

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

ONE HUNDRED FIFTH DAY

St. Paul, Minnesota, Thursday, May 2, 2002

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Craig Richter.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Bachmann; Dille; Johnson, Dave; Johnson, Doug; Kinkel; Lesewski; Orfield and Terwilliger were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 29, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2960 and 2674.

Sincerely,
Jesse Ventura, Governor

April 29, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2002	Date Filed 2002
2960		350	1:29 p.m. April 29	April 29
2674		351	1:25 p.m. April 29	April 29

Sincerely,
Mary Kiffmeyer
Secretary of State

May 1, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2125, 2998, 3257, 2363 and 3168.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 3200: A bill for an act relating to civil actions; providing that a nonprofit organization operating an environmental learning center is a municipality for purposes of tort claims; amending Minnesota Statutes 2000, section 84.0875.

Senate File No. 3200 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2002

CONCURRENCE AND REPASSAGE

Senator Johnson, Dean moved that the Senate concur in the amendments by the House to S.F. No. 3200 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3200: A bill for an act relating to natural resources; regulating insurance coverages and liability limitations for certain environmental learning centers; amending Minnesota Statutes 2000, section 84.0875.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 3026: A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; proposing coding for new law in Minnesota Statutes, chapter 147.

Senate File No. 3026 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2002

CONCURRENCE AND REPASSAGE

Senator Kelley, S.P. moved that the Senate concur in the amendments by the House to S.F. No. 3026 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3026: A bill for an act relating to health; regulating the provision of interstate telemedicine services; appropriating money; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; proposing coding for new law in Minnesota Statutes, chapter 147.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 3099: A bill for an act relating to human services; allowing the ombudsman for corrections to apply for or receive certain grants; making changes to continuing care programs; modifying case manager continuing education requirements; adding an exemption from preadmission screening requirements; modifying targeted case management client contact requirements; requiring a case management services study; modifying planned closure rate adjustment provisions; correcting inconsistencies in mental health services coverage in border states; 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; expanding MFIP hardship extensions; amending Minnesota Statutes 2000, sections 241.44, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.40, subdivision 1; Minnesota Statutes 2001 Supplement, sections 144.122; 144.148, subdivision 2; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6; 256J.425, subdivisions 3, 4, 5, 6, by adding a subdivision; 326.38; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2000, section 326.45.

Senate File No. 3099 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2002

Senator Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 3099, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the return of the following Senate File for further consideration:

S.F. No. 2989: A bill for an act relating to corrections; clarifying mandatory sentences for driving while impaired offenders; enhancing offender accountability by requiring offender co-payment of certain sex offender treatment fees; authorizing an independent, contracted, board-certified forensic pathologist to sign the record of death on department incarcerated deaths; amending Minnesota Statutes 2000, section 241.67, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 169A.276, subdivision 1; 390.23.

Senate File No. 2989 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Senator Moe, R.D., for Senator Johnson, Dave, moved that S.F. No. 2989 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2392: A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

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

Osskopp, Rhodes and Walz.

Senate File No. 2392 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

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

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

Juhnke, Vandevveer and Erickson.

Senate File No. 2707 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3024: A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13.

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

Haas, Jacobson and Huntley.

Senate File No. 3024 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3134: A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

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

Holsten, Mares and Sertich.

Senate File No. 3134 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2598:

H.F. No. 2598: A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Cassell; Anderson, B. and Marquart have been appointed as such committee on the part of the House.

House File No. 2598 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 2002

Senator Reiter moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2598, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1025.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 1025: A bill for an act relating to state government; requiring members of the state board of investment to disclose certain arrangements; imposing certain duties on the commissioner of administration regarding parking lots; amending Minnesota Statutes 2000, section 11A.075.

Referred to the Committee on State and Local Government Operations.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3359, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3359 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 2002

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3359

A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; Minnesota Statutes 2001 Supplement, section 148.284.

April 25, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 3359, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 3359 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 148.235, is amended by adding a subdivision to read:

Subd. 8. [PRESCRIPTION BY PROTOCOL.] A registered nurse may implement a protocol that does not reference a specific patient and results in a prescription of a legend drug that has been predetermined and delegated by a licensed practitioner as defined under section 151.01, subdivision 23, when caring for a patient whose condition falls within the protocol and when the protocol specifies the circumstances under which the drug is to be prescribed or administered.

Sec. 2. Minnesota Statutes 2000, section 148.235, is amended by adding a subdivision to read:

Subd. 9. [VACCINE BY PROTOCOL.] A nurse may implement a protocol that does not reference a specific patient and results in the administration of a vaccine that has been predetermined and delegated by a licensed practitioner as defined in section 151.01, subdivision 23, when caring for a patient whose characteristics fall within the protocol and when the protocol specifies the contraindications for implementation, including patients or populations of patients for whom the vaccine must not be administered and the conditions under which the vaccine must not be administered.

Sec. 3. Minnesota Statutes 2001 Supplement, section 148.284, is amended to read:

148.284 [CERTIFICATION OF ADVANCED PRACTICE REGISTERED NURSES.]

(a) No person shall practice advanced practice registered nursing or use any title, abbreviation, or other designation tending to imply that the person is an advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner unless the person is certified for such advanced practice registered nursing by a national nurse certification organization.

(b) Paragraph (a) does not apply to an advanced practice registered nurse who is within six months after completion of an advanced practice registered nurse course of study and is awaiting certification, provided that the person has not previously failed the certification examination.

(c) An advanced practice registered nurse who has completed a formal course of study as an advanced practice registered nurse and has been certified by a national nurse certification organization prior to January 1, 1999, may continue to practice in the field of nursing in which the advanced practice registered nurse is practicing as of July 1, 1999, regardless of the type of certification held if the advanced practice registered nurse is not eligible for the proper certification.

(d) Prior to July 1, 2007, a clinical nurse specialist may petition the board for waiver from the certification requirement in paragraph (a) if the clinical nurse specialist is academically prepared as a clinical nurse specialist in a specialty area for which there is no certification within the clinical nurse specialist role and specialty or a related specialty. The board may determine that an available certification as a clinical nurse specialist in a related specialty must be obtained in lieu of the specific specialty or subspecialty. The petitioner must be academically prepared as a clinical nurse specialist in a specific field of clinical nurse specialist practice with a master's degree in nursing that included clinical experience in the clinical specialty, and must have 1,000 hours of supervised clinical experience in the clinical specialty for which the individual was academically prepared with a minimum of 500 hours of supervised clinical practice after graduation. The board may grant a nonrenewable permit for no longer than 12 months for the supervised postgraduate clinical experience. The board may renew the waiver for three-year periods provided the clinical nurse specialist continues to be ineligible for certification as a clinical nurse specialist by an organization acceptable to the board.

[EFFECTIVE DATE.] This section is effective July 1, 2002.

Sec. 4. Minnesota Statutes 2000, section 151.37, subdivision 2, is amended to read:

Subd. 2. **[PRESCRIBING AND FILING.]** (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, or medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a registered nurse, pursuant to section 148.235, subdivisions 8 and 9, physician assistant, or medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the requirements of section 147A.18.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

Sec. 5. Minnesota Statutes 2001 Supplement, section 256B.437, is amended by adding a subdivision to read:

Subd. 9. **[TRANSFER OF BEDS.]** The board of commissioners of Saint Louis county may amend their planned closure rate adjustment application to allow up to 50 beds of a 159-licensed bed county-owned nursing facility that is in the process of closing to be transferred to a hospital-attached nursing facility in Aurora and up to 50 beds to a 235-bed nursing facility in Duluth, and may also assign all or a portion of the planned closure rate adjustment that would be received as a result of closure to the Aurora facility or the Duluth facility.

Sec. 6. **[EPINEPHRINE ON EMERGENCY AMBULANCE CALLS.]**

The emergency medical services regulatory board, in cooperation with the Minnesota Nurses Association, the Minnesota Medical Association, the American College of Emergency Physicians, and the Minnesota Ambulance Association, shall establish a plan under which epinephrine is available on emergency ambulance calls made in Minnesota on or after September 1, 2002. The emergency medical services regulatory board shall report to the legislature by January 15, 2003, on the success of the policy of making epinephrine fully available.

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

Delete the title and insert:

"A bill for an act relating to health; modifying certain protocols for nurses; authorizing transfer of certain nursing facility beds; providing for the administration of epinephrine on emergency ambulance calls; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; Minnesota Statutes 2001 Supplement, sections 148.284; 256B.437, by adding a subdivision."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Jim Abeler, Gregory M. Davids, Thomas Huntley

Senate Conferees: (Signed) Deanna L. Wiener, Kenric J. Scheevel, Yvonne Prettner Solon

Senator Wiener moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3359 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3359 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 3463. The motion prevailed.

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

Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred

S.F. No. 3463: A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 18B.07, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED PESTICIDE USE.] (a) A person may not use, store, handle, distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

- (1) that is inconsistent with a label or labeling as defined by FIFRA;
- (2) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife; or
- (3) that will cause unreasonable adverse effects on the environment.

(b) A person may not direct a pesticide onto property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray, except when:

- (1) the pesticide is intended for use on a human; or
- (2) the pesticide application is for control of gypsy moth or other invasive species, as determined by the commissioner, and the pesticide used is a biological agent; or
- (3) the pesticide application is for a public health risk, as determined by the commissioner of health.

(d) For pesticide applications under paragraph (c), clauses (2) and (3), the following conditions apply:

- (1) no practicable and effective alternative method of control exists;
- (2) the pesticide is among the least toxic available for control of the target pest; and
- (3) notification of residents in the area to be treated is provided by direct notification and through publication in a newspaper of general circulation within the affected area.

For purposes of this subdivision, "direct notification" may include mailings, public meetings, posted placards, neighborhood newsletters, or other means of contact.

(d) (e) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS

Senator Murphy moved that the name of Senator Rest be added as a co-author to S.F. No. 3463. The motion prevailed.

Senator Ring introduced--

Senate Resolution No. 244: A Senate resolution honoring the Alan and Susan Abrahamson family of Lindstrom, Minnesota, as the Chisago County Farm Family of the Year for 2002.

Referred to the Committee on Rules and Administration.

Senator Ring introduced--

Senate Resolution No. 245: A Senate resolution honoring Jim Birkholz and Judy Erickson of Shafer, Minnesota, on receiving the New Initiative Award from the University of Minnesota.

Referred to the Committee on Rules and Administration.

Senator Ring introduced--

Senate Resolution No. 246: A Senate resolution honoring the Dennis and Joanne Sjodin family of Cambridge, Minnesota, as the Isanti County Farm Family of the Year for 2002.

Referred to the Committee on Rules and Administration.

Senator Ring introduced--

Senate Resolution No. 247: A Senate resolution honoring Richard and Linda DeLage of Cambridge, Minnesota, on receiving the New Initiative Award by the University of Minnesota.

Referred to the Committee on Rules and Administration.

Senator Rest introduced--

Senate Resolution No. 248: A Senate resolution congratulating the staff, students, and parents of Forest Elementary School upon receiving the MESPA School of Excellence Award.

Referred to the Committee on Rules and Administration.

Senator Samuelson moved that the name of Senator Lourey be added as a co-author to S.F. No. 2263. The motion prevailed.

Senator Lourey moved that S.F. No. 819, No. 27 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

S.F. No. 3298 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3298

A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; modifying provisions regulating disposition of impounded vehicles; allowing limited use of highway shoulders by buses and vanpools; requiring parked vehicle to be parallel with curb; allowing limited regulation by local governments of train whistles; modifying motor carrier provisions to reduce certain regulatory obligations; requiring commissioner of transportation to adopt rules to implement and administer training program for tow truck operators; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; removing sunset provision relating to determining city populations for state-aid street purposes; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; providing for resolution of dispute relating to Camp Coldwater Springs; establishing vanpool demonstration project, highway corridor-protection demonstration project, and commuter rail station working group; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; providing for fees; appropriating money for various projects and activities; amending Minnesota Statutes 2000, sections 161.20,

subdivision 2; 161.465; 168B.051, subdivisions 1a, 2; 169.35, subdivision 1; 169.86, subdivision 5; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; Laws 2001, First Special Session chapter 8, article 2, section 6; proposing coding for new law in Minnesota Statutes, chapters 15; 168; 169; 174; 299A; repealing Minnesota Statutes 2000, section 221.0313.

April 15, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3298, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 3298 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 117.51, is amended to read:

117.51 [COOPERATION WITH FEDERAL AUTHORITIES.]

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

Sec. 2. [123B.885] [DIESEL SCHOOL BUSES; OPERATION OF ENGINE; PARKING.]

Subdivision 1. [OPERATION OF ENGINE.] All operators of diesel school buses must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.

Subd. 2. [PARKING.] On and after July 1, 2003, diesel school buses must be parked and loaded at sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems, unless, in the judgment of the school board, alternative locations block traffic, impair student safety, or are not cost effective.

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

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

(b) "Final layout" does not include a cost participation agreement. For purposes of this

subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Sec. 4. [161.168] [SNOW AND ICE CONTROL MATERIALS.]

Subdivision 1. [USE OF AGRICULTURE-BASED DE-ICING SOLUTION.] The commissioner of transportation shall use a de-icing solution derived from agricultural products for snow and ice control on trunk highways to the extent that the commissioner determines is economically feasible, environmentally beneficial, and consistent with public safety.

Subd. 2. [EFFECT ON ENVIRONMENT.] The commissioner, in determining which snow and ice control materials to use on trunk highways, shall consider the effect of each type of material on the environment and on the deterioration of bridges and other structures.

Sec. 5. Minnesota Statutes 2000, section 161.20, subdivision 2, is amended to read:

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

Sec. 6. Minnesota Statutes 2000, section 161.361, is amended to read:

161.361 [ADVANCE FUNDING FOR TRUNK HIGHWAY PROJECTS.]

Subdivision 1. [ADVANCE FUNDING.] A road authority other than the commissioner may by agreement with the commissioner make advances from any available funds to the commissioner to expedite construction of all or part of a trunk highway. Money may be advanced under this section only for projects already included in the commissioner's ten-year highway work program. The total amount of annual repayment to road authorities under this subdivision must never exceed \$10,000,000.

Subd. 1a. [INTERREGIONAL CORRIDORS.] By agreement with the commissioner, a road authority other than the commissioner or two or more road authorities that have entered into a joint powers agreement under section 471.59 may make advances from any available funds to the commissioner to expedite development of an interregional transportation corridor, including funds for design consultants, for right-of-way purchases, for construction, or for other related expenditures. The total amount of annual repayment to road authorities under this subdivision must never exceed \$10,000,000.

Subd. 1b. [BOTTLENECKS.] By agreement with the commissioner, a road authority other than the commissioner or two or more road authorities that have entered into a joint powers agreement under section 471.59 may make advances from any available funds to the commissioner to expedite bottleneck reduction, including funds for design consultants, for right-of-way purchases, for construction, or for other related expenditures. The total amount of annual repayment to road authorities under this subdivision must never exceed \$10,000,000.

Subd. 2. [REPAYMENT.] Subject to the availability of state money, the commissioner shall repay without interest the amount amounts advanced under subdivision 1 this section, up to the state's share of project costs, at the time the project is scheduled for completion in the highway work program. The total amount of annual repayment to road authorities under this section must never exceed the amount stated in the department's debt management policy or \$10,000,000, whichever is less under terms of the agreement. The agreement may provide for payment of interest for funds advanced under subdivisions 1a and 1b. The maximum interest rate that may be paid is the rate earned by the state on invested treasurer's cash for the month before the date the agreement is executed or the actual interest paid by the road authority in borrowing for the amount advanced, whichever rate is less.

Sec. 7. Minnesota Statutes 2000, section 168.011, subdivision 17, is amended to read:

Subd. 17. [FARM TRUCK.] (a) "Farm truck" means all single unit trucks, truck-tractors, tractors, semitrailers, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced or finished by the owner of the truck, and any other personal property owned by the farmer to whom the license for the truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, truck-tractors, tractors, semitrailers, and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when the transportation constitutes the first haul of the products, and may be used by the owner thereof, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, chips, railroad ties and other raw and unfinished forest products from the place of production to an intermediate or final assembly point or transfer yard or railhead when the transportation constitutes, which transportation may be continued by another farm truck to a place for final processing or manufacture located within 200 miles of the place of production and all of which is deemed to constitute the first haul thereof, of unfinished wood products; provided that the owner and operator of the vehicle transporting planed lumber shall have in immediate possession a statement signed by the producer of the lumber designating the governmental subdivision, section, and township where the lumber was produced and that this haul, indicating the date, is the first haul thereof. The licensed vehicles may also be used by the owner thereof to transport, to and from timber-harvesting areas, equipment and appurtenances incidental to timber harvesting, and gravel and other road-building materials for timber haul roads.

(b) "Farm trucks" shall also include only single unit trucks, which that, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream en route from a farm to an assembly point or place for final manufacture, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of the truck cannot carry on usual accommodation services for patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

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

Sec. 8. Minnesota Statutes 2000, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered,

except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of ~~no~~ a motor vehicle, trailer, or semitrailer shall not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products in accordance with paragraph (d)(3) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, shall be guilty of a misdemeanor and be subject to increased registration or reregistration according to the following schedule:

(1) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than ~~four percent or 1,000 pounds, whichever is greater,~~ the allowance set forth in paragraph (b) but less than 25 percent or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than ~~four percent or 1,000 pounds, whichever is greater,~~ the allowance set forth in paragraph (b) but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer, or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) the first, continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of ~~first unloading~~ final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

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

Sec. 9. [168.185] [USDOT NUMBERS.]

(a) An owner of a truck or truck tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision 46, other than a farm truck, shall report to the registrar at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be made available upon request of an authorized agent of the registrar, peace officer, other employees of the state patrol authorized in chapter 299D, or employees of the Minnesota department of transportation. The vehicle owner shall notify the registrar if there is a change to the owner's USDOT number.

(c) If an owner fails to report or apply for a USDOT number, the registrar shall suspend the owner's registration.

(d) Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on-farm use.

Sec. 10. [169.306] [USE OF SHOULDERS BY BUSES.]

If the commissioner of transportation permits the use by transit buses of a shoulder of a freeway or expressway, as defined in section 160.02, in the seven-county metropolitan area, the commissioner shall permit the use on that shoulder of a bus with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, while operating in intrastate commerce.

Buses authorized to use the shoulder under this section may be operated on the shoulder only when main line traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder, may not exceed the speed of main line traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the department of transportation.

Sec. 11. Minnesota Statutes 2000, section 169.771, subdivision 2, is amended to read:

Subd. 2. [INSPECTION BY STATE TROOPER.] (a) The commissioner of public safety is directed to accelerate spot check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the state patrol who shall give

the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.

(b) However, personnel of the state patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

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

Sec. 12. Minnesota Statutes 2000, section 169.771, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot check inspections shall be held in compliance with subdivision 2 and in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause.

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

Sec. 13. Minnesota Statutes 2001 Supplement, section 169.825, subdivision 11, is amended to read:

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

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

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

(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

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

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

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

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

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

Sec. 14. Minnesota Statutes 2000, section 169.85, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The driver of a vehicle ~~which that~~ has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales, ~~and~~.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

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

Sec. 15. Minnesota Statutes 2000, section 169.85, subdivision 2, is amended to read:

Subd. 2. [UNLOADING.] (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or 169.825, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (a) (1) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or (b) (2) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or (c) (3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), then the vehicle is deemed to be not in violation under paragraph (b).

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

Sec. 16. Minnesota Statutes 2000, section 169.851, subdivision 3, is amended to read:

Subd. 3. ~~[FIRST HAUL.] "First haul" means the first, continuous transportation from the place of production or on farm storage site to any other location within 50 miles of the place of production or on farm storage site~~ has the meaning given it in section 168.013, subdivision 3, paragraph (d)(3).

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

Sec. 17. Minnesota Statutes 2000, section 169.86, subdivision 5, is amended to read:

Subd. 5. ~~[FEE; PROCEEDS TO TRUNK HIGHWAY FUND.]~~ The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

- (a) \$15 for each single trip permit.
- (b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.
- (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
 - (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
 - (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
 - (3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3);
 - (4) special pulpwood vehicles described in section 169.863; ~~and~~
 - (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and
 - (6) noncommercial transportation of a boat by the owner or user of the boat.
- (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
 - (1) mobile cranes;
 - (2) construction equipment, machinery, and supplies;
 - (3) manufactured homes;
 - (4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);
 - (5) double-deck buses;
 - (6) commercial boat hauling.
- (e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight,

including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24.

A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

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

Sec. 18. Minnesota Statutes 2000, section 169.974, subdivision 5, is amended to read:

Subd. 5. [DRIVING RULES.] (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or other cargo which prevent the person from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle may be driven or operated in a manner so as to deprive a motorcycle of the full use of a traffic lane.

(g) A person operating a motorcycle upon a roadway must be granted the rights and is subject to the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Paragraph (e) of this subdivision does not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

(j) A person parking a motorcycle on the roadway of a street or highway must:

(1) if parking in a marked parking space, park the motorcycle completely within the marked space; and

(2) park the motorcycle in such a way that the front of the motorcycle is pointed or angled toward the nearest lane of traffic to the extent practicable and necessary to allow the operator to (i) view any traffic in both directions of the street or highway without having to move the motorcycle into a lane of traffic and without losing balance or control of the motorcycle, and (ii) ride the motorcycle forward and directly into a lane of traffic when the lane is sufficiently clear of traffic.

Sec. 19. [171.3216] [ACTIONS ON SCHOOL BUS ENDORSEMENT.]

In addition to any authority granted under section 171.3215, the commissioner may cancel a school bus driver's endorsement on a driver's license of any person if the commissioner determines that the person has (1) been convicted of a gross misdemeanor that the commissioner determines shows evidence that the person represents a risk to public safety, or (2) been convicted of a series of violations of law that the commissioner determines shows evidence that the person represents a risk to public safety. Upon canceling the offender's school bus driver endorsement, the commissioner shall immediately notify the offender of the cancellation in writing, by depositing in the United States Post Office a notice, with postage prepaid, to the offender addressed to the offender's last known address.

Sec. 20. Minnesota Statutes 2000, section 221.0252, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

Sec. 21. Minnesota Statutes 2000, section 221.0314, is amended by adding a subdivision to read:

Subd. 3b. [FEDERAL WAIVER, EXEMPTION.] Notwithstanding subdivisions 3 and 3a, a

Minnesota intrastate waiver is not required in Minnesota intrastate commerce if that person holds a valid interstate waiver or comparable document for physical qualifications described in Code of Federal Regulations, title 49, section 391.41.

Sec. 22. Minnesota Statutes 2000, section 221.0355, subdivision 2, is amended to read:

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

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

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

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

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

(e) "Hazardous material" means:

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

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

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

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

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

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

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

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

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

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

Sec. 23. Minnesota Statutes 2000, section 221.0355, subdivision 3, is amended to read:

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

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

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

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

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

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

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

Sec. 24. Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2, is amended to read:

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

Sec. 25. Minnesota Statutes 2000, section 221.221, subdivision 4, is amended to read:

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

Sec. 26. Minnesota Statutes 2000, section 221.605, subdivision 1, is amended to read:

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

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

Sec. 27. Minnesota Statutes 2000, section 360.305, subdivision 4, is amended to read:

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

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

(1) the project costs;

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

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

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

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

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

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

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

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

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

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

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow

removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

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

Sec. 28. Laws 2001, First Special Session chapter 8, article 1, section 8, is amended to read:

Sec. 8. [DEPARTMENT OF TRANSPORTATION DISTRICT 1 CONSTRUCTION BUDGET.]

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

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

Sec. 29. Laws 2001, First Special Session chapter 8, article 2, section 6, is amended to read:

Sec. 6. [STATE AID FOR CITIES.]

A city that has previously been classified as having a population of 5,000 or more for the purposes of Minnesota Statutes, chapter 162, and that has a population greater than 4,900 but less than 5,000 according to the 2000 federal census, is deemed to have a population of 5,000 for purposes of Minnesota Statutes, chapter 162, ~~until June 30, 2004.~~

Sec. 30. Laws 2002, chapter 220, article 10, section 37, is amended to read:

Sec. 37. [MORATORIUM ON CONSULTANT CONTRACTS.]

(a) An entity in the executive branch of state government, including the Minnesota state colleges and universities, may not enter into a new contract or renew an existing contract for professional or technical services after the effective date of this section and before July 1, 2003. This section does not apply to a contract:

(1) that relates to a threat to public health, welfare, or safety that threatens the functioning of government, the protection of property, or the health or safety of people; or

(2) that is paid for entirely with federal funds received before the effective date of this section;

(3) that is paid entirely with funds from the state airports fund, trunk highway fund, county state-aid highway fund, or municipal state-aid street fund; or

(4) for a trunk highway project of a type described in Laws 2000, chapter 479, article 1, section 2, subdivision 3, paragraph (a), clauses (1) to (3).

(b) An entity in the executive branch may apply for a waiver of the moratorium by sending a letter with reasons for the request to the commissioner of administration for executive branch entities. Upon a finding that a consultant contract is necessary, the commissioner may grant a waiver. The decision of the commissioner is final and not subject to appeal. A monthly report of all waivers granted must be filed by the entity granting the waiver. The report must be published on the entity's Web site, and copies must be provided to the chairs of the house ways and means and senate finance committees and to the legislative reference library.

Sec. 31. [ST. CROIX RIVER BRIDGE.]

Until July 1, 2003, the commissioner of transportation may not cancel or remove from the commissioner's statewide transportation improvement program, the trunk highway project that

would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36.

Sec. 32. [TRUNK HIGHWAY 169 RECONSTRUCTION; PEDESTRIAN SIGNAL.]

(a) The commissioner of transportation shall, as part of the reconstruction of marked trunk highway No. 169 (Ferry Street) in Anoka, prepare a new signal agreement relating to the new pedestrian signal located between Benton Street and Fremont Street. All costs related to installation of the new pedestrian signal must be paid by the city of Anoka.

(b) Notwithstanding Minnesota Statutes, sections 169.162 to 169.167:

(1) The commissioner may annually review the installation of the signal at the east frontage road, as described in signal agreement No. 81393R.

(2) The new pedestrian signal must be designated as the priority signal, and the commissioner may remove the signal described in clause (1) if the commissioner determines that the signal described in clause (1) is detrimental to the safe operation and functionality of the trunk highway.

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

Sec. 33. [PROTECTION OF NATURAL FLOW.]

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

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

Sec. 34. [INTERREGIONAL CORRIDOR DESIGNATION.]

The commissioner of transportation shall by August 30, 2002, designate high priority interregional corridors that connect regional trade and population centers within the state to Canadian provinces and serve as trade and tourism routes between the state and Canadian provinces.

Sec. 35. [TRUNK HIGHWAY CORRIDOR-PROTECTION DEMONSTRATION PROJECT.]

Subdivision 1. [ESTABLISHMENT OF PROJECT.] (a) The commissioner of transportation, in cooperation with the trunk highway No. 55 joint powers board, shall establish a corridor-protection demonstration project along the corridor of marked trunk highway No. 55 between marked interstate highway No. 494 in Hennepin county and the city of Annandale in Wright county. The purpose of the corridor-protection demonstration project is to develop a transferable process and methodologies for trunk highway corridor coalitions to use in protecting a corridor for future capacity needs, such as for additional lanes, safety improvements, improved access management, and bus transit services.

(b) The commissioner, or a designee, shall participate as a nonvoting member of the trunk highway No. 55 joint powers board, provide technical advice and guidance relating to developing a corridor-protection plan and official map, and may provide a grant to the board to hire a consultant. The grant is available only upon the formation of a trunk highway No. 55 joint powers board that, at a minimum, includes the counties of Hennepin and Wright, and a majority of the cities and townships that include or border trunk highway signed No. 55 between interstate highway signed No. I-494 and the city of Annandale. The joint powers board shall use the grant to hire a consultant to conduct, at a minimum, the following activities:

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

(2) develop an official map of the corridor;

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

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

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

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

Sec. 36. [EXEMPTION FROM MATCHING REQUIREMENT.]

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

Sec. 37. [PERMIT FOR BIKEWAY IN CHANHASSEN.]

Subdivision 1. [BIKEWAY REQUIREMENTS.] (a) For purposes of this section, the terms "bikeway" and "roadway" have the meanings given them in Minnesota Statutes, section 169.01, and the term "pedestrian walkway" has the meaning given it in Minnesota Rules 2001, part 8810.6000.

(b) Notwithstanding other law to the contrary, within 30 days of the effective date of this section the commissioner of transportation shall grant a permit to the city of Chanhassen to construct a bikeway on the west side of trunk highway signed No. 101 from its intersection with trunk highway signed No. 62 to its intersection with West 78th street in the city of Chanhassen.

(c) Notwithstanding any rule or standard of the commissioner of natural resources governing the width of bikeways or bicycle trails, the permit shall allow the construction of a bikeway (1) that is paved, is six feet wide, and allows for two-way bicycle travel, (2) that may be located within the highway right-of-way, (3) that also allows use as a pedestrian walkway, and (4) that otherwise complies with the minimum requirements of Minnesota Rules 2001, part 8810.6600.

(d) The bicycle path must be constructed within applicable department design standards and utilizing highway right-of-way to the greatest extent possible with minimum impact on adjacent properties and on mature, quality trees.

(e) The city of Chanhassen may, but is not required to, enter into a contract with the commissioner of transportation for construction of the bicycle path.

Subd. 2. [BIKEWAY RESPONSIBILITY FOLLOWING HIGHWAY RECONSTRUCTION.] The commissioner of transportation shall repair, restore, or reconstruct the bikeway or, if necessary, construct a new bikeway as necessary following any subsequent repair, expansion, or reconstruction, in conjunction with the turnback of that segment of trunk highway signed No. 101 described in subdivision 1, paragraph (b).

Sec. 38. [NORTHERN ZONE LOAD RESTRICTION STUDY.]

The commissioner of transportation shall conduct a study of load restrictions and seasonal load increases in the northern zone of Minnesota and make recommendations regarding the establishment of one or more new zones given the varying climate in the northern area of the state. The commissioner shall report findings back to the committees of the senate and house of representatives with jurisdiction over transportation policy by December 15, 2002.

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

Sec. 39. [TECHNICAL ADVISORY GROUP.]

Subdivision 1. [CREATION.] The commissioner of transportation shall create a technical advisory group consisting of one senior manager and two administration staff from each of the following state agencies:

- (1) department of transportation;
- (2) department of natural resources;
- (3) pollution control agency; and
- (4) the board of soil and water resources.

The group shall conduct research, evaluate alternatives, and make findings and recommendations on streamlining the process of environmental review for transportation-related projects. The commissioner of each agency shall appoint the respective members from that agency by July 1, 2002. The commissioner of transportation or a senior manager appointed by the commissioner of transportation shall chair the group.

Subd. 2. [REPORT.] The technical advisory group shall submit a comprehensive report to the senate and house of representatives committees having jurisdiction over environmental policy and transportation policy and finance by January 15, 2003. The report must make findings and recommendations, including actions that should be taken, recommendations on reporting mitigating costs for the previous five years and for the future, and the statutory changes necessary to effect a more streamlined process for environmental review, assessment, and approval without weakening the substance of existing environmental protections.

Sec. 40. [BRainerd LAKES REST AREA.]

(a) Notwithstanding other law:

(1) the commissioner of transportation may enter into a joint venture with Crow Wing county, the commissioner of natural resources, and the Brainerd Lakes area chamber of commerce or similar nonprofit entity that provides regional travel information and services in connection with the operation of facilities at the class I rest area to be constructed between Brainerd and Little Falls on state highway No. 371 in the vicinity of the Crow Wing state park;

(2) the chamber or similar entity may be a tenant in the facility and may operate, advertise membership, run a concession, including a gift shop in the facility, and take revenue from the concession to support its nonprofit activities within the rest area building;

(3) the commissioner may enter into a lease with the chamber or similar entity. The lease may be for a term of up to 20 years and may be renewed for additional terms of up to 20 years. Some or all of the consideration from the chamber or similar entity for the lease may be in the form of in-kind contribution to improvements to the rest area facility; and

(4) the chamber or similar entity may advertise its presence and services in the rest area along state highways, including on rest area grounds and along state highway No. 371 within one-half mile of the rest area exit.

(b) The conditions, exemptions, and terms set out in this act are intended to apply only to the rest area to be built on state highway No. 371 between Little Falls and Brainerd.

(c) It is understood that because of lack of available funding and other higher priorities, the unique circumstances, including exceptional volume, site requirements and limitations, and other unique circumstances, the rest area could not be built and operated in the most desirable way without the contributions of all the parties.

(d) The commissioner of transportation and the partners in this rest area shall mutually develop

and execute an agreement to identify and accept responsibility for their respective portion of construction, maintenance, and operating costs of the facility based on their spatial requirements. The responsibilities could be through direct funding or in-kind contributions as mutually agreed.

Sec. 41. [REPEALER.]

Minnesota Statutes 2000, section 221.0313, is repealed.

Minnesota Statutes 2001 Supplement, section 161.362, is repealed."

Delete the title and insert:

"A bill for an act relating to transportation; modifying reimbursement for expenses of displaced business following condemnation; regulating certain operations of diesel school buses; requiring commissioner of transportation to utilize agriculture-based de-icing solutions; allowing commissioner to acquire land to preserve highway corridors; allowing advance funding for trunk highway projects; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; requiring that USDOT numbers be reported to registrar of motor vehicles; allowing limited use of highway shoulders by buses and vanpools; regulating motorcycle parking; modifying motor carrier provisions to reduce certain regulatory obligations; increasing limit for funds that may be transferred from state airports fund to hangar construction revolving account; modifying budget reduction of department of transportation construction district 1; removing sunset provision relating to determining city populations for state-aid street purposes; exempting certain transportation-related contracts from moratorium on state contracts for professional or technical services; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; providing for resolution of dispute relating to Camp Coldwater Springs; establishing highway corridor-protection demonstration project; exempting certain federal funds from statutory matching requirements; requiring issuance of permit for bikeway in Chanhassen; creating technical advisory group to streamline environmental review process; providing for joint venture for highway rest area between Brainerd and Little Falls; making clarifying changes; providing for fees; requiring reports; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 161.361; 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 360.305, subdivision 4; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 8; Laws 2001, First Special Session chapter 8, article 2, section 6; Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapters 123B; 161; 168; 169; 171; repealing Minnesota Statutes 2000, section 221.0313; Minnesota Statutes 2001 Supplement, section 161.362."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Dean E. Johnson, Steve Murphy, Claire A. Robling, Linda I. Higgins

House Conferees: (Signed) William Kuisle, Tom Workman, Mary Liz Holberg, Connie Ruth, Tom Rukavina

Senator Johnson, Dean moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3298 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3298 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 51 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Berglin	Chaudhary	Pogemiller	Sabo
Belanger				

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3384 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3384

A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 10A.02, subdivision 11; 10A.025, subdivisions 2, 4; 10A.03, subdivision 3; 10A.04, subdivisions 4, 5, 6; 10A.08; 10A.09, subdivision 7; 10A.11, subdivision 7; 10A.12, subdivision 6; 10A.13, subdivision 1; 10A.14, subdivision 4; 10A.15, subdivision 4; 10A.16; 10A.17, subdivision 5, by adding a subdivision; 10A.18; 10A.20, subdivision 12, by adding subdivisions; 10A.25, subdivision 10, by adding a subdivision; 10A.255, subdivision 1; 10A.27, subdivisions 1, 9, 11, 13; 10A.273, subdivisions 1, 4, 5; 10A.28, subdivisions 1, 2, 4; 10A.29; 10A.322, subdivision 1; 10A.323; 356A.06, subdivision 4; Minnesota Statutes 2001 Supplement, section 10A.31, subdivision 7.

April 25, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3384, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 3384 be further amended as follows:

Page 3, line 29, delete "\$3,000" and insert "\$1,000"

Page 4, line 18, before the period, insert "and is subject to a civil penalty imposed by the board of up to \$3,000" and after the period, insert paragraph coding

Page 4, line 31, delete "\$3,000" and insert "\$1,000"

Page 5, line 13, delete "\$3,000" and insert "\$1,000"

Page 6, line 32, delete "\$3,000" and insert "\$1,000"

Page 8, lines 25, 30, and 35, delete "\$3,000" and insert "\$1,000"

Page 9, line 22, delete "\$3,000" and insert "\$1,000"

Page 10, lines 5, 10, and 34, delete "\$3,000" and insert "\$1,000"

Page 11, line 14, delete "\$3,000" and insert "\$1,000"

Page 12, line 11, delete "\$3,000" and insert "\$1,000"

Pages 15 and 16, delete section 27 and insert:

"Sec. 27. Minnesota Statutes 2000, section 10A.27, subdivision 2, is amended to read:

Subd. 2. [POLITICAL PARTY AND DISSOLVING PRINCIPAL CAMPAIGN COMMITTEE LIMIT.] A candidate must not permit the candidate's principal campaign committee to accept contributions from any political party units or dissolving principal campaign committees in aggregate in excess of ten times the amount that may be contributed to that candidate as set forth in subdivision 1. The limitation in this subdivision does not apply to a contribution from a dissolving principal campaign committee of a candidate for the legislature to another principal campaign committee of the same candidate.

Sec. 28. Minnesota Statutes 2000, section 10A.27, subdivision 9, is amended to read:

Subd. 9. [CONTRIBUTIONS TO AND FROM OTHER CANDIDATES.] (a) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from another candidate's principal campaign committee or from any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved. A candidate's principal campaign committee must not make a contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved.

(b) A principal campaign committee that makes a contribution to another principal campaign committee must provide with the contribution a written statement of the committee's intent to dissolve and terminate its registration within 12 months after the contribution was made. If the committee fails to dissolve and terminate its registration by that time, the board may levy a civil penalty up to four times the size of the contribution against the contributing committee. A contribution from a terminating principal campaign committee that is not accepted by another principal campaign committee must be forwarded to the board for deposit in the general account of the state elections campaign fund.

(c) A candidate's principal campaign committee must not accept a contribution from, or make a contribution to, a committee associated with a person who seeks nomination or election to the office of President, Senator, or Representative in Congress of the United States.

(e) (d) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from a candidate for political subdivision office in any state, unless the contribution is from the personal funds of the candidate for political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee must not make a contribution from the principal campaign committee to a candidate for political subdivision office in any state."

Page 17, line 20, delete "\$3,000" and insert "\$1,000"

Pages 17 and 18, delete sections 30 and 31 and insert:

"Sec. 31. Minnesota Statutes 2000, section 10A.273, subdivision 1, is amended to read:

Subdivision 1. [CONTRIBUTIONS DURING LEGISLATIVE SESSION.] (a) A candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a

political committee or party unit established by all or a part of the party organization within a house of the legislature, must not solicit or accept a contribution from a registered lobbyist, political committee, or political fund, or dissolving principal campaign committee, or from a party unit established by the party organization within a house of the legislature, during a regular session of the legislature.

(b) A registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or a party unit established by the party organization within a house of the legislature, must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.

Sec. 32. Minnesota Statutes 2000, section 10A.273, subdivision 4, is amended to read:

Subd. 4. [CIVIL PENALTY.] A candidate, political committee, or party unit, political fund, principal campaign committee, or registered lobbyist that violates this section is subject to a civil ~~fine of up to \$500~~ penalty imposed by the board of up to \$1,000. If the board makes a public finding that there is probable cause to believe a violation of this section has occurred, the board must bring an action, or transmit the finding to a county attorney who must bring an action, in the district court of Ramsey county, to collect a civil ~~fine~~ penalty as imposed by the board. ~~Fines~~ Penalties paid under this section must be deposited in the general fund in the state treasury."

Page 19, delete section 34 and insert:

"Sec. 35. Minnesota Statutes 2000, section 10A.28, subdivision 2, is amended to read:

Subd. 2. [EXCEEDING CONTRIBUTION LIMITS.] A political committee, political fund, or principal campaign committee that makes a contribution, or a candidate who permits the candidate's principal campaign committee to accept contributions, in excess of the limits imposed by section 10A.27 is subject to a civil ~~fine~~ penalty of up to four times the amount by which the contribution exceeded the limits."

Page 24, line 13, after "months" insert "and the address of the office referenced in paragraph (d)"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 14, after "1," insert "2,"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) John C. Hottinger, Linda Scheid, Mark Ourada

House Conferees: (Signed) Jim Rhodes, Marty Seifert, Tim Mahoney

Senator Hottinger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3384 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Marty moved that the recommendations and Conference Committee Report on S.F. No. 3384 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 12 and nays 44, as follows:

Those who voted in the affirmative were:

Anderson

Berglin

Foley

Kleis

Krentz

Limmer	Moua	Ranum	Ring	Wiger
Marty	Pogemiller			

Those who voted in the negative were:

Belanger	Hottinger	Lessard	Pariseau	Scheid
Berg	Johnson, Dean	Metzen	Price	Schwab
Betzold	Johnson, Debbie	Moe, R.D.	Reiter	Solon, Y.P.
Chaudhary	Kelley, S.P.	Murphy	Rest	Stevens
Day	Kierlin	Neuville	Robling	Stumpf
Fischbach	Kiscaden	Oliver	Sabo	Tomassoni
Fowler	Knutson	Olson	Sams	Vickerman
Frederickson	Langseth	Ourada	Samuelson	Wiener
Higgins	Larson	Pappas	Scheevel	

The motion did not prevail.

The question recurred on the Hottinger motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3384 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 47 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lessard	Pariseau	Solon, Y.P.
Belanger	Johnson, Dean	Metzen	Price	Stevens
Berg	Johnson, Debbie	Moe, R.D.	Reiter	Stumpf
Betzold	Kelley, S.P.	Moua	Rest	Tomassoni
Chaudhary	Kierlin	Murphy	Robling	Vickerman
Day	Kiscaden	Neuville	Sams	Wiener
Fischbach	Knutson	Oliver	Samuelson	Wiger
Fowler	Krentz	Olson	Scheevel	
Frederickson	Langseth	Ourada	Scheid	
Higgins	Larson	Pappas	Schwab	

Those who voted in the negative were:

Berglin	Kleis	Marty	Ranum	Sabo
Foley	Limmer	Pogemiller	Ring	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that the name of Senator Kelly, R.C. be stricken and the name of Senator Moe, R.D. be added as a co-author to S.F. No. 1589. The motion prevailed.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3350 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3350: A bill for an act relating to health; modifying current protocols for nurses; modifying prior authorization requirements for prescription drugs; clarifying responsibilities for administering the Ryan White act; clarifying providers continuation of family community support services; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; 256.01, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 148.284; 256B.0625, subdivisions 13, 35.

Senator Kiscaden moved to amend H.F. No. 3350, as amended pursuant to Rule 45, adopted by the Senate April 29, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2811.)

Page 2, after line 7, insert:

"Sec. 2. [214.40] [VOLUNTEER HEALTH CARE PROVIDER PROGRAM.]

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

(b) "Administrative services unit" means the administrative services unit for the health-related licensing boards.

(c) "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code that has as a purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of health care services and that serves as a funding mechanism for providing those services.

(d) "Health care facility or organization" means a health care facility licensed under this chapter or chapter 144A, or a charitable organization, that meets the requirements of subdivision 3.

(e) "Health care provider" means a physician licensed under chapter 147, physician assistant registered and practicing under chapter 147A, nurse licensed and registered to practice under chapter 148, or dentist or dental hygienist licensed under chapter 150A.

(f) "Health care services" means health prevention, health monitoring, health education, diagnosis, or treatment other than the administration of anesthesia, surgical procedures except for minor surgical procedures and the administration of local anesthesia for the stitching of wounds, and primary dental services, including preventive, diagnostic, restorative, or emergency treatment.

Subd. 2. [ESTABLISHMENT.] The administrative services unit shall establish a volunteer health care provider program to facilitate the provision of health care services provided by volunteer health care providers through eligible health care facilities and organizations.

Subd. 3. [PARTICIPATION OF HEALTH CARE FACILITIES.] To participate in the program established in subdivision 2, a health care facility or organization must register with the administrative services unit on forms provided by the administrative services unit and must meet the following requirements:

(1) be licensed to the extent required by law or regulation;

(2) provide evidence that the provision of health care services to the uninsured and underinsured is the primary purpose of the facility or organization;

(3) certify that it maintains adequate general liability and professional liability insurance for program staff other than the volunteer health care provider or is properly and adequately self-insured;

(4) agree to cooperate with the state in defense of the health care provider providing services through it and agree not to charge the state for its expenses, costs, and efforts in the defense of a claim or suit;

(5) agree that only the health care provider is afforded protection under section 3.736, and the state assumes no obligation to the facility or organization, its employees, officers, or agents;

(6) agree to report annually to the administrative services unit the number of volunteers, number of volunteer hours provided, number of patients seen by volunteer providers, and types of services provided; and

(7) agree to pay to the administrative services unit an annual participation fee of \$50. All fees collected are deposited into the state government special revenue fund and are appropriated to the administrative services unit.

Subd. 4. [HEALTH CARE PROVIDER REGISTRATION.] (a) To be eligible for protection as an employee of the state for a claim arising from the provision of unpaid health care services through the program established in subdivision 2, a health care provider must register with the administrative services unit. Registration may be approved if the provider has submitted a certified statement on forms provided by the administrative services unit attesting that the health care provider agrees to:

(1) cooperate fully with the state in the defense of any claim or suit relating to participation in the volunteer health care provider program, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery, and obtaining the attendance of witnesses;

(2) receive no direct monetary compensation of any kind for services provided in the program;

(3) submit a sworn statement attesting that the license to practice is free of restrictions. The statement shall describe:

(i) any disciplinary action taken against the health care provider by a professional licensing authority or health care facility, including any voluntary surrender of license or other agreement involving the health care provider's license to practice or any restrictions on practice, suspension of privileges, or other sanctions; and

(ii) any malpractice suits filed against the health care provider and the outcome of any suits filed;

(4) submit any additional materials requested by the administrative services unit; and

(5) identify the eligible program through which the health services will be provided and identify the health care facilities at which the health services will be provided.

(b) Registration expires two years from the date the registration was approved. A health care provider may apply for renewal by filing with the administrative services unit a renewal application at least 60 days prior to the expiration of the registration.

Subd. 5. [REVOCAION OF ELIGIBILITY AND REGISTRATION.] The administrative services unit may suspend, revoke, or condition the eligibility of a health care provider for cause, including, but not limited to: the failure to comply with the agreement with the administrative services unit; and the imposition of disciplinary action by the licensing board that regulates the health care provider.

Subd. 6. [BOARD NOTICE OF DISCIPLINARY ACTION.] The applicable health-related licensing board shall immediately notify the administrative services unit of the initiation of a contested case against a registered health care provider or the imposition of disciplinary action, including copies of any contested case decision or settlement agreement with the health care provider.

Subd. 7. [HEALTH CARE PROVIDER; EMPLOYEE OF STATE.] A health care provider who provides health care services under the volunteer health care provider program under this section is an employee of the state for purposes of section 3.736 while providing those services, provided that:

(1) the provider registered with the administrative services unit in accordance with subdivision 4;

(2) the health care services were provided through an eligible health care facility or organization;

(3) the services were provided without compensation to the provider;

(4) the services were otherwise provided in compliance with this section; and

(5) the provider has no professional liability insurance, either personally or through another

facility or employer, that covers the provision of health care services by the provider at the eligible health care facility or organization.

Subd. 8. [EXPIRATION.] This section expires on June 30, 2007."

Page 2, line 9, before "\$75,000" insert "(a)"

Page 2, after line 12, insert:

"(b) \$50,000 is appropriated from the state government special revenue fund to the administrative services unit to pay for legal costs incurred by the attorney general in defending against any civil action brought against a health care provider relating to the provider's participation in the volunteer health care provider program under Minnesota Statutes, section 214.40. This appropriation is available until expended. If any of this appropriation is expended for this purpose, the health licensing board with regulatory authority over the provider who was the subject of the claim or suit may adjust the fees the board is empowered to assess. Any fee adjustment must be an amount sufficient to compensate the fund for the amount paid out. The board of medical practice may compensate the fund for the amount paid out by using money provided for in the board's partner agency agreement with the attorney general. The executive director of the health-related licensing board that administers the administrative services unit shall be considered the client for purposes of defending against any civil action brought against the provider relating to the provider's participation in the volunteer health care provider program under Minnesota Statutes, section 214.40. No health-related licensing board, including the administrative services unit and the emergency medical services regulatory board, shall be liable for payment of any awards or settlements resulting from any such civil actions."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden then moved to amend H.F. No. 3350, as amended pursuant to Rule 45, adopted by the Senate April 29, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2811.)

Page 1, after line 6, insert:

"Section 1. [149A.45] [EMERITUS REGISTRATION FOR MORTUARY SCIENCE PRACTITIONERS.]

Subdivision 1. [APPLICATION.] Any mortuary science practitioner licensed to practice mortuary science in Minnesota under this chapter may apply to the commissioner for mortuary science practitioner emeritus registration if the person declares that he or she is retired in all jurisdictions from the active practice of mortuary science and if the person is not subject to any disciplinary action by the commissioner and not subject to an order by the commissioner imposing a suspended, conditional, or restricted license to practice mortuary science. For purposes of this section, a person is retired if the person has completely ceased the active practice of mortuary science in all jurisdictions, for any reason. The mortuary science practitioner may apply to the commissioner using the practitioner's licensure form or by petitioning the commissioner.

Subd. 2. [STATUS OF REGISTRANT.] An emeritus registration is not a license to engage in the practice of mortuary science. A person registered under this section shall not engage in the practice of mortuary science.

Subd. 3. [CONTINUING EDUCATION REQUIREMENTS.] The continuing education requirements that apply to mortuary science practitioners shall not apply to a person registered under this section.

Subd. 4. [DOCUMENTATION OF STATUS.] A person granted emeritus registration shall,

upon payment of a \$50 fee, be issued a certificate by the commissioner certifying that the person has received emeritus registration and has completed his or her active professional career licensed in good standing with the commissioner. The \$50 fee shall be a one-time fee.

Subd. 5. [RENEWAL CYCLE OR FEE.] A person registered under this section shall not be subject to a registration renewal cycle or any renewal fees."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend H.F. No. 3350, as amended pursuant to Rule 45, adopted by the Senate April 29, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2811.)

Page 2, after line 7, insert:

"Sec. 2. Laws 2002, chapter 294, section 6, is amended to read:

Sec. 6. Minnesota Statutes 2000, section 256B.0625, subdivision 26, is amended to read:

Subd. 26. [SPECIAL EDUCATION SERVICES.] (a) Medical assistance covers medical services identified in a recipient's individualized education plan and covered under the medical assistance state plan. Covered services include occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides, assistive technology devices, transportation services, health assessments, and other services covered under the medical assistance state plan. Mental health services eligible for medical assistance reimbursement must be provided or coordinated through a children's mental health collaborative where a collaborative exists if the child is included in the collaborative operational target population. The provision or coordination of services does not require that the individual education plan be developed by the collaborative.

The services may be provided by a Minnesota school district that is enrolled as a medical assistance provider or its subcontractor, and only if the services meet all the requirements otherwise applicable if the service had been provided by a provider other than a school district, in the following areas: medical necessity, physician's orders, documentation, personnel qualifications, and prior authorization requirements. The nonfederal share of costs for services provided under this subdivision is the responsibility of the local school district as provided in section 125A.74. Services listed in a child's individual education plan are eligible for medical assistance reimbursement only if those services meet criteria for federal financial participation under the Medicaid program.

(b) Approval of health-related services for inclusion in the individual education plan does not require prior authorization for purposes of reimbursement under this chapter. The commissioner may require physician review and approval of the plan not more than once annually or upon any modification of the individual education plan that reflects a change in health-related services.

(c) Services of a speech-language pathologist provided under this section are covered notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

(1) holds a masters degree in speech-language pathology;

(2) is licensed by the Minnesota board of teaching as an educational speech-language pathologist; and

(3) either has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) Medical assistance coverage for medically necessary services provided under other subdivisions in this section may not be denied solely on the basis that the same or similar services are covered under this subdivision.

(e) The commissioner shall develop and implement package rates, bundled rates, or per diem rates for special education services under which separately covered services are grouped together and billed as a unit in order to reduce administrative complexity.

(f) The commissioner shall develop a cost-based payment structure for payment of these services.

(g) Effective July 1, 2000, medical assistance services provided under an individual education plan or an individual family service plan by local school districts shall not count against medical assistance authorization thresholds for that child.

~~(h) Nursing services as defined in section 148.171, subdivision 15, and provided as an individual education plan health-related service, are eligible for medical assistance payment if they are otherwise a covered service in the medical assistant program.~~

[EFFECTIVE DATE.] This section is effective the day following final enactment retroactive to March 27, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3350 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

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. 2598: Senators Reiter, Murphy and Moua.

S.F. No. 3099: Senators Berglin, Sams and Kiscaden.

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

MEMBERS EXCUSED

Senator Scheid was excused from the Session of today from 9:00 to 9:45 a.m. Senator Cohen was excused from the Session of today at 9:40 a.m. Senator Lourey was excused from the Session of today at 10:20 a.m. Senator Robertson was excused from the Session of today at 10:25 a.m. Senator Kierlin was excused from the Session of today at 10:40 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 6, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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