aircraft noise; and property acquisition, limited to residences, schools, and other publicly owned buildings, within the noise impacted area. In addition, the corporation shall insulate and air condition four schools in Minneapolis and two schools in Richfield that are located in the 1996 60 Ldn contour.

(d) Before the commission constructs a new runway at Minneapolis-St. Paul International Airport, the commission shall determine the probable levels of noise that will result in various parts of the metropolitan area from the operation of aircraft on the new runway and shall develop a program to mitigate noise in those parts of the metropolitan area that are located outside the 1996 65 Ldn contour but will be located within the 65 Ldn contour as established after the new runway is in operation. Based upon this determination, the commission shall reserve in its annual budget, until noise mitigation measures are completed, an amount of money necessary to implement this noise mitigation program in the newly impacted areas.

(e) The commission's capital improvement projects, program, and plan must reflect the requirements of this section. As part of the commission's report to the legislature under section 473.621, subdivision 1a, the commission must provide a description and the status of each noise mitigation project implemented under this section.

(f) Within 180 days of submitting the commission's and the metropolitan council's report and recommendations on major airport planning to the legislature as required by section 473.618, the commission, with the assistance of its sound abatement advisory committee, shall make a recommendation to the state advisory council on metropolitan airport planning regarding proposed mitigation activities and appropriate funding levels for mitigation activities at Minneapolis-St. Paul International Airport and in the neighboring communities. The recommendation shall examine mitigation measures to the 60 Ldn level. The state advisory council on metropolitan airport planning shall review the recommendation and comment to the legislature within 60 days after the recommendation is submitted to the council."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 50, as follows:

Those who voted in the affirmative were:

Berglin	Kinkel	Moua	Pappas	Sabo
Chaudhary	Lourey	Orfield	Ranum	Wiener
Johnson, Dave	Marty			

Those who voted in the negative were:

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

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

Senator Vickerman moved to amend S.F. No. 1857 as follows:

Page 20, line 13, after "city" insert "of St. Paul"

Page 20, delete line 14

Page 20, line 15, delete everything before "may"

Page 20, line 17, delete everything after "Subd. 2." and insert "[HOST COMMUNITY.] The city of St. Paul is the "host community.""

Page 20, delete lines 18 to 32

Page 21, line 6, delete "or"

Page 21, line 7, delete "county resolution"

Page 21, line 19, delete ", provided" and insert a period

Page 21, delete lines 20 to 35

Page 23, after line 17, insert:

"Subd. 11. [ALTERNATIVE HOST COMMUNITY.] If the voters at the referendum authorized by subdivision 3 disapprove the imposition of the tax as authorized by this section, then the city selected by the baseball site commission established under section 473.5966 may impose the taxes authorized by this section as the alternative host community with all the powers and responsibilities of the host community. Before the alternative host community imposes a tax under this section, the imposition of the tax must be approved by the voters at a special election held on or before September 10, 2002, or at an election conducted by mail ballot, which must be complete on or before September 10, 2002. The question on the ballot must state which of the taxes and surcharges authorized under this section is proposed to be imposed if the vote on the question is affirmative and specify the proposed rate or amount of the tax."

Page 25, line 14, before "The" insert "If the voters in the city of St. Paul do not authorize imposition of taxes at a referendum under section 473.5964,"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Larson	Price	Stevens
Bachmann	Fowler	Lesewski	Reiter	Vickerman
Berg	Frederickson	Metzen	Ring	Wiener
Chaudhary	Johnson, Debbie	Moua	Robling	Wiger
Cohen	Kierlin	Murphy	Scheevel	
Day	Knutson	Neuville	Scheid	
Dille	Krentz	Ourada	Schwab	
Fischbach	Langseth	Pappas	Solon, Y.P.	

Those who voted in the negative were:

Belanger	Johnson, Dean	Limmer	Orfield	Sabo
Berglin	Johnson, Doug	Lourey	Pariseau	Sams
Betzold	Kelley, S.P.	Marty	Pogemiller	Samuelson
Higgins	Kinkel	Moe, R.D.	Ranum	Stumpf
Hottinger	Kleis	Oliver	Rest	Terwilliger
Johnson, Dave	Lessard	Olson	Robertson	Tomassoni

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 1857 as follows:

Page 20, lines 35 and 36, delete "a special election held on June 4" and insert "an election held on November 5"

Page 21, line 1, delete "June 4" and insert "November 5"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

Anderson	Kleis	Moua	Ranum	Wiger
Chaudhary	Krentz	Neuville	Ring	
Cohen	Limmer	Orfield	Sabo	
Fischbach	Lourey	Pappas	Scheevel	
Kierlin	Marty	Price	Schwab	

Those who voted in the negative were:

Bachmann	Higgins	Knutson	Olson	Samuelson
Belanger	Hottinger	Langseth	Ourada	Scheid
Berglin	Johnson, Dave	Larson	Pariseau	Solon, Y.P.
Betzold	Johnson, Dean	Lesewski	Pogemiller	Stevens
Day	Johnson, Debbie	Lessard	Reiter	Stumpf
Dille	Johnson, Doug	Metzen	Rest	Terwilliger
Foley	Kelley, S.P.	Moe, R.D.	Robertson	Tomassoni
Fowler	Kinkel	Murphy	Robling	Vickerman
Frederickson	Kiscaden	Oliver	Sams	Wiener

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

Senator Ranum moved to amend S.F. No. 1857 as follows:

Page 20, lines 35 and 36, delete "a special election held on June 4" and insert "an election held on September 10"

Page 21, line 1, delete "June 4" and insert "September 10"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Orfield	Scheevel
Bachmann	Kierlin	Lourey	Pappas	Solon, Y.P.
Belanger	Kiscaden	Marty	Price	Wiger
Berg	Kleis	Moua	Ranum	
Chaudhary	Krentz	Neuville	Ring	
Cohen	Lesewski	Olson	Sabo	

Those who voted in the negative were:

Berglin	Hottinger	Langseth	Pariseau	Scheid
Betzold	Johnson, Dave	Larson	Pogemiller	Schwab
Day	Johnson, Dean	Lessard	Reiter	Stevens
Dille	Johnson, Debbie	Metzen	Rest	Stumpf
Foley	Johnson, Doug	Moe, R.D.	Robertson	Terwilliger
Fowler	Kelley, S.P.	Murphy	Robling	Tomassoni
Frederickson	Kinkel	Oliver	Sams	Vickerman
Higgins	Knutson	Ourada	Samuelson	Wiener

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

RECONSIDERATION

Having voted on the prevailing side, Senator Scheid moved that the vote whereby the Vickerman amendment to S.F. No. 1857 was adopted on March 13, 2002, be now reconsidered. The motion did not prevail. So the vote was not reconsidered.

Senator Johnson, Dean moved that S.F. No. 1857 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1755. The motion prevailed.

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

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

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

Page 1, line 20, before "trails" insert "all-terrain vehicle"

Page 2, line 11, strike "forest"

Page 2, line 27, strike "and"

Page 2, line 33, before the period, insert "; and

(4) the existing west access road to the Moose River dike, which is included in meeting the required all-terrain vehicle trail mileage specified in paragraph (a)"

Page 4, lines 35 and 36, delete the new language and reinstate the stricken language

Page 5, delete line 1 and insert "2004 and thereafter, ~~88.5~~ 87.1 percent of the revenues, including"

Page 5, after line 36, insert:

"Sec. 3. Minnesota Statutes 2001 Supplement, section 477A.14, is amended to read:

477A.14 [USE OF FUNDS.]

Subdivision 1. [GENERAL DISTRIBUTION.] Except as provided in subdivision 2 or in section 97A.061, subdivision 5, 40 percent of the total payment to the county shall be deposited in the county general revenue fund to be used to provide property tax levy reduction. The remainder shall be distributed by the county in the following priority:

(a) 37.5 cents, as adjusted for inflation under section 477A.145, for each acre of county-administered other natural resources land shall be deposited in a resource development fund to be created within the county treasury for use in resource development, forest management, game and fish habitat improvement, and recreational development and maintenance of county-administered other natural resources land. Any county receiving less than \$5,000 annually for the resource development fund may elect to deposit that amount in the county general revenue fund;

(b) From the funds remaining, within 30 days of receipt of the payment to the county, the county treasurer shall pay each organized township 30 cents, as adjusted for inflation under section 477A.145, for each acre of acquired natural resources land and each acre of land described in section 477A.12, subdivision 1, paragraph (b), and 7.5 cents, as adjusted for inflation under section 477A.145, for each acre of other natural resources land located within its boundaries. Payments for natural resources lands not located in an organized township shall be deposited in the county general revenue fund. Payments to counties and townships pursuant to this paragraph shall be used to provide property tax levy reduction, except that of the payments for natural resources lands not located in an organized township, the county may allocate the amount determined to be necessary for maintenance of roads in unorganized townships. Provided that, if the total payment to the county pursuant to section 477A.12 is not sufficient to fully fund the distribution provided for in this clause, the amount available shall be distributed to each township and the county general revenue fund on a pro rata basis; and

(c) Any remaining funds shall be deposited in the county general revenue fund. Provided that, if the distribution to the county general revenue fund exceeds \$35,000, the excess shall be used to provide property tax levy reduction.

Subd. 2. [DISTRIBUTION FOR CONSOLIDATED CONSERVATION LANDS.] In the case of payments for consolidated conservation land, at least 15 percent of the amount paid on account of that land under section 477A.12 must be distributed to the county for use as provided in section 84A.51, subdivision 4, clause (1). The remainder of the payment under section 477A.12 will be distributed in proportion to the distributions described in subdivision 1."

Page 19, line 34, delete "1 to 7" and insert "1, 2, and 4 to 8"

Page 20, line 2, after the period, insert "Section 3 is effective the day following final enactment and is effective for payments made in 2002 and thereafter."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "section" and insert "sections" and before the period, insert "; 477A.14"

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

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

S.F. No. 819: A bill for an act relating to occupations; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; amending Minnesota Statutes 2000, sections 326.01, by adding a subdivision; 326.37, subdivision 1, and by adding a subdivision; and 326.40, subdivision 1; Minnesota Statutes 2001 Supplement, sections 144.122; and 326.38; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2000, section 326.45.

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

Page 5, line 35, delete "2004" and insert "2005"

Page 7, line 12, delete ", if" and insert "under sections 326.37 to 326.451."

Page 7, line 13, delete everything before "A"

Page 7, line 14, after "for" insert ":

(1)"

Page 7, line 16, before the period, insert " or

(2) persons selling an appliance plumbing installation service at point of sale if the installation work is performed by a plumber licensed under sections 326.37 to 326.451"

Page 8, line 10, delete "2003" and insert "2004"

Page 9, after line 3, insert:

"Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective July 1, 2003."

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

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

S.F. No. 1755: A bill for an act relating to public employees; establishing a statewide health insurance plan for school district employees; providing for postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 43A.316, subdivision 3, is amended to read:

Subd. 3. [PUBLIC EMPLOYEE INSURANCE PROGRAM.] (a) The commissioner shall be the administrator of the public employee insurance program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the labor-management committee.

(b) Notwithstanding paragraph (a), all employees covered by the program shall be in a single pool for purposes of coverage and premiums.

Sec. 2. Minnesota Statutes 2000, section 43A.316, subdivision 10, is amended to read:

Subd. 10. [EXEMPTION.] The public employee insurance program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, ~~and the bidding requirements of section 471.6161.~~

Sec. 3. Minnesota Statutes 2000, section 43A.316, is amended by adding a subdivision to read:

Subd. 11. [COMPETITIVE BIDDING.] The public employee insurance program and, where applicable, the employers participating in it are subject to the bidding requirements of section 471.6161.

Sec. 4. [43A.3175] [SCHOOL EMPLOYEE INSURANCE PLAN.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "eligible employee" means a person who is a public employee within the definition of section 179A.03 who is insurance eligible and is employed by an eligible employer, or by an exclusive representative of employees of an eligible employer, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); and

(2) "eligible employer" means a school district as defined in section 120A.05, a service cooperative as defined in section 123A.21, an intermediate district as defined in section 136D.01, a cooperative center for vocational education as defined in section 123A.22, a regional management information center as defined in section 123A.23, an education unit organized under section 471.59, or an exclusive representative of employees of an eligible employer or statewide affiliate.

Subd. 2. [INSURANCE PLAN.] All eligible employers may participate in the school employee insurance plan. The plan provides health insurance coverage for all eligible employees of eligible employers, except that an eligible employer may elect not to have its employees participate in the plan so long as they are eligible for health coverage through another plan, the cost of which is fully or partially covered by the eligible employer. In addition, the plan provides an individual trust fund for each retired eligible employee, to be used for health care cost, funded through contributions made while the retiree was an active eligible employee.

Subd. 3. [PLAN PROVIDER.] The school employee insurance plan is provided through the public employees insurance program under section 43A.316.

Subd. 4. [LABOR-MANAGEMENT BOARD.] The plan is governed by a labor-management board that makes determinations regarding plan specifications, structure, benefits, and premiums. Each statewide affiliate of an exclusive representative of eligible employees with at least 1,500 employees participating in the plan is entitled to appoint one member to the board. Statewide affiliates of exclusive representatives of eligible employees with at least 1,500 employees participating in the plan are entitled to appoint members to the board, provided that the total number of such members must be seven. These seven board positions must be allocated among

statewide affiliates proportionally based upon their relative numbers of employees enrolled in the plan. The Minnesota school boards association is entitled to appoint seven members representing eligible employers to the board. Board members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The reimbursement must be paid from funds raised through the insurance premium structure established by the board.

Sec. 5. [PLAN CREATION.]

The plan specifications, structure, benefits, and premiums must be determined by an interim labor-management committee consisting of members appointed by the statewide affiliates of exclusive representatives of eligible employees and an equal number of members appointed by eligible employers. The plan specifications must include the following:

(1) requirement that all eligible employees covered by the plan be in a single pool for purposes of coverage and premiums;

(2) provisions allowing eligible employers and the exclusive representatives of eligible employees to collectively bargain provision of health coverage and benefits in addition to the base benefits provided under the plan;

(3) a mechanism for all retired employees to be eligible for coverage provided by the school employees insurance plan.

The final determination regarding plan specifications, structure, benefits, and premiums must be completed by March 1, 2003, allowing implementation no later than July 1, 2003; and

(4) all health insurance providers offering insurance to employees of eligible employers as of the effective date of this section shall provide to the school employee insurance plan labor-management board all data on the groups claim experience that the board requires to establish the rate structures for the school employee insurance plan.

Sec. 6. [CREATION OF INTERIM LABOR-MANAGEMENT COMMITTEE.]

(a) Each eligible statewide affiliate of an exclusive representative of eligible employees, as defined in Minnesota Statutes, section 43A.3175, subdivision 1, with at least 1,500 members statewide is entitled to appoint one member to serve on the interim labor-management committee provided that the total number of such members must be seven. These seven board positions must be allocated among statewide affiliates proportionally based upon the relative numbers of eligible employees whom they represent.

(b) The Minnesota school boards association is entitled to appoint seven members representing eligible employers as defined in Minnesota Statutes, section 43A.3175, subdivision 1.

(c) All appointments must be made no later than 30 days after final enactment of this section.

(d) The commissioner of employee relations or the commissioner's designee shall also be a member of the interim labor-management committee, and the commissioner shall provide administrative support to the committee.

(e) Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under Minnesota Statutes, section 43A.18, subdivision 2.

(f) The committee expires upon appointment of a labor-management board, under Minnesota Statutes, section 43A.3175, subdivision 4.

Sec. 7. [ESTABLISHMENT.]

The 2003 legislature is encouraged to establish an incentive mechanism to encourage participation in the state school employee insurance plan.

Sec. 8. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of employee relations for purposes of section 6.

Sec. 9. [EFFECTIVE DATES.]

Sections 5, 6, and 8 are effective the day following final enactment. Sections 1 to 4 are effective July 1, 2003."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for school district employee coverage under the public employee insurance program; allowing for competitive bidding under the public employee insurance program;"

Page 1, line 6, after the second semicolon, insert "amending Minnesota Statutes 2000, section 43A.316, subdivisions 3, 10, by adding a subdivision;"

And when so amended the bill be re-referred to the Committee on Health and Family Security without recommendation.

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

SECOND READING OF SENATE BILLS

S.F. No. 819 was read the second time.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3196: Senators Robertson, Vickerman and Betzold.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Kinkel introduced--

S.F. No. 3439: A bill for an act relating to capital improvements; appropriating money for capital improvements at Bemidji state university; authorizing the issuance of bonds.

Referred to the Committee on Education.

Senators Kiscaden and Hottinger introduced--

S.F. No. 3440: A bill for an act relating to insurance; regulating health coverage for certain persons.

Referred to the Committee on Commerce.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, Dean moved that S.F. No. 1857 be taken from the table. The motion prevailed.

S.F. No. 1857: A bill for an act relating to a baseball park; financing a major league baseball park; providing for the issuance of bonds; altering the membership of the metropolitan sports facilities commission; imposing requirements on the commission; providing property and sales tax exemptions; imposing taxes and fees; providing funding for local housing programs; authorizing local taxes by referendum; requiring conditions for financing of a football stadium; providing funding for St. Paul family housing; creating a site selection commission; establishing requirements for sale of a professional baseball team; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; 473.551, by adding subdivisions; 473.553, subdivisions 2, 3, 5; 473.595, subdivisions 1, 3, 7, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 295; 473; repealing Minnesota Statutes 2000, section 473.553, subdivision 14.

Senator Kelley, S.P. moved to amend S.F. No. 1857 as follows:

Page 12, line 34, delete the first "of"

Page 13, line 10, after the comma, insert "and"

Page 16, line 7, after "\$370,000,000" insert ", plus any additional amount allowed under section 475.56"

Page 17, line 6, after the second "the" insert "available"

Page 17, line 7, delete "it from the state or the"

Page 17, line 8, delete "commission" and insert "the council"

Page 17, line 11, delete "this" and insert "the"

Page 17, line 12, delete "or the commission"

Page 17, line 15, after the first "of" insert "available"

Page 17, line 17, delete "baseball park"

Page 17, line 24, delete "baseball"

Page 17, line 25, delete "park"

Page 18, line 4, after "commission" insert "and the council"

Page 18, line 5, delete "commission" and insert "council"

Page 18, line 10, delete "12" and insert "11"

Page 18, line 18, delete "commission's" and insert "council's"

Page 18, lines 24 and 28, delete "and the commission"

Page 18, lines 25 and 27, delete "commission" and insert "council"

Page 18, line 28, delete "their" and insert "its"

Page 18, line 32, delete "or the commission"

Page 19, line 6, delete "and the commission"

Page 20, delete lines 18 to 21

Page 20, line 22, delete "site" and insert "city with the largest population in the county does not notify the county board by April 19, 2002, that it intends to propose a referendum under subdivision 3 as a potential host community"

Page 20, line 23, delete "by resolution impose the tax" and insert "propose a referendum under subdivision 3 to seek approval of imposition of the taxes authorized in this section"

Page 20, line 24, delete "on businesses located in the county"

Page 20, line 33, before "Before" insert "In this subdivision, 'potential host community' means a city or county that conducts a referendum under this subdivision." and after the first "a" insert "potential"

Page 20, line 35, after the second "the" insert "potential"

Page 24, line 29, delete "or exceeds"

Page 24, lines 35 and 36, delete "or exceeds"

Page 27, after line 14, insert:

"Sec. 29. [APPLICATION.]

Sections 3 to 27 and 30 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kelley, S.P. requested division of his amendment as follows:

First portion:

Page 12, line 34, delete the first "of"

Page 13, line 10, after the comma, insert "and"

Page 16, line 7, after "\$370,000,000" insert ", plus any additional amount allowed under section 475.56"

Page 17, line 6, after the second "the" insert "available"

Page 17, line 7, delete "it from the state or the"

Page 17, line 8, delete "commission" and insert "the council"

Page 17, line 11, delete "this" and insert "the"

Page 17, line 12, delete "or the commission"

Page 17, line 15, after the first "of" insert "available"

Page 17, line 17, delete "baseball park"

Page 17, line 24, delete "baseball"

Page 17, line 25, delete "park"

Page 18, line 4, after "commission" insert "and the council"

Page 18, line 5, delete "commission" and insert "council"

Page 18, line 10, delete "12" and insert "11"

Page 18, line 18, delete "commission's" and insert "council's"

Page 18, lines 24 and 28, delete "and the commission"

Page 18, lines 25 and 27, delete "commission" and insert "council"

Page 18, line 28, delete "their" and insert "its"

Page 18, line 32, delete "or the commission"

Page 19, line 6, delete "and the commission"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Neuville moved to amend the first portion of the Kelley, S.P. amendment to S.F. No. 1857 as follows:

Page 1, line 4, delete "\$370,000,000" and insert "\$205,000,000"

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

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1857. The Sergeant at Arms was instructed to bring in the absent members.

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

Senator Kelley, S.P. withdrew the remainder of his amendment.

Senator Johnson, Doug moved to amend S.F. No. 1857 as follows:

Page 15, after line 15, insert:

"Subd. 6. [PLEDGE OF ALLEGIANCE; FLAG.] The commission must provide that an American flag manufactured in America will be publicly displayed at all baseball games and other events conducted at the baseball park, and that a public recitation of the pledge of allegiance will be conducted before the start of all events at the baseball park."

Page 15, line 16, delete "6" and insert "7"

Page 15, line 17, delete "5" and insert "6"

The motion prevailed. So the amendment was adopted.

Senator Johnson, Dave moved to amend S.F. No. 1857 as follows:

Page 22, line 31, after the first "rental" insert "provided that if the host community is Hennepin county, the surcharge must be at the rate of \$2 per day"

Page 23, line 4, after "(b)" insert "If the host community is not Hennepin county,"

Page 23, line 5, delete the period and insert ", and"

Page 23, after line 8, insert:

"(c) If the host community is Hennepin county, one-half of all receipts from the surcharge must be deposited into the airport impact mitigation fund, one-quarter must be deposited into the sports facilities account, and one-quarter must be deposited into the special revenue account and used by the host community to pay the debt service on bonds issued to construct housing."

Page 27, after line 14, insert:

"Sec. 29. [AIRPORT IMPACT MITIGATION.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this act, the terms defined in this section have the meanings given them.

(b) "Airport impact zone" means a contiguous or noncontiguous geographic area designated by a city and approved by the commissioner as part of a mitigation plan under subdivision 2.

(c) "City" means the cities of Bloomington, Minneapolis, and Richfield, or any of them.

(d) "Commissioner" means the commissioner of trade and economic development.

(e) "Council" means the metropolitan council.

(f) "Department" means the department of trade and economic development.

(g) "Governing body" means the city council of a city.

(h) "Housing replacement activities" means rehabilitation, acquisition, relocation assistance, relocation of existing dwelling units, and construction of new dwelling units, for the purpose of replacing dwelling units eliminated by airport mitigation activities.

(i) "Impact report" means a written report identifying airport impacts adopted by a city under section 2.

(j) "Mitigation fund" means the airport impact mitigation fund established under subdivision 3.

(k) "Mitigation plan" means a plan for airport impact mitigation developed by a city and approved by the commissioner under subdivision 2.

(l) "Obligation" has the meaning given it in Minnesota Statutes, section 475.51, subdivision 3. The term includes obligations issued to refund prior obligations issued under this act.

(m) "School district" means a school district whose jurisdiction includes all or any portion of a city.

Subd. 2. [AIRPORT IMPACT MITIGATION PLANNING.] (a) A city may study and identify airport impacts and the scope of those impacts on the city. At the conclusion of an impact study, a city must adopt a report of the impacts on the city. In studying airport impacts and preparing a report, a city must take into account airport noise impacts and additional environmental, transportation, and economic impacts associated with expansion of the Minneapolis-St. Paul International Airport. A city must also consider and incorporate the overhead noise guidelines established by the federal aviation administration and recommendations of the Low Frequency Noise Policy Committee concerning noise impacts.

(b) After adopting an airport impact report, a city must develop an airport mitigation plan for an airport impact zone in the city. In developing the mitigation plan, a city must seek to determine the

most effective measures for mitigating the impacts identified in the impact report. A city may consider any measures for mitigating airport impacts including, but not limited to, noise insulation of residential and commercial buildings, land use conversion, development of housing to replace units lost through mitigation activities, and property value assurance programs. The mitigation plan must include:

- (1) designated boundaries of the airport impact zone;
- (2) a description of recommended impact mitigation measures;
- (3) whether the plan provides for conversion of residential land use or a description of proposed housing replacement activities;
- (4) estimates of costs of the recommended mitigation measures and possible financing sources;
- (5) an analysis of the feasibility of property tax abatement under Minnesota Statutes, sections 469.1813 to 469.1815 as a financing source; and

(6) the estimated amount of obligations, if any, to be issued under this act, including a description of the proposed security for the obligations and whether the city requests credit enhancement by the council as provided in subdivision 4, paragraph (b).

(c) Before initial approval of a mitigation plan, a city must conduct a public hearing after publishing at least ten days before the hearing a notice in a newspaper of general circulation in the city. The hearing notice must state that the mitigation plan and the mitigation report are available for review in the administrative offices of the city. After initial approval of the mitigation plan by the governing body, the city must submit the mitigation plan and the mitigation report to the commissioner for approval and must also submit copies to the council and the metropolitan airports commission for review and comment. Not more than 60 days after receipt of the city's submission, the commissioner must approve, disapprove, or otherwise comment on the mitigation plan. Failure by the commissioner to approve or comment within 60 days is considered approval of the mitigation plan. An action described in a mitigation plan must not be financed by the mitigation fund or an airport impact district until the mitigation plan has been approved by the commissioner and then approved by the governing body.

(d) Before approving any mitigation plan, the commissioner must establish criteria for evaluating proposed airport impact zones, airport impact districts, and mitigation measures. The commissioner must consult with the cities, the council, and the metropolitan airports commission in developing the criteria. The commissioner must approve final criteria by December 31, 2002. Any mitigation plan approved under this act must be consistent with the criteria established under this paragraph.

(e) If the mitigation plan, or any amendment under paragraph (e), clause (3), includes credit enhancement by the council as provided in section 4, subdivision 2, the mitigation plan must also be approved by the council before issuance of bonds secured under section 4, subdivision 2.

(f) A mitigation plan may be changed after the notice, hearing, and approvals required of the original mitigation plan. A change is permitted only to:

- (1) increase the total estimated cost of mitigation activities;
- (2) increase the total estimated amount of obligations to be issued;
- (3) secure any obligations by the pledge described in subdivision 4, paragraph (b), if the pledge was not included in the original plan;
- (4) expand the boundaries of an airport impact zone;
- (5) create or expand the boundaries of an airport impact district; or
- (6) add mitigation activities beyond the scope of activities described in the original plan.

(g) Expenditures to implement a mitigation plan are not considered a business subsidy under Minnesota Statutes, sections 116J.993 to 116J.995.

Subd. 3. [AIRPORT IMPACT MITIGATION FUND.] (a) The airport impact mitigation fund is established in the state treasury. The mitigation fund is administered by the commissioner for the purposes described in this section. Revenues produced by the surcharge imposed under section 473.5965 will be deposited in the fund as provided in that section.

(b) Amounts in the mitigation fund may be spent only for the following purposes:

(1) to pay principal of, interest on, and redemption premium, if any, on obligations issued by a city under this act;

(2) to pay or reimburse a city for costs incurred to implement a mitigation plan, including, without limit, costs of preparing the impact report and mitigation plan;

(3) to pay a school district to mitigate decreases in student population created by mitigation activities of a city under the city's mitigation plan; and

(4) by the department to pay the costs of administering the mitigation fund and related activities of the department under this act.

(c) Before disbursing any amounts from the mitigation fund, the commissioner must establish criteria for selecting activities identified in paragraph (b) to be financed from the fund. The commissioner must consult with the cities, the school districts, the council and the metropolitan airports commission in developing the criteria. The commissioner must approve final criteria by December 31, 2001. The criteria must identify priorities for funding, taking into account:

(1) the severity of airport impacts among the cities and school districts;

(2) the type of mitigation measures required in order to address the impacts;

(3) the cost of impact mitigation activities identified in the mitigation plans;

(4) the amount of obligations to be issued under this act as identified in the mitigation plans; and

(5) the amount of other revenues available to pay the costs identified in paragraph (b).

The commissioner may establish procedures for administration of the mitigation fund as necessary, including without limitation a process for applications, disbursement, and reporting of expenditures.

(d) The mitigation fund ends on the earlier of:

(1) the date by which all cities and school districts have notified the commissioner that all costs payable from the mitigation fund under this section have been paid; or

(2) the end of the fiscal year ending in 2030.

The balance of amounts in the mitigation fund on its termination are credited to the state general fund.

Subd. 4. [BONDS; SECURITY.] (a) A city may issue obligations secured by:

(1) abatements;

(2) amounts disbursed from the airport mitigation fund;

(3) any other revenues available to the city under law; or

(4) any combination of revenue described in clauses (1) to (3).

The proceeds of obligations must be used to pay or reimburse any costs to implement a mitigation plan, including, without limit, costs of preparing the impact report and the mitigation plan. The governing body may provide by resolution that the obligations are additionally secured by the full faith and credit of the city. Notwithstanding any other law or charter provision, voter approval is not required and net debt limits do not apply to obligations issued under this section.

(b) The council may establish an airport impact mitigation bond credit enhancement program as provided in this section. The council may pledge its full faith and credit and taxing powers to obligations issued under this act if:

(1) the city so requests and the commissioner and the council approves that pledge as part of the city's mitigation plan; and

(2) the council finds that revenues pledged for payment of the obligations will produce, as estimated at the time of the pledge, at least 125 percent of the principal and interest due on the obligations.

The pledge must be made by resolution of the council. Voter approval of obligations secured by the pledge described in this subdivision is not required and net debt limits do not apply.

Before pledging its full faith and credit, the council must establish criteria for approving requests for credit enhancement under this section. The council must establish criteria in consultation with the cities, the commissioner, and the metropolitan airports commission. The criteria must set forth priorities for credit enhancement that are consistent with the priorities established by the commissioner for disbursement from the mitigation fund under section 3 and may contain limits on the total amount of obligations that may be credit enhanced under this subdivision.

If there is a deficiency in revenues pledged to obligations credit enhanced under this subdivision, the council must levy a tax against all taxable property in the metropolitan area and advance the proceeds of the levy to the city for deposit in the debt service fund for the obligations. The city must reimburse the council for the advance to the extent the deficient revenues are later collected.

Taxes levied by the council because of credit enhancement under this subdivision do not affect the amount or rate of taxes that may be levied by the council for other purposes and are not subject to limit as to rate or amount.

The council and each city that participates in the credit enhancement program may enter into agreements they determine to be necessary to implement the credit enhancement program. The agreements may extend over any period, notwithstanding any law to the contrary.

Subd. 5. [APPLICATION; EFFECTIVE DATE.] This section does not require local approval because Minnesota Statutes, section 645.023, subdivision 1, clause (a), applies. Section 4 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. This section is effective June 1, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kiscaden questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Pogemiller moved to amend S.F. No. 1857 as follows:

Page 22, line 31, delete "\$1" and insert "\$1.50"

Page 23, line 4, delete "One-half" and insert "One-third"

Page 23, line 5, delete "One-half" and insert "Two-thirds"

Page 23, line 7, after "and" insert "one-half of this amount is to be"

Page 23, line 8, after "housing" insert "and one-half of this amount is to be used by the metropolitan airports commission for noise mitigation as provided in section 473.661, subdivision 4"

Page 27, after line 1, insert:

"Sec. 27. Minnesota Statutes 2000, section 473.661, subdivision 4, is amended to read:

Subd. 4. [NOISE MITIGATION.] (a) According to the schedule in paragraph (b), commission funds must be dedicated (1) to supplement the implementation of corrective land use management measures approved by the Federal Aviation Administration as part of the commission's Federal Aviation Regulations, part 150 noise compatibility program, and (2) for soundproofing and accompanying air conditioning of residences, schools, and other public buildings when there is a demonstrated need because of aircraft noise, regardless of the location of the building to be soundproofed.

(b) The noise mitigation program described in paragraph (a) shall be funded by the commission from whatever source of funds according to the following schedule:

In 1993, an amount equal to 20 percent of the passenger facilities charges revenue amount budgeted by the commission for 1993;

In 1994, an amount equal to 20 percent of the passenger facilities charges revenue amount budgeted by the commission for 1994;

In 1995, an amount equal to 35 percent of the passenger facilities charges revenue amount budgeted by the commission for 1995; and

In 1996 and 1997, an amount equal to 40 percent of the passenger facilities charges revenue amount budgeted by the commission for 1996.

(c) ~~From 1996 to~~ Beginning in 2002, in addition to the amount designated in section 473.5964, subdivision 8, paragraph (b), the commission shall spend no less than \$185,000,000 from any source of funds for insulation and accompanying air conditioning of residences, schools, and other publicly owned buildings where there is a demonstrated need because of aircraft noise; and property acquisition, limited to residences, schools, and other publicly owned buildings, within the noise impacted area. In addition, the corporation shall insulate and air condition four schools in Minneapolis and two schools in Richfield that are located in the 1996 60 Ldn contour.

(d) Before the commission constructs a new runway at Minneapolis-St. Paul International Airport, the commission shall determine the probable levels of noise that will result in various parts of the metropolitan area from the operation of aircraft on the new runway and shall develop a program to mitigate noise in those parts of the metropolitan area that are located outside the 1996 65 Ldn contour but will be located within the 65 Ldn contour as established after the new runway is in operation. Based upon this determination, the commission shall reserve in its annual budget, until noise mitigation measures are completed, an amount of money necessary to implement this noise mitigation program in the newly impacted areas.

(e) The commission's capital improvement projects, program, and plan must reflect the requirements of this section. As part of the commission's report to the legislature under section 473.621, subdivision 1a, the commission must provide a description and the status of each noise mitigation project implemented under this section.

(f) Within 180 days of submitting the commission's and the metropolitan council's report and recommendations on major airport planning to the legislature as required by section 473.618, the commission, with the assistance of its sound abatement advisory committee, shall make a recommendation to the state advisory council on metropolitan airport planning regarding proposed mitigation activities and appropriate funding levels for mitigation activities at Minneapolis-St. Paul International Airport and in the neighboring communities. The recommendation shall

examine mitigation measures to the 60 Ldn level. The state advisory council on metropolitan airport planning shall review the recommendation and comment to the legislature within 60 days after the recommendation is submitted to the council."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kiscaden questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

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

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 1857 as follows:

Page 22, delete lines 28 to 36

Page 23, delete lines 1 to 8

Page 23, line 9, delete "9" and insert "8"

Page 23, line 12, delete "10" and insert "9"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Dille	Kleis	Marty	Robertson
Belanger	Fischbach	Knutson	Neuville	Robling
Berg	Frederickson	Langseth	Olson	Scheevel
Betzold	Johnson, Debbie	Larson	Ourada	Schwab
Chaudhary	Kierlin	Limmer	Pariseau	Stevens
Day	Kiscaden	Lourey	Reiter	

Those who voted in the negative were:

Anderson	Higgins	Kinkel	Moe, R.D.	Pogemiller
Berglin	Hottinger	Krentz	Moua	Price
Cohen	Johnson, Dave	Lesewski	Oliver	Ranum
Foley	Johnson, Dean	Lessard	Orfield	Rest
Fowler	Kelley, S.P.	Metzen	Pappas	Ring

Sabo
Sams
Samuelson

Scheid
Solon, Y.P.

Stumpf
Terwilliger

Tomassoni
Vickerman

Wiener
Wiger

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

Senator Kelley, S.P. moved to amend the Vickerman amendment to S.F. No. 1857 as follows:

Page 1, line 2, after "Paul" insert ", Minneapolis, or any other city nominated by the baseball site commission"

Page 1, delete lines 3 to 12

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

Page 1, line 30, after "Paul" insert ", Minneapolis, or another city or county"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Dave	Lourey	Ranum	Solon, Y.P.
Berglin	Johnson, Dean	Marty	Rest	Stumpf
Betzold	Johnson, Doug	Moe, R.D.	Ring	Terwilliger
Foley	Kelley, S.P.	Oliver	Robertson	Tomassoni
Fowler	Kinkel	Olson	Sabo	Vickerman
Frederickson	Kleis	Orfield	Sams	Wiener
Higgins	Lesewski	Pogemiller	Samuelson	
Hottinger	Limmer	Price	Scheid	

Those who voted in the negative were:

Anderson	Dille	Krentz	Murphy	Robling
Bachmann	Fischbach	Langseth	Neuville	Scheevel
Berg	Johnson, Debbie	Larson	Ourada	Schwab
Chaudhary	Kierlin	Lessard	Pappas	Stevens
Cohen	Kiscaden	Metzen	Pariseau	Wiger
Day	Knutson	Moua	Reiter	

The motion prevailed. So the amendment was adopted.

Senator Wiener moved to amend S.F. No. 1857 as follows:

Page 20, line 13, after "city" insert ", group of cities as provided in subdivision 3,"

Page 20, after line 32, insert:

"Subd. 3. [JOINT POWERS AGREEMENT.] Two or more cities may enter into a joint powers agreement under section 471.59 to serve as a host community or a potential host community under this section."

Page 20, line 33, delete "3" and insert "4"

Page 21, line 6, delete "4" and insert "5"

Page 21, line 14, delete "5" and insert "6"

Page 21, line 36, delete "6" and insert "7"

Page 22, line 20, delete "7" and insert "8"

Page 22, line 28, delete "8" and insert "9"

Page 23, line 9, delete "9" and insert "10"

Page 23, line 12, delete "10" and insert "11"

Page 25, line 7, delete "or"

Page 25, line 8, after "county" insert "or two or more cities that have entered into a joint powers agreement under section 471.59 to provide a site for a new baseball park under this section within one of the cities that is a party to the agreement"

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 1857 as follows:

Page 27, line 20, after "effective" insert "the later of" and before the period, insert "or the disclosure to the metropolitan sports facilities commission by the Minnesota Twins and the office of the commissioner of Major League Baseball of all documents relating to the Twins' finances, including tax records of the team and its owners, deals between the commissioner and the Twins' owner, contraction plans developed by team owners, and all other documents covered by the order issued by the Hennepin county district court on February 15, 2002"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 57 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Higgins	Kelley, S.P.	Murphy	Vickerman	Wiener
Johnson, Dean	Langseth	Terwilliger		

The motion prevailed. So the amendment was adopted.

Senator Larson moved to amend S.F. No. 1857 as follows:

Page 25, line 15, delete "nine" and insert "three"

Page 25, line 16, delete everything after the period

Page 25, delete lines 17 and 18

Page 25, line 19, delete "office who shall serve as chair" and insert "Three members must be members of the house of representatives, appointed by the speaker of the house of representatives. Three members must be members of the senate, appointed by the subcommittee on committees of the committee on rules and administration. At least one of the members appointed from each house must be a member of the minority party in that house"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Bachmann	Chaudhary	Cohen	Day
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Dille	Kiscaden	Limmer	Ourada	Schwab
Fischbach	Kleis	Metzen	Pappas	Stevens
Frederickson	Knutson	Moua	Pariseau	Vickerman
Johnson, Debbie	Larson	Neuville	Reiter	Wiger
Kierlin	Lesewski	Oliver	Scheevel	

Those who voted in the negative were:

Belanger	Johnson, Dave	Marty	Rest	Solon, Y.P.
Berg	Johnson, Dean	Moe, R.D.	Ring	Stumpf
Berglin	Johnson, Doug	Murphy	Robertson	Terwilliger
Betzold	Kelley, S.P.	Olson	Robling	Tomassoni
Foley	Kinkel	Orfield	Sabo	Wiener
Fowler	Krentz	Pogemiller	Sams	
Higgins	Langseth	Price	Samuelson	
Hottinger	Lourey	Ranum	Scheid	

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

Senator Kelley, S.P. moved to amend S.F. No. 1857 as follows:

Page 20, delete lines 18 to 21

Page 20, line 22, delete "site" and insert "city with the largest population in the county does not notify the county board by April 19, 2002, that it intends to propose a referendum under subdivision 3 as a potential host community"

Page 20, line 23, delete "by resolution impose the tax" and insert "propose a referendum under subdivision 3 to seek approval of imposition of the taxes authorized in this section"

Page 20, line 24, delete "on businesses located in the county"

Page 20, line 33, before "Before" insert "In this subdivision, "potential host community" means a city or county that conducts a referendum under this subdivision." and after the first "a" insert "potential"

Page 20, line 35, after the second "the" insert "potential"

Page 24, line 29, delete "or exceeds"

Page 24, lines 35 and 36, delete "or exceeds"

Page 27, after line 14, insert:

"Sec. 29. [APPLICATION.]

Sections 3 to 27 and 30 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Johnson, Doug moved to amend S.F. No. 1857 as follows:

Page 22, line 6, delete "affected" and insert ", provided that a host community may impose an additional \$1 per ticket surcharge if the proceeds of the additional surcharge are used exclusively for affordable housing programs in the host community"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 51, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marty	Orfield	Sabo
Berglin	Johnson, Doug	Moe, R.D.	Pappas	Tomassoni
Chaudhary	Kelley, S.P.	Moua	Ranum	Wiger
Cohen				

Those who voted in the negative were:

Bachmann	Johnson, Dave	Lesewski	Pogemiller	Schwab
Belanger	Johnson, Dean	Lessard	Price	Solon, Y.P.
Berg	Johnson, Debbie	Limmer	Reiter	Stevens
Betzold	Kierlin	Lourey	Rest	Stumpf
Day	Kinkel	Metzen	Ring	Terwilliger
Dille	Kiscaden	Murphy	Robertson	Vickerman
Fischbach	Kleis	Neuville	Robling	Wiener
Foley	Knutson	Oliver	Sams	
Fowler	Krentz	Olson	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	
Hottinger	Larson	Pariseau	Scheid	

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

Senator Limmer moved to amend S.F. No. 1857 as follows:

Page 25, line 22, after the period, insert "Members of the commission are considered "officials" for purposes of section 10A.071."

The motion prevailed. So the amendment was adopted.

S.F. No. 1857 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 36 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Dave	Metzen	Pogemiller	Tomassoni
Berglin	Johnson, Dean	Moe, R.D.	Price	Vickerman
Betzold	Kelley, S.P.	Moua	Sabo	Wiener
Foley	Kinkel	Murphy	Scheid	Wiger
Fowler	Knutson	Oliver	Solon, Y.P.	
Frederickson	Langseth	Olson	Stevens	
Higgins	Lesewski	Orfield	Stumpf	
Hottinger	Lessard	Pappas	Terwilliger	

Those who voted in the negative were:

Anderson	Fischbach	Larson	Ranum	Samuelson
Bachmann	Johnson, Debbie	Limmer	Reiter	Scheevel
Berg	Johnson, Doug	Lourey	Rest	Schwab
Chaudhary	Kierlin	Marty	Ring	
Cohen	Kiscaden	Neuville	Robertson	
Day	Kleis	Ourada	Robling	
Dille	Krentz	Pariseau	Sams	

So the bill, as amended, failed to pass.

RECONSIDERATION

Having voted on the prevailing side, Senator Day moved that the vote whereby S.F. No. 1857 failed to pass the Senate on March 13, 2002, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 48 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Orfield	Sams
Belanger	Hottinger	Langseth	Ourada	Scheid
Berglin	Johnson, Dave	Larson	Pappas	Solon, Y.P.
Betzold	Johnson, Dean	Lesewski	Pogemiller	Stumpf
Chaudhary	Johnson, Doug	Lessard	Price	Terwilliger
Cohen	Kelley, S.P.	Metzen	Reiter	Tomassoni
Dille	Kierlin	Moe, R.D.	Ring	Vickerman
Foley	Kinkel	Murphy	Robertson	Wiener
Fowler	Kiscaden	Oliver	Robling	
Frederickson	Knutson	Olson	Sabo	

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Marty	Ranum	Schwab
Berg	Kleis	Moua	Rest	Stevens
Day	Limmer	Neuville	Samuelson	Wiger
Fischbach	Lourey	Pariseau	Scheevel	

The motion prevailed. So the vote was reconsidered.

Senator Hottinger moved to amend S.F. No. 1857 as follows:

Page 2, line 10, delete "state" and insert "metropolitan area"

Page 3, lines 3 and 34, delete "state" and insert "metropolitan area"

Page 3, after line 3, insert:

"(h) "Metropolitan area" means the metropolitan area defined in section 473.121, subdivision 3."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

Belanger	Higgins	Knutson	Oliver	Schwab
Berg	Hottinger	Langseth	Orfield	Solon, Y.P.
Betzold	Johnson, Dave	Larson	Ourada	Stevens
Chaudhary	Johnson, Dean	Lesewski	Pappas	Stumpf
Cohen	Johnson, Doug	Lessard	Rest	Terwilliger
Day	Kelley, S.P.	Lourey	Ring	Tomassoni
Fischbach	Kierlin	Metzen	Sams	Vickerman
Foley	Kinkel	Moe, R.D.	Samuelson	Wiener
Fowler	Kiscaden	Moua	Scheevel	Wiger
Frederickson	Kleis	Neuville	Scheid	

Those who voted in the negative were:

Anderson	Krentz	Olson	Price	Robertson
Bachmann	Limmer	Pariseau	Ranum	Robling
Berglin	Marty	Pogemiller	Reiter	Sabo
Johnson, Debbie				

The motion prevailed. So the amendment was adopted.

S.F. No. 1857 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 37 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Fowler	Johnson, Dean	Larson	Moua
Berglin	Frederickson	Kelley, S.P.	Lesewski	Murphy
Betzold	Higgins	Kinkel	Lessard	Oliver
Dille	Hottinger	Knutson	Metzen	Olson
Foley	Johnson, Dave	Langseth	Moe, R.D.	Orfield

Pappas
Pogemiller
Price

Sabo
Scheid
Solon, Y.P.

Stumpf
Terwilliger

Tomassoni
Vickerman

Wiener
Wiger

Those who voted in the negative were:

Anderson
Bachmann
Berg
Chaudhary
Cohen
Day

Fischbach
Johnson, Debbie
Johnson, Doug
Kierlin
Kiscaden
Kleis

Krentz
Limmer
Lourey
Marty
Neuvville
Ourada

Pariseau
Ranum
Reiter
Rest
Ring
Robertson

Robling
Sams
Samuelson
Scheevel
Schwab
Stevens

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

Senator Johnson, Dean moved that S.F. No. 1857 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Senator Kinkel was excused from the Session of today from 9:00 to 9:45 a.m. Senator Anderson was excused from the Session of today from 9:00 to 9:45 a.m. and 1:45 to 2:00 p.m. Senator Murphy was excused from the Session of today from 9:00 to 10:15 a.m. Senator Johnson, Doug was excused from the Session of today from 9:00 to 10:30 a.m. Senator Orfield was excused from the Session of today from 9:00 to 11:15 a.m. Senator Moe, R.D. was excused from the Session of today from 11:30 a.m. to 12:30 p.m. Senator Kiscaden was excused from the Session of today from 12:20 to 2:15 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 14, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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