

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

NINETY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 26, 2004

The Senate met at 11:00 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. Paul H. Knutson.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Anderson	Gaither	Langseth	Nienow	Sams
Bakk	Hann	Larson	Olson	Saxhaug
Belanger	Higgins	LeClair	Ortman	Scheid
Berglin	Hottinger	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Dille	Kleis	Michel	Rest	Tomassoni
Fischbach	Knutson	Moua	Robling	Vickerman
Foley	Koering	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 22, 2004

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

On behalf of the people of Minnesota, I am honored to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2626 and 2903.

Sincerely,
Tim Pawlenty, Governor

April 23, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 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 2004	Date Filed 2004
2626		160	4:30 p.m. April 22	April 23
2903		161	5:30 p.m. April 22	April 23

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2299.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2004

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. 1753: A bill for an act relating to utilities; modifying low-income electric rate discount program; amending Minnesota Statutes 2002, section 216B.16, subdivision 14.

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

Westrom, Cox and Larson.

Senate File No. 1753 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2425, 2637, 2040, 2103, 2724 and 2277.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2540.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 2425: A bill for an act relating to human services; clarifying medical assistance coverage for skilled nursing facility services; providing for collaborative service models; amending Minnesota Statutes 2002, section 256B.0625, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 256B.69, subdivision 6b.

Referred to the Committee on Health and Family Security.

H.F. No. 2637: A bill for an act relating to human services; making changes to child care, the Minnesota family investment program, long-term care, and health care; amending Minnesota Statutes 2002, sections 119B.011, by adding a subdivision; 119B.03, subdivisions 3, 6a, by adding a subdivision; 256.955, subdivisions 2, 2b; 256B.0911, subdivision 4a; 256J.01, subdivision 1; 256J.08, subdivisions 73, 82a; 256J.21, subdivision 3; 256J.415; 256J.425, subdivision 5; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 8, 10, 20; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.12, subdivision 2; 119B.13, subdivisions 1, 1a; 119B.189, subdivisions 2, 4; 119B.19, subdivision 1; 119B.24; 119B.25, subdivision 2; 245A.11, subdivision 2a; 256.01, subdivision 2; 256.046, subdivision 1; 256.955, subdivision 2a; 256.98, subdivision 8; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0915, subdivisions 3a, 3b; 256B.431, subdivision 32; 256D.03, subdivisions 3, 4; 256J.09, subdivision 3b; 256J.24, subdivision 5; 256J.32, subdivisions 2, 8; 256J.37, subdivision 9; 256J.425, subdivisions 1, 4, 6; 256J.46, subdivision 1; 256J.49, subdivision 4; 256J.515; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.56; 256J.57, subdivision 1; 256J.626, subdivision 2; 256J.751, subdivision 2; 256J.95, subdivisions 1, 3, 11, 12, 19; repealing Minnesota Statutes 2002, sections 119B.211; 256D.051, subdivision 17; Laws 2000, chapter 489, article 1, section 36.

Referred to the Committee on Health and Family Security.

H.F. No. 2040: A bill for an act relating to water; modifying provisions relating to warrantied sewage treatment systems; creating a certification program for new wastewater treatment technology; appropriating money; amending Minnesota Statutes 2002, section 115.55, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

Referred to the Committee on Finance.

H.F. No. 2103: A bill for an act relating to real property; local planning and zoning; authorizing municipalities to require the dedication of land for public purposes; providing certain terms and conditions for the dedication; amending Minnesota Statutes 2002, section 462.358, subdivision 2b, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 462.353, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2273, now on General Orders.

H.F. No. 2724: A bill for an act relating to human services; making changes affecting counties, human services policy, child care, assistance programs, adoption and child placement, child welfare, economic support, mental health, and continuing care for the elderly; amending Minnesota Statutes 2002, sections 62T.02, by adding a subdivision; 119B.02, subdivision 4;

119B.03, subdivision 6; 119B.09, subdivision 4; 119B.21, subdivision 5; 144A.071, subdivision 1a; 245.462, subdivision 18; 245.464, by adding a subdivision; 256.01, by adding a subdivision; 256B.02, subdivision 12; 256B.056, by adding subdivisions; 256B.431, subdivision 37; 256D.02, subdivision 17; 256D.06, subdivision 5; 256J.67, subdivisions 1, 3; 256L.04, subdivision 2; 257.85, subdivisions 2, 3; 259.23, subdivisions 1, 2; 259.41, subdivision 3; 259.79, subdivision 1; 260C.001, subdivision 3; 260C.007, subdivisions 7, 8, 18, 22, 27; 260C.151, subdivision 6; 260C.178; 260C.201, subdivisions 1, 2, 6, 10, 11; 260C.212, subdivision 5; 260C.312; 260C.317, subdivision 3; 549.02, by adding a subdivision; 549.04; 626.556, subdivisions 1, 10f, 11c, by adding subdivisions; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 6, 15; 119B.025, subdivision 1; 119B.09, subdivision 7; 119B.125, subdivisions 1, 2; 245.4874; 245B.03, subdivision 2; 256.01, subdivision 2; 256B.0622, subdivision 8; 256B.431, subdivision 38; 256J.40; 256J.425, subdivision 7; 256J.46, subdivision 1; 256J.521, subdivision 2; 256J.626, subdivisions 6, 7; 256J.95, subdivisions 10, 12; 260.012; 626.556, subdivisions 2, 3, 10, 10b, 10e, 10i, 11; proposing coding for new law in Minnesota Statutes, chapter 119B; repealing Minnesota Statutes 2002, section 626.5551, subdivisions 1, 2, 3, 4, 5; Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, part 9560.0220, subpart 6, item B.

Referred to the Committee on Health and Family Security.

H.F. No. 2277: A bill for an act relating to human services; making changes to licensing provisions; regulating child protection dispositions; clarifying a mental health case management provision; changing a provision under child welfare targeted case management; regulating child care, long-term care, and health care; amending Minnesota Statutes 2002, sections 119B.011, by adding a subdivision; 119B.03, subdivisions 3, 6a, by adding a subdivision; 245.4881, subdivision 1; 245.814, subdivision 1; 245A.02, subdivisions 2a, 5a, 7, 10, 14, by adding a subdivision; 245A.03, subdivision 3; 245A.04, subdivisions 5, 6, 7, by adding a subdivision; 245A.05; 245A.06, subdivisions 2, 4; 245A.07, subdivisions 2, 2a, 3; 245A.08, subdivision 5; 245A.16, subdivision 4; 245A.22, subdivision 2; 245B.02, by adding a subdivision; 245B.05, subdivision 2; 245B.07, subdivisions 8, 12; 252.28, subdivision 1; 256.01, by adding a subdivision; 256.955, subdivisions 2, 2b; 256B.0625, by adding a subdivision; 256B.0911, subdivision 4a; 256F.10, subdivision 5; 256J.01, subdivision 1; 256J.08, subdivisions 73, 82a; 256J.21, subdivision 3; 256J.415; 256J.425, subdivision 5; 260C.212, subdivision 5; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 8, 10, 20; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.12, subdivision 2; 119B.13, subdivisions 1, 1a; 119B.189, subdivisions 2, 4; 119B.19, subdivision 1; 119B.24; 119B.25, subdivision 2; 241.021, subdivision 6; 245.4874; 245A.03, subdivision 2; 245A.04, subdivision 1; 245A.08, subdivisions 1, 2a; 245A.085; 245A.11, subdivisions 2a, 2b; 245A.16, subdivision 1; 245A.22, subdivision 3; 245C.02, subdivision 18; 245C.03, subdivision 1, by adding a subdivision; 245C.05, subdivisions 1, 2, 5, 6; 245C.08, subdivisions 2, 3, 4; 245C.09, subdivision 1; 245C.13, subdivision 1; 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.16, subdivision 1; 245C.17, subdivisions 1, 3; 245C.18; 245C.20; 245C.21, subdivision 3, by adding a subdivision; 245C.22, subdivisions 3, 4, 5, 6; 245C.23, subdivisions 1, 2; 245C.25; 245C.26; 245C.27, subdivisions 1, 2; 245C.28, subdivisions 1, 2, 3; 245C.29, subdivision 2; 256.01, subdivision 2; 256.045, subdivisions 3, 3b; 256.046, subdivision 1; 256.955, subdivision 2a; 256.98, subdivision 8; 256B.0596; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0915, subdivisions 3a, 3b; 256B.431, subdivision 32; 256B.69, subdivision 6b; 256D.03, subdivisions 3, 4; 256J.09, subdivision 3b; 256J.24, subdivision 5; 256J.32, subdivisions 2, 8; 256J.37, subdivision 9; 256J.425, subdivisions 1, 4, 6; 256J.46, subdivision 1; 256J.49, subdivision 4; 256J.515; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.56; 256J.57, subdivision 1; 256J.626, subdivision 2; 256J.751, subdivision 2; 256J.95, subdivisions 1, 3, 11, 12, 19; 626.556, subdivision 10i; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapters 245A; 245B; repealing Minnesota Statutes 2002, sections 119B.211; 256D.051, subdivision 17; Minnesota Statutes 2003 Supplement, sections 245C.02, subdivision 17; Laws 2000, chapter 489, article 1, section 36; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, parts 9525.1600; 9543.0040, subpart 3; 9543.1000; 9543.1010; 9543.1020; 9543.1030; 9543.1040; 9543.1050; 9543.1060.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2179, now on General Orders.

H.F. No. 2540: A bill for an act relating to financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, and other changes to income, franchise, property, sales and use, estate, vehicle registration, health care provider, cigarette and tobacco products, insurance premiums, aggregate removal, petroleum, gambling, mortgage registry, occupation, net proceeds, and production taxes, and other taxes and tax-related provisions; changing provisions relating to fiscal disparities, tax-forfeited lands, state debt collection procedures, sustainable forest incentives programs, and tax data provisions; conforming provisions to certain changes in federal law; changing powers and duties of certain local governments and state departments or agencies; changing tax increment financing provisions; authorizing establishment of an International Economic Development Zone and providing for tax incentives; imposing a franchise fee for operation of card clubs; regulating tax preparers; imposing requirement on vendors that contract with state to collect sales taxes; changing provisions relating to certificates of title of vehicles held by motor vehicle dealers; changing or providing for studies and reports; providing for task force on electronic filing and recording of real estate documents; changing and providing penalties; providing for allocation and transfers of funds; clarifying appropriations; appropriating money; amending Minnesota Statutes 2002, sections 16C.03, by adding a subdivision; 16D.10; 97A.061, subdivision 1; 144F.01, subdivision 10; 168A.02, subdivision 2; 168A.11, subdivisions 1, 2, by adding a subdivision; 240.30, by adding a subdivision; 270.02, subdivision 3; 270.65; 270.69, subdivision 4; 270B.01, subdivision 8; 270B.12, subdivision 9; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 22, by adding subdivisions; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.11, by adding a subdivision; 273.111, subdivision 6; 273.124, subdivision 8, by adding a subdivision; 273.1384, subdivision 1; 273.19, subdivision 1a; 274.14; 275.065, subdivision 1a; 275.07, subdivisions 1, 4; 276.04, subdivision 2; 282.016; 282.21; 282.224; 282.301; 287.04; 289A.08, subdivision 1; 289A.12, subdivision 3; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivision 6; 289A.56, by adding a subdivision; 289A.60, subdivision 6; 290.06, subdivision 22, by adding a subdivision; 290.0674, subdivision 2; 290.091, subdivision 3; 290.17, by adding a subdivision; 290.191, subdivisions 2, 3, 5, 6, 10, 11, by adding a subdivision; 290.92, subdivisions 1, 4b; 290.9705, subdivision 1; 290A.03, subdivision 13; 290A.07, by adding a subdivision; 290C.05; 295.50, subdivision 4; 295.582; 296A.22, by adding a subdivision; 297A.61, subdivision 4, by adding subdivisions; 297A.62, by adding a subdivision; 297A.67, by adding a subdivision; 297A.68, by adding subdivisions; 297A.70, by adding a subdivision; 297A.71, by adding a subdivision; 297A.87, subdivisions 2, 3; 297A.995, subdivision 6; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.07; 297F.01, by adding a subdivision; 297F.09, by adding a subdivision; 297I.01, by adding subdivisions; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.01, subdivisions 3, 4; 298.24, subdivision 1; 325D.33, subdivision 6; 365.43, subdivision 1; 365.431; 469.1734, subdivision 6; 469.174, subdivision 11; 469.175, subdivision 4a; 469.176, subdivision 4d; 469.1761, subdivisions 1, 3; 469.1771, subdivision 5; 469.178, subdivision 1; 469.1831, subdivision 6; 473.843, subdivision 5; 473F.02, subdivisions 2, 7; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; Minnesota Statutes 2003 Supplement, sections 4A.02; 16A.152, subdivision 2; 116J.556; 168A.05, subdivision 1a; 270.06; 270.30, subdivisions 1, 5, 8; 270B.12, subdivision 13; 272.02, subdivisions 47, 56, 65; 273.11, subdivision 1a; 273.13, subdivisions 22, 23; 274.014, subdivision 3; 275.065, subdivision 3; 276.112; 289A.02, subdivision 7; 289A.08, subdivision 16; 289A.19, subdivision 4; 289A.40, subdivision 2; 290.01, subdivisions 7, 19, 19a, 19b, 19c, 19d, 31; 290.06, subdivision 2c; 290.0674, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290A.03, subdivision 15; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 297A.668, subdivisions 1, 3, 5; 297A.669, subdivision 16; 297A.68, subdivisions 2, 5, 39; 297A.70, subdivision 8; 297F.08, subdivision 12; 297F.09, subdivisions 1, 2; 298.75, subdivision 1; 469.174, subdivision 25; 469.177, subdivision 1; 469.310, subdivision 11; 469.330, subdivision 11; 469.335; 469.337; 477A.011, subdivision 36; 477A.03, subdivision 2b; Laws 1990, chapter 604, article 7, section 29, subdivision 1, as amended; Laws 1998, chapter 389, article 3, section 41; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 1998, chapter 389, article 11, section 24, subdivisions 1, 2; Laws 2000, chapter 391, section 1, subdivisions 1, 2, as amended; Laws 2001, First Special Session chapter 10, article 2, section 77, as amended; Laws 2002, chapter 365, section 9; Laws 2002, chapter 377, article 3, section 4; Laws 2003, First Special Session chapter 1, article 2, section 123; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First

Special Session chapter 21, article 6, section 9; proposing coding for new law in Minnesota Statutes, chapters 270; 272; 273; 290; 290C; 297F; 325F; 469; 473; repealing Minnesota Statutes 2002, sections 273.19, subdivision 5; 274.05; 275.15; 283.07; 297E.12, subdivision 10; 469.176, subdivision 1a; 469.1766; Laws 1975, chapter 287, section 5; Laws 2003, chapter 127, article 9, section 9, subdivision 4; Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

Senator Rest, designee of the Chair of the Committee on Rules and Administration, moved that H.F. No. 2540 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Rest moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2351: A bill for an act relating to health; establishing and modifying credentialing requirements for speech-language pathologists, audiologists, occupational therapists, speech-language pathology assistants, physician assistants, registered nurses, advanced practice registered nurses, dentists, dental hygienists, dental assistants, dental aides, podiatrists, alcohol and drug counselors, and licensed professional counselors; amending Minnesota Statutes 2002, sections 144.054, subdivision 2; 147A.02; 147A.20; 148.211, subdivision 1; 148.284; 148.512, subdivisions 9, 19, by adding a subdivision; 148.6402, by adding a subdivision; 148.6403, subdivision 5; 148.6405; 148.6428; 148.6443, subdivisions 1, 5; 150A.01, subdivisions 5, 8; 150A.02, subdivision 1; 150A.03, subdivision 1; 150A.05, subdivision 2, by adding a subdivision; 150A.06, as amended; 150A.08, subdivisions 1, 4, 5, 6, 8; 150A.081, subdivisions 1, 2; 150A.09, subdivisions 1, 3, 4, 5; 150A.10, subdivision 2; 153.01, subdivision 2; 153.16, subdivisions 1, 2; 153.19, subdivision 1; 153.24, subdivision 4; 153.25, subdivision 1; 214.18, subdivision 5; 352.91, subdivision 3g; Minnesota Statutes 2003 Supplement, sections 116J.70, subdivision 2a; 147A.09, subdivision 2; 148.212, subdivision 1; 148.511; 148.512, subdivisions 12, 13; 148.513, subdivisions 1, 2; 148.5161, subdivisions 1, 4, 6; 148.5175; 148.518; 148.5193, subdivisions 1, 6a; 148.5195, subdivision 3; 148.5196, subdivision 3; 148B.52; 148B.53, subdivisions 1, 3; 148B.54; 148B.55; 148B.59; 148C.04, subdivision 6; 148C.075, subdivision 2; 148C.11, subdivision 6; 148C.12, subdivisions 2, 3; 150A.08, subdivision 3; Laws 2003, chapter 118, section 28; Laws 2003, chapter 118, section 29; proposing coding for new law in Minnesota Statutes, chapters 148; 148B; repealing Minnesota Rules, parts 6900.0020, subparts 3, 3a, 9, 10; 6900.0400.

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

Page 23, line 32, delete "1" and insert "4"

Page 29, after line 8, insert:

"Sec. 4. [APPROPRIATIONS.]

\$24,000 is appropriated in fiscal year 2005 from the state government special revenue fund to the Board of Nursing for purposes of this article."

Page 39, line 7, after "licensure" insert "required for practice"

Page 39, line 8, delete "another" and insert "any"

Page 39, line 15, after "(4)" insert "if determined necessary by the board,"

Page 41, line 5, delete "after January 1, 2005, must" and insert "may"

Page 41, line 6, delete everything after the period

Page 41, delete lines 7 to 9

Page 41, line 16, after "Association" insert "and established in an institution accredited by an agency recognized by the United States Department of Education to offer college-level programs"

Page 45, line 15, strike "Effective January 1, 2004,"

Page 45, line 23, after "program" insert "(GPR) or an advanced education in general dentistry (AEGD) program after January 1, 2004. The postdoctoral program must be"

Page 59, lines 14 to 22, delete the new language and insert "For a podiatrist who has completed a residency, podiatric medicine includes the performance of all or part of the medical history and physical examination for the purpose of hospital admission for podiatric management or preoperative podiatric surgery."

Pages 76 and 77, delete sections 9 to 11

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "appropriating money;"

Page 1, line 34, delete "Laws 2003, chapter 118, section 28;"

Page 1, line 35, delete "Laws 2003, chapter 118, section 29;"

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

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

S.F. No. 1836: A bill for an act relating to state government; the Office of the Secretary of State; simplifying filing procedures; eliminating certain filing requirements; requiring electronic registration after December 31, 2004; regulating notary appointments and commissions; appropriating money; amending Minnesota Statutes 2002, sections 184.30; 302A.821, subdivisions 1, 2, 4; 308A.995, subdivision 5; 317A.823, subdivision 1, by adding a subdivision; 322B.960, subdivisions 1, 2, 5; 325A.06, subdivision 1; 326.40, subdivision 2; 326.48, subdivision 3; 330.01, subdivision 1; 330.08; 330.09; 336.9-525; 340A.416, subdivision 4; 359.01; 359.071; 398.10; Minnesota Statutes 2003 Supplement, section 308B.121, subdivision 5.

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

Page 2, line 6, before "Each" insert "(a) The secretary of state must send to each corporation at the registered office of the corporation a postcard notice announcing the need to file the annual registration. The notice must inform the corporation that the annual registration may be filed online or that paper filings may be made and that failure to file the annual registration will result in an administrative dissolution of the corporation."

(b)"

Page 2, line 20, delete "(a)"

Page 2, delete lines 33 and 34

Page 3, line 5, reinstate the stricken language

Page 3, line 6, after the stricken "three" insert "two" and reinstate the stricken "consecutive" and delete "in a" and reinstate the stricken "years" and delete "year"

Page 5, line 5, after "(a)" insert "The secretary of state must send to each corporation at the"

registered office of the corporation a postcard notice announcing the need to file the annual registration. The notice must inform the corporation that the annual registration may be filed online or that paper filings may be made and that failure to file the annual registration will result in an administrative dissolution of the corporation.

(b)"

Page 5, line 6, strike "(c)" and insert "(d)"

Page 5, line 18, delete "(b)" and insert "(c)"

Page 5, line 19, strike "(b)"

Page 5, line 20, before "The" insert "(c)"

Page 5, line 28, strike "(c)" and insert "(d)"

Page 6, delete section 8

Page 6, line 16, before "Each" insert "(a) The secretary of state must send to each limited liability company at the registered office of the limited liability company a postcard notice announcing the need to file the annual registration. The notice must inform the limited liability company that the annual registration may be filed online or that paper filings may be made and that failure to file the annual registration will result in an administrative dissolution of the limited liability company.

(b)"

Page 6, line 32, delete "(a)"

Page 7, delete lines 13 and 14

Page 15, line 4, delete "10" and insert "9"

Page 15, line 6, delete "20 and 22" and insert "19 and 21"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "requiring electronic registration after December 31, 2004;"

Page 1, lines 9 and 10, delete ", by adding a subdivision"

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

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 2335: A bill for an act relating to highways; requiring commissioner of transportation to prepare a preliminary plan for a second beltline around the Minneapolis-St. Paul metropolitan area.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2003 Supplement, section 13.44, subdivision 3, is amended to read:

Subd. 3. [REAL PROPERTY; APPRAISAL DATA.] (a) [CONFIDENTIAL OR

PROTECTED NONPUBLIC DATA.] Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) [PRIVATE OR NONPUBLIC DATA.] Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from a government entity are private data on individuals or nonpublic data.

(c) [PUBLIC DATA.] The data made confidential or protected nonpublic by the provisions of paragraph (a) shall become public upon the occurrence of any of the following:

- (1) ~~the negotiating parties exchange appraisals;~~
- (2) the data are submitted to a court appointed condemnation commissioner;
- (3) ~~(2) the data are presented in court in condemnation proceedings; or~~
- (4) (3) the negotiating parties enter into an agreement for the purchase and sale of the property;
or
- ~~(5) the data are submitted to the owner under section 117.036.~~

Sec. 2. Minnesota Statutes 2002, section 84.87, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS.] (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of any trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) Notwithstanding any provision of paragraph (a) to the contrary, but under conditions prescribed by the commissioner of transportation, the commissioner of transportation may allow two-way operation of snowmobiles on either side of the trunk highway right-of-way where the commissioner of transportation determines that two-way operation will not endanger users of the trunk highway or riders of the snowmobiles using the trail.

~~(b)~~ (c) A snowmobile may make a direct crossing of a street or highway at any hour of the day provided:

- (1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
- (2) the snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
- (3) the driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
- (4) in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and
- (5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on; and
- (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the main

traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.

(e) (d) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, each of minimum candlepower as prescribed by rules of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in the commissioner by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.

(d) (e) A snowmobile may be operated upon a public street or highway other than as provided by ~~clause (b)~~ paragraph (c) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(e) (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application. Section 169.09 applies to the operation of snowmobiles anywhere in the state or on the ice of any boundary water of the state.

(f) (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule of the commissioner.

Sec. 3. Minnesota Statutes 2003 Supplement, section 117.036, subdivision 2, is amended to read:

Subd. 2. [APPRAISAL.] (a) Before commencing an eminent domain proceeding under this chapter, the acquiring authority must obtain at least one appraisal for the property proposed to be acquired. In making the appraisal, the appraiser must confer with one or more of the fee owners or contract purchasers of the property, if reasonably possible. At least 20 days before presenting a petition under section 117.055 Notwithstanding section 13.44, the acquiring authority must provide the fee owner or contract purchaser with a copy of the appraisal and inform the owner of the owner's that person of the right to obtain an appraisal under this section. Upon request, a copy of the appraisal must be provided to the fee owner or contract purchaser within five days. The owner or contract purchaser must provide the commissioner with appraisals of the property for which the owner has been reimbursed with public funds.

(b) The fee owner or contract purchaser may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The fee owner or contract purchaser is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to a maximum of \$1,500 within 30 days after the owner if that person submits to the acquiring authority the information necessary for reimbursement, provided that the owner does so within 60 days after the owner receives the appraisal from the authority under paragraph (a) and a copy of the appraisal within 90 days after receiving the acquiring authority's appraisal. The acquiring authority must pay the reimbursement to the fee owner or contract purchaser within 30 days after receiving a copy of the appraisal and the reimbursement information. Upon agreement between the fee owner or contract purchaser and the acquiring authority, the acquiring authority may pay the reimbursement, of up to \$1,500, directly to the appraiser.

(c) An appraisal may not be used or considered in a commissioner's hearing unless it is disclosed to all parties at least three business days before the hearing.

Sec. 4. Minnesota Statutes 2003 Supplement, section 117.036, subdivision 3, is amended to read:

Subd. 3. [NEGOTIATION.] In addition to the appraisal requirements under subdivision 2, before commencing an eminent domain proceeding, the acquiring authority must make a good faith attempt to negotiate personally with the owner of the property in order to acquire the property by direct purchase instead of the use of eminent domain proceedings. In making this negotiation,

the acquiring authority must consider the appraisals in its possession, including any appraisal obtained and furnished by the owner, and other information that may be relevant to a determination of damages under this chapter.

Sec. 5. Minnesota Statutes 2003 Supplement, section 117.036, is amended by adding a subdivision to read:

Subd. 4. [INFORMATION TO BE PREPARED.] The commissioner of transportation, in consultation with the attorney general and one or more professional associations of real estate appraisers, shall prepare a publication of not more than two pages that summarizes the eminent domain process for transportation projects, including the reasons for condemnation, the procedures followed by condemners, how property owners and citizens may influence the condemnation process, and the rights of property owners and citizens affected by condemnation. The commissioner shall make this publication available to all persons on whose property the commissioner has made an appraisal or to whom the commissioner has made an offer to purchase. The commissioner may make the publication available to other acquiring authorities and may charge a price to recover the commissioner's costs.

Sec. 6. Minnesota Statutes 2002, section 160.02, is amended by adding a subdivision to read:

Subd. 19a. [HYBRID VEHICLE.] "Hybrid vehicle" is a motor vehicle that draws propulsion energy from onboard sources of stored energy, which are both: (1) an internal combustion or heat engine using combustible fuel; and (2) a rechargeable energy storage system, and in the case of passenger automobiles for model years 2004-2005, meets Tier II emission standards, and for model years 2006-2007, meets Tier II, Bin 5, emission standards.

Sec. 7. Minnesota Statutes 2002, section 160.02, is amended by adding a subdivision to read:

Subd. 19b. [INHERENTLY LOW EMISSION VEHICLE (ILEV).] "Inherently low emission vehicle" is a motor vehicle that meets Environmental Protection Agency ILEV standards for evaporative emissions.

Sec. 8. Minnesota Statutes 2002, section 160.08, subdivision 7, is amended to read:

Subd. 7. [NO COMMERCIAL ESTABLISHMENT WITHIN RIGHT-OF-WAY.] No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly owned or publicly leased land acquired or used for or in connection with, a controlled access highway; except that (1) structures may be built within safety rest and ~~tourist travel~~ information center areas; (2) space within state-owned buildings in those areas may be leased for the purpose of providing information to travelers through ~~commercial and public service~~ advertising under franchise agreements as provided in sections ~~section 160.276 to 160.278~~; (3) advertising signs may be erected within the right-of-way of interstate or controlled-access trunk highways by franchise agreements under section 160.80; ~~and~~ (4) vending machines may be placed in rest areas, ~~tourist travel~~ information centers, or weigh stations constructed or located within trunk highway rights-of-way; and (5) acknowledgment signs may be erected under sections 160.272 and 160.2735.

Sec. 9. [160.272] [SAFETY REST AREA AND TRAVEL INFORMATION CENTER LEASES.]

Subdivision 1. [LEASE AGREEMENTS.] (a) Except as provided in subdivision 3, and notwithstanding any other law to the contrary, the commissioner may enter into lease agreements through negotiations with public or not-for-profit entities or through best value, as defined in section 16C.02, subdivision 4, with private entities relating to the use of safety rest areas and travel information centers.

(b) A lease under this subdivision may:

(1) with the approval of the commissioner of administration, prescribe a lease term length of up to 20 years, with options for renewal;

(2) allow the lessee to operate a safety rest area facility in whole or in part;

(3) allow the lessee to offer for sale products or services that the commissioner deems appropriate for sale in a safety rest area; and

(4) allow the lessee to add leasehold improvements to the site after approval by the commissioner.

(c) A lease agreement for a safety rest area is subject to section 160.28, subdivision 2, regarding vending at safety rest areas.

(d) A lease agreement must include terms that promote and encourage the employment of needy elderly persons according to section 160.282.

(e) The commissioner may publicly acknowledge the lessee and may erect signs adjacent to the main travel lanes of a highway acknowledging the lessee.

Subd. 2. [REVENUES DEPOSITED.] The commissioner shall deposit revenues from leases authorized under this section into the safety rest area account established in section 160.2745.

Subd. 3. [APPLICATION TO OTHER LAW.] Nothing in this section affects existing contracts under section 248.07 or their renewal.

Sec. 10. [160.2725] [SALES AT SAFETY REST AREAS.]

Subdivision 1. [SALES AUTHORIZED.] Notwithstanding section 160.08, the commissioner may sell travel and tourism-related publications and maps, travel and tourism-related merchandise and services. The commissioner may rent or sell items for the convenience of persons using safety rest areas, including lottery tickets, local attraction tickets, and permits and licenses issued by units of government. Notwithstanding section 16A.1285, the commissioner of transportation may collect a service fee for the sale of lottery tickets, local attraction tickets, and permits and licenses.

Merchandise that competes with vending machine sales authorized under section 160.28, subdivision 2, is subject to the provisions of subdivision 5.

Subd. 2. [ADVERTISING.] The commissioner may advertise the availability of a program or item offered under this section.

Subd. 3. [SOFTWARE SALES.] Notwithstanding section 16B.405 or 160.08, the commissioner may sell or license intellectual property and software products or services developed by a government unit or custom-developed by a vendor for a government unit.

Subd. 4. [REVENUES DEPOSITED.] Money received by the commissioner under this section must be deposited in the safety rest area account established in section 160.2745.

Subd. 5. [COMPETING MERCHANDISE.] The commissioner and the designated state licensing agency authorized under United States Code, title 20, sections 107 to 107e, shall enter into an interagency agreement before rest areas are leased or before nonvending machine sales occur at rest areas. The interagency agreement must identify what constitutes competing merchandise and establish policies and procedures related to the sale of competing merchandise at rest areas.

Sec. 11. [160.2735] [SPONSORSHIP OF SAFETY REST AREAS.]

Subdivision 1. [SPONSORSHIP PROGRAM.] The commissioner may enter into agreements for public or private sponsorship of highway safety rest areas by transportation and tourism-related entities. The commissioner may publicly acknowledge sponsors and may erect signs adjacent to the main travel lanes of a highway acknowledging the sponsors.

Subd. 2. [REVENUE.] The commissioner shall deposit revenue from the sponsorship program to the safety rest area account established in section 160.2745.

Subd. 3. [PROHIBITION.] The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

Sec. 12. [160.274] [SALE OF SURPLUS REST AREA PROPERTY.]

Subdivision 1. [EXCEPTION.] Notwithstanding section 161.44, subdivisions 2 through 4, the commissioner is not required to offer to reconvey land no longer needed for safety rest area purposes if the land was acquired by the commissioner at least ten years before the commissioner sells the land.

Subd. 2. [PROCEEDS DEPOSITED; APPROPRIATION.] Proceeds from the sale of real estate and buildings under this section must be paid into the safety rest area account established in section 160.2745 and are appropriated to the commissioner (1) for the actual cost of selling the real estate or buildings, (2) for the fees required to be paid under sections 161.23 and 161.44, and (3) as provided in section 160.2745.

Subd. 3. [PROHIBITION.] The commissioner shall take no action under this section that would result in the loss of federal highway funds or require the payment of highway funds to the federal government.

Sec. 13. [160.2745] [SAFETY REST AREA ACCOUNT.]

Subdivision 1. [ACCOUNT ESTABLISHED.] A safety rest area account is established in the trunk highway fund. Funds in the account are available until expended.

Subd. 2. [DEPOSITS.] The commissioner shall deposit in the safety rest area account revenue received from leasing or sponsoring safety rest areas, advertising at safety rest areas, selling safety rest area property and lands, and other revenue generated with respect to safety rest areas.

Subd. 3. [EXPENDITURES.] Money in the account is appropriated to the commissioner. The commissioner may spend proceeds of the account for safety rest areas, including program administration, maintenance and operations, development and improvements, and services to customers.

Sec. 14. Minnesota Statutes 2002, section 160.276, is amended to read:

160.276 [TRAVEL INFORMATION FRANCHISE ADVERTISING PROGRAM.]

Subdivision 1. [~~ESTABLISHED LEASING ADVERTISING SPACE.~~] The commissioner of transportation shall ~~establish a franchise program to~~ may lease advertising space within ~~tourist travel information centers and safety rest areas~~ for the purpose of providing information to travelers through travel-related commercial and public service advertising.

Subd. 2. [~~INITIAL PHASE.~~] The program may, in its initial phase, utilize space within existing publicly owned buildings and shelters in safety rest areas and tourist information centers. This phase shall be operational by May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981.

Subd. 3. [~~INFORMATION FACILITIES.~~] The program commissioner may also include franchises for the construction, operation and maintenance of contract to permit a vendor to construct, operate, and maintain additional information structures by and at the expense of the franchisee vendor on state-owned lands within safety rest areas or tourist travel information center areas. All structures constructed by the franchisee shall ~~vendor must~~ meet or exceed specifications prescribed by the commissioner of transportation and ~~shall~~ must satisfy the requirements of the State Building Code for accessibility by the physically handicapped. The vendor shall design all structures shall be designed to enhance their the site and shall be aesthetically compatible surroundings in a manner harmonious with the natural environment as determined by the commissioner.

Subd. 4. [SITES; ADVERTISING.] The commissioner shall determine the sites to be included

in this program and shall also determine if ~~the advertising display at each site is to be inside or outside of any buildings or shelters~~ the extent and location of space available for advertising in each facility.

Subd. 5. [OFFICE OF TOURISM.] The commissioner shall provide space free of charge to the Office of Tourism for travel information centers. The commissioner shall not charge the Office of Tourism for any regular expenses associated with the operation of the travel information centers. The commissioner shall provide highway maps free of charge for use and distribution through the travel information centers.

Sec. 15. Minnesota Statutes 2002, section 160.277, is amended to read:

160.277 [COMMISSIONER TO GRANT FRANCHISES.]

Subdivision 1. [PROCEDURE; AGREEMENT.] The commissioner of transportation, by public negotiation or bid, shall ~~grant franchises enter into agreements~~ for the purposes of section 160.276. Each franchise agreement shall include the safety rest areas and tourist information centers in a geographical area comprising approximately one quarter of the land area of the state. The franchise agreement shall insure that the franchisee provide services throughout the area in as many tourist information centers and safety rest areas as are reasonably necessary for the convenience of travelers.

Subd. 2. [INSURANCE.] The commissioner ~~of transportation~~ shall require the franchisee vendor to obtain liability insurance in an amount prescribed by the commissioner jointly insuring the state and the franchisee vendor against any and all liability for claims for damage occurring wholly or partly because of ~~the existence of the franchise vendor contract.~~

Subd. 3. [REVENUE.] The franchise agreement may provide that ~~the vendor pay a percentage portion of the gross revenues derived from advertising shall. These revenues must be paid to the state for deposit in the trunk highway fund safety rest area account established in section 160.2745. The commissioner of transportation and director of the Office of Tourism may enter into an interagency agreement to define the distribution of the revenues generated in this section.~~

Sec. 16. Minnesota Statutes 2002, section 160.278, is amended to read:

160.278 [ADDITIONAL FRANCHISE PROVISIONS.]

Subdivision 1. [AGREEMENT REQUIREMENTS.] Each franchise vendor agreement shall ~~must~~ contain the following provisions:

(a) (1) that the franchisee vendor shall comply with Code of Federal Regulations, title 23, section ~~252~~ 752 and subsequent revisions pertaining to privately operated information systems;

(b) (2) that at least 40 percent of the commercial advertising space shall ~~must~~ be offered initially for a reasonable period of time to local advertisers who provide services for travelers within a 60-mile radius of the safety rest area or ~~tourist~~ travel information center;

(c) (3) that the franchisees vendor shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; ~~and~~

(d) (4) reasonable performance standards, and maintenance standards for structures constructed by the franchisee. ~~vendor; and~~

Subd. 2. [ADVERTISING SPACE LIMITATIONS.] The franchise agreement shall impose (5) limitations on advertising space within state-owned buildings or on state-owned property in safety rest areas and ~~tourist~~ travel information centers.

Subd. 3. [REASONABLE TERMS AND CONDITIONS.] The commissioner of transportation may require additional reasonable terms and conditions to be included in the franchise vendor agreement, including but not limited to, provisions governing the renewal and termination of the agreement; and, in the event of termination, the rights of the state and the franchisee vendor in advertising contracts and in buildings constructed by the franchisee vendor.

Sec. 17. Minnesota Statutes 2002, section 160.28, is amended to read:

160.28 [PLANS FOR PUBLIC TRAVEL FACILITIES.]

Subdivision 1. [~~SAFETY REST AREAS; TOURIST TRAVEL INFORMATION CENTERS; WEIGH STATIONS.~~] Any other law to the contrary notwithstanding, the commissioner of transportation is ~~hereby authorized to cause to be prepared~~ may have plans and, specifications, and detailed designs prepared for the construction of buildings and facilities for highway safety rest areas, ~~tourist travel information centers~~ in combination with rest areas, and weigh stations when the commissioner deems these buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. [VENDING MACHINES.] Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines dispensing food, nonalcoholic beverages, ~~or milk~~, or other items the commissioner deems appropriate and desirable in highway safety rest areas, ~~tourist travel information centers~~, and weigh stations on marked interstate highways and primary trunk highways. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07.

Sec. 18. Minnesota Statutes 2002, section 160.84, subdivision 9, is amended to read:

Subd. 9. [TOLL FACILITY.] "Toll facility" means a bridge, causeway, or tunnel, and its approaches; a road, street, or highway or lane thereon; an appurtenant building, structure, or other improvement; land lying within applicable rights-of-way; and other appurtenant rights or hereditaments that together comprise a project for which a road authority or private operator is authorized to develop, finance, design, operate, and impose tolls under sections 160.84 to 160.92.

Sec. 19. Minnesota Statutes 2002, section 160.85, subdivision 1, is amended to read:

Subdivision 1. [ROAD AUTHORITY.] A road authority may solicit or accept proposals from and enter into development agreements with counties or private operators for developing, financing, designing, constructing, improving, rehabilitating, owning, and operating toll facilities wholly or partly within the road authority's jurisdiction. A road authority may solicit proposals from private operators only after the county in which the proposed toll facilities will be located has refused to submit a proposal. If a road authority solicits toll facility proposals, it must publish a notice of solicitation in the State Register.

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

Sec. 20. Minnesota Statutes 2002, section 160.85, subdivision 3, is amended to read:

Subd. 3. [APPROVAL.] No road authority and private operator may execute a development agreement without the approval of the final agreement by the commissioner. A road authority and private operator in the metropolitan area must obtain the approvals required in sections 161.162 to 161.167 and 473.166. ~~Except as otherwise provided in sections 161.162 to 161.167,~~ The governing body of a county or municipality through which a facility passes may veto the project within 30 days of approval by the commissioner.

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

Sec. 21. Minnesota Statutes 2002, section 160.85, subdivision 3a, is amended to read:

Subd. 3a. [INFORMATION MEETING.] Before approving or denying a development agreement, the commissioner shall hold a public information meeting in any municipality or county in which any portion of the proposed toll facility runs. The commissioner shall determine the time and place of the information meeting. The commissioner shall make the proposed development agreement available for public review at the meeting and for a reasonable period of time before the meeting.

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

Sec. 22. Minnesota Statutes 2002, section 160.85, subdivision 5, is amended to read:

Subd. 5. [RIGHT-OF-WAY ACQUISITION.] A private operator may acquire right-of-way by ~~donation~~, lease, or purchase. A road authority may acquire right-of-way by donation, purchase, or eminent domain and may donate, sell, or lease a right-of-way to a private operator for fair value.

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

Sec. 23. [160.851] [TOLL FACILITIES PLAN.]

Subdivision 1. [PLAN REQUIRED.] By June 30, 2005, the commissioner shall adopt a draft toll facilities plan to cover a 20-year period. The plan must ensure that when toll facilities are authorized they will be consistent with regional transportation plans, be coordinated with other highway and transportation improvements, and will be constructed only to meet transportation needs that cannot reasonably be met in any other way. The plan must include (1) all toll facilities that have been identified in responses received by the commissioner to a request for project proposals for toll facility development, and (2) all toll facilities that the commissioner determines are under active consideration for development agreements by local road authorities. Neither the commissioner nor a local road authority may enter into a development agreement under section 160.86 until the initial plan has been completed and approvals obtained under subdivision 4.

Subd. 2. [COST-BENEFIT ANALYSIS.] The plan must require that before a development agreement may be signed for a toll facility project the road authority must perform an analysis of the project that compares (1) the total cost of the project to its developer and users, and the benefits of the toll facility to its users and users of other highways, to (2) the total costs that the road authority would incur if it were to construct the project itself and operate it without toll, and the benefits of the nontoll facility to its users and users of other highways. The analysis must include a projection, developed by an independent source, of vehicle use and rider use.

Subd. 3. [TRANSIT AND HIGH-OCCUPANCY VEHICLE ADVANTAGES.] The plan must require that each development agreement made by the commissioner must provide significant advantages, benefits, or preferences to public transit and other high-occupancy vehicles.

Subd. 4. [APPROVAL OF PLAN.] The draft toll facilities plan must be approved by the metropolitan planning organization in each metropolitan area in which the plan shows a toll facility may potentially be located. The commissioner shall submit the draft plan to each such metropolitan planning organization by July 15, 2005. Failure by a metropolitan planning organization to act on the draft plan by December 31, 2005, constitutes approval. The plan is not effective until all approvals required under this subdivision have been secured.

Subd. 5. [OPERATIONAL ASPECTS OF PLAN.] The toll facilities plan must not only specify locations of potential facilities but also provide for operational aspects of toll facilities, including:

- (1) design standards for toll facilities that are unique to those facilities;
- (2) methods of toll collection;
- (3) determination of tolls;
- (4) maintenance of and law enforcement on toll facilities; and
- (5) standards to be met before toll facilities are transferred to a road authority.

Sec. 24. Minnesota Statutes 2002, section 160.86, is amended to read:

160.86 [TOLL FACILITY DEVELOPMENT AGREEMENT; REQUIREMENTS.]

Subdivision 1. [REQUIRED PROVISIONS.] A development agreement must include the following provisions:

(a) The toll facility must meet the road authority's standards of design and construction for roads and bridges of the same functional classification.

(b) The commissioner must review and approve the location and design of a bridge over navigable waters as if the bridge were constructed by a road authority. This requirement does not diminish the private operator's responsibility for bridge safety.

(c) The private operator shall manage and operate the toll facility in cooperation with the road authority and subject to the development agreement.

(d) The toll facility is subject to regular inspections by the road authority and the commissioner.

(e) The agreement must provide the terms and conditions of maintenance, snow removal, and police services to the toll facility. The road authority must provide the services. The services must meet at least the road authority's standards for facilities of the same functional classification.

(f) The agreement must establish a reasonable rate of return on investment and capital during the term of the agreement.

Subd. 2. [PROHIBITED PROVISIONS.] (a) A development agreement may not include a noncompete clause or any provision that would restrict the construction, improvement, or maintenance of a highway, or restrict the development, design, construction, or operation of public transit facilities or service, including commuter rail lines.

(b) The road authority may not allow the private operator to acquire or use the right-of-way unless the operator gives fair value for the interest in the property.

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

Sec. 25. [160.865] [TOLL FACILITIES; ADDITIONAL PLANNING REQUIREMENTS.]

Subdivision 1. [INCLUSION IN STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.] The commissioner of transportation may not make a development agreement for a toll facility unless the facility is included in the commissioner's statewide transportation improvement program for the federal fiscal year in which construction of the facility would begin.

Subd. 2. [BUDGET SUBMISSION.] In each biennial budget document for the Department of Transportation submitted to the legislature, the commissioner shall include a description of each toll facility developed under a development agreement between the commissioner and a private operator that the commissioner determines is likely to have construction begun in that biennium. The description must include the design and location of each such facility. If a development agreement has been signed for the facility, the description must summarize the major points of the agreement. If no development agreement has been signed, the description must summarize the major points of all project proposals that have been received for the project.

Sec. 26. Minnesota Statutes 2002, section 160.88, is amended to read:

160.88 [PUBLIC TOLL FACILITIES.]

Subject to the provisions of sections 161.162 to 161.167 and 473.166, a road authority may develop, finance, design, construct, improve, rehabilitate, own, and operate a toll facility.

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

Sec. 27. Minnesota Statutes 2003 Supplement, section 160.93, is amended by adding a subdivision to read:

Subd. 1a. [HYBRID AND INHERENTLY LOW EMISSION VEHICLES.] The commissioner may not charge a user fee to an owner or operator of a single-occupant hybrid vehicle or a single-occupant inherently low emission vehicle that uses designated high-occupancy vehicle lanes for which user fees would otherwise be charged under subdivision 1 if the vehicle displays a decal or identifier issued for that vehicle pursuant to section 168.096.

Sec. 28. Minnesota Statutes 2003 Supplement, section 160.93, subdivision 4, is amended to read:

Subd. 4. [PROHIBITION.] No person may operate a single-occupant vehicle in a designated high-occupancy vehicle lane except in compliance with the requirements of the commissioner and the requirements of law. Except as otherwise provided, a person who violates this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89, subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable to the commission of a petty misdemeanor traffic offense.

Sec. 29. [160.94] [TOLLS APPLICABLE TO HYBRID AND INHERENTLY LOW EMISSION VEHICLES.]

A road authority or private operator that operates a toll facility must exempt hybrid and inherently low emission vehicles from toll charges.

Sec. 30. Minnesota Statutes 2002, 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, 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, toll facilities, 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.

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

Sec. 31. Minnesota Statutes 2002, section 161.163, subdivision 1, is amended to read:

Subdivision 1. [PROJECTS REQUIRING REVIEW.] Sections 161.162 to 161.167 apply only to projects that alter access, increase or reduce highway traffic capacity, establish or modify toll facilities, or require acquisition of permanent rights-of-way.

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

Sec. 32. Minnesota Statutes 2002, section 161.164, subdivision 2, is amended to read:

Subd. 2. [GOVERNING BODY ACTION.] (a) Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the Department of Transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.

(b) Within 90 days from the date of the public hearing, the governing body shall approve or disapprove the final layout in writing, as follows:

(1) If the governing body approves the final layout or does not disapprove the final layout in writing within 90 days, in which case the final layout is deemed to be approved, the commissioner may continue the project development.

(2) If the final construction plans contain changes in access, traffic capacity, toll facilities, or acquisition of permanent right-of-way from the final layout approved by the governing body, the commissioner shall resubmit the portion of the final construction plans where changes were made to the governing body. The governing body must approve or disapprove the changes, in writing, within 60 days from the date the commissioner submits them.

(3) If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality, decide not to proceed with the project, or refer the final layout to an appeal board. The appeal board shall consist of one member appointed by the commissioner, one member appointed by the governing body, and a third member agreed upon by both the commissioner and the governing body. If the commissioner and the governing body cannot agree upon the third member, the chief justice of the Supreme Court shall appoint a third member within 14 days of the request of the commissioner to appoint the third member.

Sec. 33. Minnesota Statutes 2002, section 161.165, subdivision 2, is amended to read:

Subd. 2. [ACTION ON APPROVED FINAL LAYOUT.] (a) If the appeal board recommends approval of the final layout or does not submit its findings and recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project.

(b) If the final construction plans change access, traffic capacity, toll facilities, or acquisition of permanent right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

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

Sec. 34. Minnesota Statutes 2002, section 161.165, subdivision 3, is amended to read:

Subd. 3. [ACTION ON FINAL LAYOUT APPROVED WITH CHANGES.] (a) If, within 60 days, the appeal board recommends approval of the final layout with modifications, the commissioner may:

(1) prepare final construction plans with the recommended modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare final construction plans substantially similar to the final layout referred to the appeal board, and proceed with the project. The commissioner shall, before proceeding with the project, file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access ~~or~~, traffic capacity, or toll facilities, or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

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

Sec. 35. Minnesota Statutes 2002, section 161.165, subdivision 4, is amended to read:

Subd. 4. [ACTION ON DISAPPROVED FINAL LAYOUT.] (a) If, within 60 days, the appeal board recommends disapproval of the final layout, the commissioner may either:

(1) decide not to proceed with the project; or

(2) prepare final construction plans substantially similar to the final layout referred to the appeal board, notify the governing body and the appeal board, and proceed with the project. Before proceeding with the project, the commissioner shall file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access ~~or~~, traffic capacity, or toll facilities, or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

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

Sec. 36. Minnesota Statutes 2002, section 161.166, subdivision 2, is amended to read:

Subd. 2. [ACTION ON APPROVED FINAL LAYOUT.] If the appeal board recommends approval of the final layout or does not submit its findings or recommendations within 60 days of the hearing, in which case the the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project. If the final construction plans change access or, traffic capacity, or toll facilities, or require additional acquisition of right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plan that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

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

Sec. 37. Minnesota Statutes 2002, section 161.166, subdivision 3, is amended to read:

Subd. 3. [ACTION ON FINAL LAYOUT APPROVED WITH CHANGES.] (a) If the appeal board approves the final layout with modifications, the commissioner may:

(1) prepare final construction plans including the modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare a new final layout and resubmit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

(b) If the final construction plans contain changes in access or, traffic capacity, or toll facilities, or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

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

Sec. 38. Minnesota Statutes 2002, section 161.23, subdivision 3, is amended to read:

Subd. 3. [LEASING.] The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as the commissioner deems proper, any excess real estate acquired under this section, and any real estate acquired in fee for trunk highway purposes and not presently needed for those purposes. All rents received from the leases must be paid into the state treasury. Seventy percent of the rents must be credited to the trunk highway fund. The remaining 30 percent must be paid to the county treasurer where the real estate is located, and distributed in the same manner as real estate taxes. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278 or to fees collected under section ~~174.70~~, subdivision 2.

Sec. 39. Minnesota Statutes 2002, section 161.433, subdivision 2, is amended to read:

Subd. 2. [CONSIDERATION FOR USE.] The consideration paid for the use of airspace or subsurface areas shall be determined by the commissioner, but in no event shall it be less than a fair rental rate, and shall include costs for the erection and maintenance of any facilities or other costs occasioned by that use. All moneys received shall be paid into the trunk highway fund. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278.

Sec. 40. Minnesota Statutes 2002, section 161.434, is amended to read:

161.434 [INTERSTATE AND TRUNK HIGHWAY RIGHTS-OF-WAY; LIMITED USE.]

The commissioner may also make such arrangements and agreements as the commissioner deems necessary in the public interest for the limited use of land owned as interstate or trunk highway right-of-way, which use shall be for highway purposes, including aesthetic purposes, but not including the erection of permanent buildings, except buildings or structures erected for the purpose of providing information to travelers through commercial and public service advertising pursuant to franchise agreements as provided in sections ~~160.276~~ 160.272 to 160.278. The commissioner shall secure the approval of the appropriate federal agency where such approval is required.

Sec. 41. Minnesota Statutes 2002, section 162.021, subdivision 5, is amended to read:

Subd. 5. [DESIGNATION.] ~~(a)~~ The commissioner may designate a county state-aid highway as a natural preservation route only on petition of the county board of the county having jurisdiction over the road. Within 60 days after a county board receives a written request to designate a county state-aid highway as a natural preservation route, the county board shall act on the request.

~~(b) The commissioner shall appoint an advisory committee for each construction district consisting of seven members: one member of the Department of Natural Resources, one county commissioner, one county highway engineer, one representative of a recognized environmental organization, and three members of the public. The commissioner shall refer each petition received under this subdivision to the appropriate advisory committee. The advisory committee shall consider the petition for designation and make a recommendation to the commissioner. Following receipt of the committee's recommendation, the commissioner may designate the highway as a natural preservation route.~~

Sec. 42. Minnesota Statutes 2002, section 164.08, subdivision 2, is amended to read:

Subd. 2. [MANDATORY ESTABLISHMENT; CONDITIONS.] (a) Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over a navigable waterway or over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. A town board shall establish a cartway upon a petition of an owner of a tract of land that, as of January 1, 1998, was on record as a separate parcel, contained at least two but less than five acres, and has no access thereto except over a navigable waterway or over the lands of others. The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest.

(b) In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07.

(c) The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services, hearing costs, administrative costs, recording costs, and other costs and expenses which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

(d) Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10.

(e) After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution

no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 43. Minnesota Statutes 2003 Supplement, 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 on it, the sum of which constitutes the gross weight upon which the license tax must be paid. However, the declared gross weight upon which the tax is paid must not 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 a motor vehicle, trailer, or semitrailer must 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 on a highway, other than a highway that is part of the system of interstate and defense highways, unless a federal exemption is granted, in accordance with paragraph (d)(3):

(1) 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, except during winter weight increase periods; and

(2) between the dates set by the commissioner in accordance with section 169.826, subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting the gross axle weight of any individual axle unless the entire vehicle also exceeds its gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight allowance permitted under section 169.826, in which case the vehicle is subject to all applicable penalties for excess weight violations.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates must 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, is guilty of a misdemeanor and subject to increased registration or reregistration according to the following schedule:

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than 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 sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or semitrailer used to commit the violation, 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 is 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 sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the

additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays 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) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer 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 the vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of registration on the vehicle operated and 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 continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of 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 this section, the vehicle must 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 is 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 must be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 44. [168.096] [IDENTIFICATION OF HYBRID AND INHERENTLY LOW EMISSION VEHICLES.]

Subdivision 1. [DECAL OR OTHER IDENTIFIER.] The registrar shall issue to the owner of a hybrid vehicle, within the meaning of section 160.02, subdivision 19a, or an inherently low emission vehicle, within the meaning of section 160.02, subdivision 19b, upon request of the owner and upon payment of a fee established by the commissioner, a distinctive decal or other identifier to be affixed to the vehicle so as to clearly distinguish these vehicles from other vehicles. Each decal or identifier must display a unique number, which must be printed on or affixed to the vehicle registration.

Subd. 2. [VIOLATION.] A person may not operate and may not own a vehicle that displays a decal or other identifier described in this section, if that decal or identifier was not issued for that vehicle. A violation of this subdivision is a misdemeanor.

Sec. 45. Minnesota Statutes 2002, section 168.33, subdivision 9, is amended to read:

Subd. 9. [RULES.] The commissioner of public safety may adopt rules for administering and enforcing this section. No rule adopted under this subdivision takes effect until final enactment of a law continuing legislative approval of the rule.

Sec. 46. Minnesota Statutes 2002, section 169.01, is amended by adding a subdivision to read:

Subd. 4c. [MOTORIZED SCOOTER.] "Motorized scooter" means a device with two wheels and handlebars, powered by a motor, and designed to be stood upon by the operator. An electric personal assistive mobility device, within the meaning of subdivision 90, is not a motorized scooter.

Sec. 47. Minnesota Statutes 2002, section 169.01, is amended by adding a subdivision to read:

Subd. 91. [SCHOOL ZONE.] "School zone" means that section of a street or highway that abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located; provided, the school advance sign prescribed by the Manual on Uniform Traffic Control Devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones must conform to the Manual on Uniform Traffic Control Devices.

Sec. 48. Minnesota Statutes 2002, section 169.06, is amended by adding a subdivision to read:

Subd. 5b. [POSSESSION OF OVERRIDE DEVICE.] (a) For purposes of this subdivision, "traffic signal-override device" means a device mounted in a motor vehicle that permits activation of a traffic signal-override system described in subdivision 5a.

(b) No person may operate a motor vehicle that contains a traffic signal-override system, other than:

(1) an authorized emergency vehicle described in section 169.01, subdivision 5, clause (1), (2), or (3);

(2) a vehicle engaged in providing regular-route public transit;

(3) a signal maintenance vehicle of a road authority; or

(4) a vehicle authorized to contain such a device by order of the commissioner of public safety.

(c) No person may possess a traffic signal-override system, other than:

(1) a person authorized to operate a vehicle described in paragraph (b), clauses (1) and (2), but only for use in such a vehicle;

(2) a person authorized by a road authority to perform signal maintenance, while engaged in such maintenance; or

(3) a person authorized by order of the commissioner of public safety to possess such a device, but only to the extent authorized in the order.

(d) A violation of this subdivision is a misdemeanor.

Sec. 49. [169.133] [TELEPHONE USE BY CERTAIN DRIVERS PROHIBITED.]

Subdivision 1. [PROHIBITION GENERALLY.] Except as otherwise provided in this section, a holder of an instruction permit issued under section 171.05 or a provisional driver's license issued under section 171.055 shall not operate a motor vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, regardless of whether the telephone must be hand held or may be hands free for its operation.

Subd. 2. [EXCEPTIONS FOR PASSENGERS AND AUTHORIZED EMERGENCY VEHICLES.] Subdivision 1 does not apply to an operator of an authorized emergency vehicle or to any nonoperator passenger of a motor vehicle.

Subd. 3. [AFFIRMATIVE DEFENSE.] A person described in subdivision 1 may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance if the person had reason to fear for the life or safety of any person or to believe that a crime was about to be committed in the person's proximity.

Sec. 50. Minnesota Statutes 2002, section 169.14, subdivision 2, is amended to read:

Subd. 2. [SPEED LIMITS.] (a) Where no special hazard exists, the following speeds shall be ~~are~~ lawful, but any ~~speeds~~ speed in excess of ~~such~~ these limits shall be ~~is~~ prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be ~~is~~ a maximum limit and any speed in excess thereof shall be of that limit is unlawful:

- (1) 30 miles per hour in an urban district or on a town road in a rural residential district;
- (2) 65 miles per hour on noninterstate freeways and expressways, as defined in section 160.02, subdivision 19;
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (6) ten miles per hour in alleys ~~alleyways~~; ~~and~~
- (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway; ~~and~~
- (8) 25 miles per hour in school zones.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

Sec. 51. Minnesota Statutes 2002, section 169.14, subdivision 3, is amended to read:

Subd. 3. [REDUCED SPEED REQUIRED.] (a) The driver of any vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on any street or highway, when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) For purposes of this subdivision, "appropriate reduced speed" when approaching or passing an emergency vehicle stopped on a highway with emergency lights flashing is a speed that allows the driver to control the vehicle to the extent necessary, up to and including stopping the vehicle, to prevent a collision, to prevent injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel.

(c) A person who fails to reduce speed appropriately when approaching or passing an authorized emergency vehicle stopped with emergency lights flashing on a street or highway shall be assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25, or \$75 if illuminated or reflective warning markers have been placed on the highway within 1,000 feet of the scene of the emergency.

Sec. 52. Minnesota Statutes 2002, section 169.14, is amended by adding a subdivision to read:

Subd. 3a. [DRIVER EDUCATION AND TRAINING PROGRAMS.] The commissioner of public safety shall take all necessary steps to insure that persons enrolled in driver education

programs offered at public schools, and persons enrolled in driver training programs offered at private and parochial schools and commercial driver training schools, are instructed as to the responsibilities of drivers when approaching emergency scenes and stopped emergency vehicles on highways.

Sec. 53. Minnesota Statutes 2002, section 169.14, is amended by adding a subdivision to read:

Subd. 3b. [CAUSE FOR ARREST; VIOLATION; PENALTY.] (a) A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 3 at the scene of an emergency within the past four hours.

(b) If a motor vehicle is operated in violation of subdivision 3 at the scene of an emergency, the owner of the vehicle or, for a leased motor vehicle, the lessee of the vehicle is guilty of a petty misdemeanor. The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This paragraph does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 3.

Sec. 54. Minnesota Statutes 2002, section 169.14, subdivision 4, is amended to read:

Subd. 4. [ESTABLISHMENT OF ZONES BY COMMISSIONER.] Except as provided in subdivision 5a, on determining upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, the commissioner may erect appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be becomes effective when such the signs are erected there. Any speeds speed in excess of such these limits shall be is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be or within any school zone is a maximum limit and any speed in excess thereof shall be of that limit is unlawful. On determining upon that basis that a part of the trunk highway system outside a municipality should be a zone of maximum speed limit, the commissioner may establish that part as such a zone by erecting appropriate signs showing the beginning and end of the zone, designating a reasonable and safe speed therefor, which may be different than the speed set forth in this section, and that it is a zone of maximum speed limit. The speed so designated by the commissioner within any such zone shall be is a maximum speed limit, and speed in excess of such that limit shall be is unlawful. The commissioner may in the same manner from time to time alter the boundary of such a zone and the speed limit therein or eliminate such the zone.

Sec. 55. Minnesota Statutes 2003 Supplement, section 169.14, subdivision 5a, is amended to read:

Subd. 5a. [SPEED ZONING IN SCHOOL ZONE; SURCHARGE.] (a) A local authorities authority, with the agreement of a school board or nonpublic school administration, may establish a school speed limit that is less than 25 miles per hour within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation located on a street or highway within the jurisdiction of the local authority. The establishment of a school speed limit that is more than or less than 25 miles per hour on any trunk highway shall must be with the consent by agreement of the commissioner of transportation with the school board or, in the case of a nonpublic school, with the school's administrator. Such School speed limits shall be are in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 30 miles per hour below the established speed limit on an affected street or highway.

(b) The school speed limit shall be becomes effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of such the posted school speed limit is unlawful. All such These signs shall must be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of transportation on trunk highways.

(c) ~~For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06 is in place. All signs erected by local authorities to designate speed limits in school zones shall conform to the Manual on Uniform Control Devices.~~

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision is assessed an additional surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

Sec. 56. Minnesota Statutes 2002, section 169.18, subdivision 7, is amended to read:

Subd. 7. [LANED HIGHWAY.] When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is signposted to give notice of such allocation. The left lane of a three-lane roadway which is not a one-way roadway shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway, or to prepare for a turn as provided in section 169.19, subdivision 1.

(e) A vehicle must be driven in the right-hand lane according to subdivision 10.

Sec. 57. Minnesota Statutes 2002, section 169.18, subdivision 10, is amended to read:

Subd. 10. [~~SLOW-MOVING VEHICLE~~ VEHICLES DRIVEN IN RIGHT-HAND LANE.] (a) ~~Upon all roadways any, including freeways and expressways as defined in section 160.02, a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall~~ must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, if safe and practicable to do so, except:

- (1) when overtaking and passing another vehicle proceeding in the same direction; or;
- (2) when preparing for a left turn at an intersection or into a private road or driveway; or;
- (3) when a specific lane is designated and posted for a specific type of traffic;
- (4) when necessary to enter or exit an expressway, freeway, interstate highway, or other controlled-access highway;
- (5) when otherwise directed in a highway work zone, as defined in section 169.14, subdivision 5d;
- (6) when otherwise directed by a law enforcement officer; or

(7) when expressly allowed or required by other law.

(b) The commissioner of transportation shall erect appropriate signs on interstate highways and freeways to instruct motorists concerning paragraph (a).

Sec. 58. [169.225] [MOTORIZED SCOOTER.]

Subdivision 1. [APPLICATION OF TRAFFIC LAWS.] Every person operating a motorized scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized scooters.

Subd. 2. [SIDEWALK AND PASSENGER PROHIBITION.] No person shall operate a motorized scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person shall operate a motorized scooter that is carrying any person other than the operator.

Subd. 3. [MINIMUM AGE FOR OPERATOR.] No person under the age of 12 years may operate a motorized scooter on a public road or public right-of-way.

Subd. 4. [PROTECTIVE HEADGEAR.] No person under the age of 18 years may operate a motorized scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of public safety.

Subd. 5. [REQUIRED LIGHTING EQUIPMENT.] A motorized scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of public safety if the vehicle is operated under conditions when vehicle lights are required by law.

Subd. 6. [OPERATION REQUIREMENTS AND PROHIBITIONS.] (a) A person operating a motorized scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

(1) when overtaking and passing another vehicle proceeding in the same direction;

(2) when preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians; or

(3) when reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes.

(b) A person who is 12 years old or older may operate a motorized scooter on a bicycle path, bicycle lane, bicycle trail, or bikeway that is not reserved for the exclusive use of nonmotorized traffic, unless the local authority or governing body having jurisdiction over that path, lane, trail, or bikeway prohibits operation by law.

Sec. 59. Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1, is amended to read:

Subdivision 1. [STOP REQUIRED.] (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle that is required to stop at railroad grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until safe to do so. The driver must not shift gears while crossing the railroad tracks.

(b) A school bus or Head Start bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate.

(c) A type III school bus, as defined in section 169.01, is exempt from the requirement of school buses to stop at railroad grade crossings.

(d) The requirements of this subdivision do not apply to the crossing of light rail vehicle track or tracks that are located in a public street when:

(1) the crossing occurs within the intersection of two or more public streets;

(2) the intersection is controlled by a traffic control signal; and

(3) the intersection is marked with signage indicating to drivers that the requirements of this subdivision do not apply. Notwithstanding any other provision of law, the owner or operator of the track or tracks is authorized to place, maintain, and display such signage upon and in the view of the public street or streets.

Sec. 60. [169.355] [LEAVING UNATTENDED CHILD IN MOTOR VEHICLE.]

Subdivision 1. [REQUIREMENT OF SUPERVISION OF YOUNG CHILD.] A parent, legal guardian, or other person responsible for a child who is eight years old or younger may not leave the child inside a motor vehicle if the child is not subject to the supervision of a person 14 years old or older, when:

(1) conditions present a significant risk to the child's health or safety; or

(2) the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

Subd. 2. [VIOLATION.] A violation of subdivision 1 is punishable by a fine of not less than \$150 for a first offense and not less than \$300 for a subsequent offense. The court may reduce or waive the fine if the violator is economically disadvantaged and attends a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and certifies completion of the program. The violator shall submit the certification to the court. The court may require any violator described in this section to attend an education program on the dangers of leaving young children unattended in motor vehicles. Nothing in this section shall preclude prosecution under both this section or any other provision of law.

Subd. 3. [ALLOCATION OF FINES.] Notwithstanding any other provision of law, the fines collected for a violation of this section shall be paid by the person collecting the fines to the treasurer of the county where the violation occurred and allocated by the county treasurer, as follows:

(1) 70 percent to the county or city health department where the violation occurred, to be used by the health department or by a person or organization under contract with the health department for the development and implementation of community education programs on the dangers of leaving young children unattended in motor vehicles. Each county and city health department shall prepare and annually update a list of community education programs that provide information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger. The county or city health department shall forward the list to the courts and shall make the list available to the public;

(2) 15 percent to the county or city for the administration of the program and for the county's costs to account for and disburse fine revenues; and

(3) 15 percent to the city to be deposited in its general fund, except that if the violation occurred in an unincorporated area, this amount shall be deposited in the county's general fund.

Sec. 61. Minnesota Statutes 2002, section 169.685, subdivision 5, is amended to read:

Subd. 5. [VIOLATION; PETTY MISDEMEANOR.] (a) Every motor vehicle operator, when transporting a child ~~under the age of four~~ subject to the requirements of paragraph (b) on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system or a booster seat meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport:

(1) a child under the age of four in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system; or

(2) a child four years of age or older, but less than nine years of age, unless the child is 57 or more inches in height, if the child is not properly fastened in a booster seat.

Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system or booster seat meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(c) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

Sec. 62. Minnesota Statutes 2002, section 169.685, subdivision 6, is amended to read:

Subd. 6. [EXCEPTIONS.] (a) This section does not apply to:

(1) a person transporting a child in an emergency medical vehicle while in the performance of official duties and when the physical or medical needs of the child make the use of a child passenger restraint system or booster seat unreasonable or when a child passenger restraint system or booster seat is not available;

(2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system or booster seat is not available, provided that a seat belt must be substituted; and

(3) a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle.

(b) A child passenger restraint system or booster seat is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system or booster seat because of a medical condition, body size, or physical disability. A motor vehicle operator claiming exemption for a child under this paragraph must possess a typewritten statement from the physician stating that the child cannot be safely transported in a child passenger restraint system or booster seat. The statement must give the name and birth date of the child, be dated within the previous six months, and be made on the physician's letterhead or contain the physician's name, address, and telephone number. A person charged with violating subdivision 5 may not be convicted if the person produces the physician's statement in court or in the office of the arresting officer.

(c) A person offering a motor vehicle for rent or lease shall provide a child passenger restraint device or booster seat to a customer renting or leasing the motor vehicle who requests the device upon request of the customer. A reasonable rent or fee may be charged for use of the child passenger restraint device or booster seat.

Sec. 63. Minnesota Statutes 2002, section 169.685, subdivision 7, is amended to read:

Subd. 7. [APPROPRIATION; SPECIAL ACCOUNT; LEGISLATIVE REPORT.] The Minnesota child passenger restraint, booster seat, and education account is created in the state treasury, consisting of fines collected under subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety, to be used to provide child passenger restraint systems and booster seats to families in financial need and to provide an educational program on the need for and proper use of child passenger restraint systems and booster seats. The commissioner shall report to the legislature by February 1 of each odd-numbered year on the commissioner's activities and expenditure of funds under this section.

Sec. 64. Minnesota Statutes 2002, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver and passenger of a passenger vehicle or commercial motor vehicle;
- (2) ~~a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and~~
- (3) ~~a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.~~

(b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause (1) or (2)~~, is subject to a fine of ~~\$25~~ \$50. The driver of the ~~passenger vehicle or commercial motor vehicle~~ in which ~~the~~ a violation of paragraph (a) occurred by a passenger under the age of 15 is subject to a ~~\$25~~ \$50 fine for a violation of paragraph (a), ~~clause (2) or (3)~~, by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

Sec. 65. Minnesota Statutes 2002, section 169.686, subdivision 3, is amended to read:

Subd. 3. [APPROPRIATION; SPECIAL ACCOUNT.] ~~The fines~~ (a) From each fine collected for a violation of subdivision 1, ~~\$25~~ must be deposited in the state treasury and credited to a special account to be known as the emergency medical services relief account. Ninety percent of the money in the account shall be distributed to the eight regional emergency medical services systems designated by the Emergency Medical Services Regulatory Board under section 144E.50, for personnel education and training, equipment and vehicle purchases, and operational expenses of emergency life support transportation services. The board of directors of each emergency medical services region shall establish criteria for funding. Ten percent of the money in the account shall be distributed to the commissioner of public safety for the expenses of traffic safety educational programs conducted by State Patrol troopers.

(b) The remaining amount of each fine collected for a violation of subdivision 1 must be paid to the treasurer of the county in which the violation occurred and used for detoxification services for drug-dependent persons provided by the county as required by law.

Sec. 66. [169.8261] [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

A vehicle or combination of vehicles hauling raw or unfinished forest products or the first haul from the place of manufacture of paper, pulp, oriented strand board, treated and untreated lumber, laminated strand lumber, wood chips, and pallets by the most direct route from the place of production to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that such vehicles must:

- (1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;
- (2) comply with bridge load limits posted under section 169.84;
- (3) be equipped and operated with six axles and brakes;
- (4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;
- (5) not be operated on interstate and defense highways;
- (6) obtain an annual permit from the commissioner of transportation; and
- (7) obey all road postings.

Sec. 67. Minnesota Statutes 2003 Supplement, 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 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(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 sections 169.822 to 169.829, 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	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within	Three consec- utive axles spaced within	Four consec- utive axles spaced within

on axles	8 feet or less	9 feet or less	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 169.828, subdivision 2, 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.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund; and

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight posting signs on local bridges;

(2) in fiscal year 2011 and subsequent years all fees under this paragraph must be deposited in the trunk highway fund.

Sec. 68. Minnesota Statutes 2002, section 169.87, subdivision 5, is amended to read:

Subd. 5. [UTILITY VEHICLES.] (a) Weight restrictions imposed by the commissioner under ~~subdivision~~ subdivisions 1 and 2 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by:

(1) a public utility as defined in section 216B.02;

(2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or

(3) a cooperative electric association organized under chapter 308A.

(b) The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service.

Sec. 69. Minnesota Statutes 2002, section 169.87, subdivision 6, is amended to read:

Subd. 6. [RECYCLING AND GARBAGE VEHICLES.] (a) Except as provided in paragraph (b), weight restrictions imposed under subdivisions 1 and 2 do not apply to a two-axle vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

(b) Until July 1, 2005, weight restrictions imposed under subdivisions 1 and 2 do not apply to (1) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling as described in paragraph (a), or (2) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21, while engaged in such collection.

(c) Notwithstanding section 169.80, subdivision 1, a violation of weight restrictions imposed under subdivisions 1 and 2 by a vehicle designed and used exclusively for recycling while

engaged in recycling in a political subdivision that mandates curbside recycling pickup while engaged in such collection, or by a vehicle that is designed and used exclusively for collecting mixed municipal solid waste as defined in section 115A.03, subdivision 21, while engaged in such collection, is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871.

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

Sec. 70. Minnesota Statutes 2002, section 169A.55, is amended by adding a subdivision to read:

Subd. 3. [REINSTATEMENT OF PROVISIONAL LICENSE.] The commissioner shall not issue a provisional or regular driver's license to a person whose provisional driver's license was revoked for conviction as a juvenile of violating section 169A.20, 169A.33, or 169A.35; a provision of sections 169A.50 to 169A.53; or a crash-related moving violation, until the person, following the violation, reaches the age of 18 and satisfactorily:

(1) completes a formal course in driving instruction approved by the commissioner of public safety;

(2) completes an additional three months' experience operating a motor vehicle, as documented to the satisfaction of the commissioner;

(3) completes the written examination for a driver's license with a passing score; and

(4) complies with all other laws for reinstatement of a provisional or regular driver's license, as applicable.

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

Sec. 71. Minnesota Statutes 2002, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] (a) Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. Except as provided in subdivision 2a, no class of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed.

There shall be four general classes of licenses as follows:

(b) Class D; valid for:

(1) operating all farm trucks operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) operating fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) operating recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; and

(5) notwithstanding paragraph (c), operating a type A school bus without a school bus endorsement if:

- (i) the bus has a gross vehicle weight of 10,000 pounds or less;
- (ii) the bus is designed to transport 15 or fewer passengers, including the driver; and
- (iii) the requirements of subdivision 2a, paragraph (b), are satisfied, as determined by the commissioner.

~~The holder of a class D license may also tow;~~

~~(6) towing vehicles if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less; and~~

~~(7) operating any vehicle or combination of vehicles when the operator is a licensed peace officer while on duty.~~

(c) Class C; valid for:

- (1) operating class D vehicles;
- (2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and
- (3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(d) Class B; valid for operating all vehicles in class C, class D, and all other single-unit vehicles including, with a passenger endorsement, buses. The holder of a class B license may tow only vehicles with a gross vehicle weight of 10,000 pounds or less.

(e) Class A; valid for operating any vehicle or combination of vehicles.

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

Sec. 72. Minnesota Statutes 2002, section 171.05, is amended by adding a subdivision to read:

Subd. 1b. [INSTRUCTION PERMIT NOT ISSUED.] Notwithstanding subdivision 1, the commissioner shall not issue an instruction permit to a person under age 18 if the person has ever been convicted of a violation of section 169A.20, 169A.33, or 169A.35; a violation of a provision of sections 169A.50 to 169A.53; or a crash-related moving violation.

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

Sec. 73. Minnesota Statutes 2002, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.] (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

~~(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.~~

(d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor

vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 74. Minnesota Statutes 2002, section 171.055, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS FOR PROVISIONAL LICENSE.] (a) The department may issue a provisional license, which must be distinctive in appearance from a driver's license, to an applicant who:

(1) has reached the age of 16 years;

(2) during the six months immediately preceding the application for the provisional license has possessed an instruction permit and has incurred (i) no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (ii) no convictions for a crash-related moving violation, and (iii) no convictions for a moving violation that is not crash related;

(3) has successfully completed a course of driver education in accordance with department rules;

(4) completes the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer;

(5) presents certification by the person who approves the application under clause (4) stating that the applicant has driven a motor vehicle accompanied by and under the supervision of a licensed driver at least 21 years of age, for no less than 30 hours, at least ten of which were nighttime hours; and

(6) pays the fee required in section 171.06, subdivision 2.

(b) For purposes of this section, "moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) Notwithstanding paragraph (a), clause (2), the commissioner shall not issue a provisional license to a person who has ever incurred a conviction for violation of section 169A.20, 169A.33, or 169A.35; a violation of a provision of sections 169A.50 to 169A.53; or a crash-related moving violation, and at the time of the conviction the person did not possess an instruction permit.

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

Sec. 75. Minnesota Statutes 2002, section 171.055, subdivision 2, is amended to read:

Subd. 2. [USE OF PROVISIONAL LICENSE.] (a) ~~A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record. For the first six months after receiving the license, a provisional license holder may not operate a motor vehicle:~~

(1) with more than one passenger under the age of 21, except immediate family members; or

(2) between 12:00 a.m. and 5:00 a.m., unless accompanied by the driver's parent or guardian,

or unless driving to or from the driver's job or an activity sponsored by a school or religious organization.

(b) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, (3) a conviction for a violation of a restriction described in paragraph (a), or ~~(3)~~ (4) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

Sec. 76. Minnesota Statutes 2002, section 171.06, subdivision 2a, is amended to read:

Subd. 2a. [TWO-WHEELED VEHICLE ENDORSEMENT FEE INCREASED.] (a) The fee for any duplicate driver's license which is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by \$18.50 for each first such duplicate license and \$13 for each renewal thereof. The additional fee shall must be paid into the state treasury and credited as follows:

(1) \$11 of the additional fee for each first duplicate license, and \$7 of the additional fee for each renewal, must be credited to the motorcycle safety fund, which is hereby created; ~~provided that any fee receipts in excess of \$750,000 in a fiscal year shall be credited 90 percent to the trunk highway fund and ten percent to the general fund, as provided in section 171.26.~~

(2) The remainder of the additional fee must be credited to the general fund, as provided in section 171.26.

(b) All application forms prepared by the commissioner for two-wheeled vehicle endorsements shall must clearly state the amount of the total fee that is dedicated to the motorcycle safety fund.

Sec. 77. Minnesota Statutes 2002, section 171.07, subdivision 13, is amended to read:

Subd. 13. [FIREARMS SAFETY DESIGNATION.] (a) When an applicant has a record transmitted to the department as described in paragraph (c) or presents:

(1) a firearms safety certificate issued for successfully completing a firearms safety course administered under section 97B.015; or

(2) an advanced hunter certificate issued for successfully completing an advanced hunter education course administered under section 97B.025,

and requests a driver's license or identification card described in paragraph (b), the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card described in paragraph (b).

(b) Pursuant to paragraph (a), the department shall issue a driver's license or Minnesota identification card bearing a graphic or written indication that the applicant has successfully completed a firearms safety course administered under section 97B.015, an advanced hunter education course administered under section 97B.025, or both of the described courses.

(c) The department shall maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued a firearms safety certificate or an advanced hunter education certificate. The records transmitted from the Department of Natural Resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Sec. 78. Minnesota Statutes 2002, section 171.13, subdivision 1, is amended to read:

Subdivision 1. [SUBJECTS TESTED.] Except as otherwise provided in this section, the

commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of traffic laws related to bicycles; knowledge of dangers of, and penalties for, leaving children unattended in motor vehicles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 79. Minnesota Statutes 2002, section 171.13, is amended by adding a subdivision to read:

Subd. 1i. [DRIVER'S MANUAL; UNATTENDED CHILDREN.] The commissioner shall include in each edition of the driver's manual published after August 1, 2004, information concerning the dangers of, and penalties for, leaving children unattended in motor vehicles, including the effect of solar heat on vehicle interior temperature.

Sec. 80. Minnesota Statutes 2002, section 171.13, is amended by adding a subdivision to read:

Subd. 1j. [DRIVER'S MANUAL; SAFETY AT EMERGENCY SCENE.] The commissioner shall include in each edition of the driver's manual published by the department after July 1, 2004, a section relating to the responsibilities of motorists when approaching an emergency or a stopped emergency vehicle on a highway.

Sec. 81. Minnesota Statutes 2002, section 171.13, is amended by adding a subdivision to read:

Subd. 1k. [DRIVER'S MANUAL; RESTRICTED DRIVING IN LEFT LANE.] The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2004, instructions relating to the requirement to drive a motor vehicle in the right-hand lane and the circumstances when a driver is allowed to drive in the left-most lane of a multilane highway under section 169.18, subdivision 10.

Sec. 82. Minnesota Statutes 2002, section 171.13, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION UPON RENEWAL.] The department shall issue a driver's license upon renewal when:

(1) the applicant has passed an examination consisting of a screening of the applicant's eyesight. Screening of eyesight required by this subdivision does not constitute the practice of optometry as defined in section 148.56;

(2) an applicant who, since the last previous license renewal or issuance, received a warning letter or attended a preliminary hearing as a habitual violator, within the meaning of Minnesota Rules, has passed a written examination; and

(3) an applicant who, since the last previous license renewal or issuance, was at fault in two or more crashes or had driving privileges suspended as a habitual violator, has passed a road examination.

The commissioner may adopt rules to administer this subdivision.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Sec. 83. Minnesota Statutes 2002, section 174.03, is amended by adding a subdivision to read:

Subd. 2a. [STATE AVIATION PLAN.] (a) Each revision of the state transportation plan must include a chapter setting out a state aviation plan. The plan must include the following:

(1) an analysis of the projected commercial aviation needs of the state over the next 20 years;

(2) a description of the present capacity, function, and levels of activity at each commercial service airport as designated by the Federal Aviation Administration, each airport that the commissioner determines is likely to become a commercial service airport in the next 20 years, and any other airport that the commissioner determines should be included by reason of commercial passenger or cargo service levels; and

(3) a description of the capacity, function, and levels of activity that each airport identified in clause (2) must have in order to carry out the plan's goal and objectives and meet the needs described under clause (1).

(b) In assessing aviation needs and the capacity, function, and level of activity at any airport, the plan must consider both commercial passenger service and cargo service.

Sec. 84. [174.032] [ADVISORY COUNCIL ON AVIATION PLANNING.]

Subdivision 1. [ADVISORY COUNCIL CREATED.] (a) The commissioner shall create an advisory council on aviation planning to advise the commissioner on the aviation chapter of the state transportation plan. The council consists of the following members appointed by the commissioner except where otherwise provided:

(1) one member of the Metropolitan Airports Commission;

(2) one representative of major commercial airlines;

(3) one representative of independent pilots who fly for small business;

(4) one representative of the air cargo industry;

(5) two representatives of the business community unrelated to aviation, one of whom must reside within the seven-county metropolitan area and one of whom must reside outside that area;

(6) one representative of environmental interests;

(7) one employee of the Department of Transportation's Office of Aeronautics;

(8) two representatives of neighborhoods that are significantly affected by airplane noise;

(9) one representative of tier-two airports (Mankato, St. Cloud, Duluth, Willmar, and Rochester);

(10) one member of the senate committee having jurisdiction over transportation policy, appointed by the chair of that committee; and

(11) one member of the house of representatives committee having jurisdiction over transportation policy, appointed by the chair of that committee.

(b) Members of the advisory council serve at the pleasure of the appointing authority. Members shall serve without compensation.

Subd. 2. [ADVISORY COUNCIL DUTIES.] (a) The advisory council on aviation planning shall advise the commissioner on the aviation planning chapter of the state transportation plan required under section 174.03, subdivision 2a. In carrying out these duties the advisory council shall prepare an initial draft of the chapter and submit it to the commissioner, revise the draft if so requested by the commissioner, and comment to the commissioner on any revisions to the draft the commissioner makes. In drafting the chapter the council shall consider:

(1) present and anticipated capacity needs of commercial service airports, including limitations on expanding the capacity of individual commercial service airports imposed by state or local regulations, safety or environmental concerns, and land uses near the airport that are incompatible with airport operations;

(2) the needs of Minnesota residents and businesses for passenger and cargo service, from both a statewide and regional perspective;

(3) anticipated changes in commercial aircraft types and characteristics;

(4) noise and other environmental impacts of aviation at commercial service airports;

(5) trends in the aviation and airline industries; and

(6) relationship between aviation and other forms of transportation covered by the state transportation plan.

(b) The advisory council may also make recommendations to the commissioner, the Metropolitan Airports Commission, and the legislature concerning the policy steps needed to implement the chapter.

Subd. 3. [TERM OF COUNCIL; EXPIRATION; RECONVENING.] (a) The commissioner shall appoint the first advisory council by July 1, 2004. The council shall submit any recommendations it makes to the legislature by January 15, 2005. The terms of all members of the advisory council serving on July 1, 2004, expire on January 1, 2006.

(b) The commissioner shall appoint and convene a new advisory council not less than two years before the date on which each revision of the state transportation plan is required under section 174.03, subdivision 1a. Each such advisory council must consist of members as prescribed in subdivision 1, who shall serve on the same terms as set forth under subdivision 1. Each such advisory council expires on the date on which the revision of the state transportation plan becomes final.

Sec. 85. [174.53] [TEN-TON COUNTY HIGHWAY SYSTEM PLAN.]

The commissioner of transportation shall develop a plan for a statewide system of ten-ton county and county state-aid highways to, in order of priority:

(1) support the commissioner's interregional corridor system;

(2) provide greater efficiencies for forestry, agriculture, and other industries in transporting their products to market; and

(3) provide new and existing manufacturing industries with new growth opportunities.

Sec. 86. Minnesota Statutes 2002, section 221.0314, subdivision 9, is amended to read:

Subd. 9. [HOURS OF SERVICE OF DRIVER.] Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (j) (k), (l), (m), and (n), and (o) of section 395.1 and section 395.13 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

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

Sec. 87. [343.325] [ANIMAL PROTECTION.]

Subdivision 1. [REQUIRED PRACTICE.] A person who transports an animal on a public roadway in the cargo portion of a motor vehicle must ensure that the animal is protected in a manner that prevents the animal from falling, jumping, or being thrown from the vehicle.

Subd. 2. [COMPLIANCE.] A person complies with subdivision 1 if:

- (1) the space is enclosed;
- (2) the space has racks on all open sides with adequate height and density to retain the animal;
- (3) the animal is cross tethered to the vehicle; or
- (4) the animal is transported in a cage or container secured to the vehicle.

Subd. 3. [EXCEPTION.] Subdivision 1 does not apply to a farmer as defined in section 500.24 or a farm employee, transporting a dog while the farmer or employee is engaged in agricultural activities on the farm or within five miles of the farm.

Sec. 88. Minnesota Statutes 2002, section 462.352, is amended by adding a subdivision to read:

Subd. 19. [PLAT ROADWAY ELEMENTS.] "Plat roadway elements" means the elements or portions of a plat relating to right-of-way land dedicated to highway purposes, drainage, highway access control.

Sec. 89. Minnesota Statutes 2002, section 462.358, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW PROCEDURES.] The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. As provided in subdivision 3d, the regulations must require an applicant to include in the application proof that the proposed plat roadway elements were submitted to the county engineer if the proposed subdivision abuts an existing or proposed county highway, or to the commissioner of transportation if the proposed subdivision abuts an existing or proposed trunk highway. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. The county engineer's or commissioner of transportation's comments made as authorized by section 505.03, subdivision 2, if any, must be entered on the record at the public hearing and considered by the municipality. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the

municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Sec. 90. Minnesota Statutes 2002, section 462.358, is amended by adding a subdivision to read:

Subd. 3d. [REVIEW OF PROPOSED PRELIMINARY PLATS ABUTTING TRUNK HIGHWAYS OR COUNTY ROADS.] At least 30 days before filing the subdivision application with the municipality, an applicant must submit the proposed plat roadway elements to the county engineer if the proposed preliminary plat abuts an existing or proposed county road or to the commissioner of transportation if the proposed preliminary plat abuts an existing or proposed trunk highway. The subdivision application to the municipality must include proof that the proposed plat roadway elements were submitted timely to the county engineer or commissioner of transportation.

Sec. 91. Minnesota Statutes 2002, section 505.03, subdivision 2, is amended to read:

Subd. 2. [PLAT APPROVAL; ROAD REVIEW.] (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. Preliminary plats in a city or town involving both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation. Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action public hearing on the preliminary plat under section 462.358, subdivision 3b. The commissioner of transportation shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.

(b) Any proposed preliminary plat or initial plat filing that includes land located in a city or town bordering an existing or proposed county road, highway, or county state-aid highway that is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.

(c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, ~~section 15.99 or~~ 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

(d) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for

purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing; (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area, with dimensions to scale, authenticated by a registered engineer or land surveyor, showing the existing or proposed state highway, county road, or county highway and all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions. Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. A city, town, or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision.

Sec. 92. Minnesota Statutes 2002, section 609.855, subdivision 1, is amended to read:

Subdivision 1. [UNLAWFULLY OBTAINING SERVICES; MISDEMEANOR.] A person is guilty of a misdemeanor who intentionally obtains or attempts to obtain service for himself, herself, or another person from a provider of public transit service or from a public conveyance, by doing any of the following:

(1) occupies or rides in any public transit vehicle without paying the required applicable fare or otherwise obtaining the consent of an authorized the transit representative. provider including:

(i) the use of a reduced fare when a person is not eligible for such a fare; or

(ii) the use of a fare media issued solely for the use of a particular individual by another individual;

(2) presents falsified, counterfeit, photocopied, or other deceptively manipulated fare media as fare payment or proof of fare payment;

(3) sells, provides, copies, reproduces, or creates any version of any fare media without the consent of the transit provider; or

(4) puts or attempts to put any of the following into any fare box, pass reader, ticket vending machine, or other fare collection equipment of a transit provider:

(i) papers, articles, instruments, or items other than fare media or currency; or

(ii) fare media that is not valid for the place or time at, or the manner in, which it is used.

Where self-service barrier-free fare collection is utilized by a public transit provider, it is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon the request of an authorized transit representative when entering, riding upon, or leaving a transit vehicle or when present in a designated paid fare zone located in a transit facility.

Sec. 93. Minnesota Statutes 2002, section 609.855, is amended by adding a subdivision to read:

Subd. 7. [DEFINITIONS.] (a) The definitions in this subdivision apply in this section.

(b) "Public transit" or "transit" has the meaning given in section 174.22, subdivision 7.

(c) "Public transit vehicle" or "transit vehicle" means any vehicle used for the purpose of providing public transit, whether or not the vehicle is owned or operated by a public entity.

(d) "Public transit facilities" or "transit facilities" means any vehicles, equipment, property, structures, stations, improvements, plants, parking or other facilities, or rights that are owned, leased, held, or used for the purpose of providing public transit, whether or not the facility is owned or operated by a public entity.

(e) "Fare media" means any tickets, smart cards, passes, coupons, tokens, transfers, or other

media sold or distributed by a public transit provider, or its authorized agents, for use in gaining entry to or use of the public transit facilities or vehicles of the provider.

(f) "Proof of fare payment" means a fare media valid for the place or time at, or the manner in, which it is used. If using a reduced-fare media, proof of fare payment also includes proper identification demonstrating a person's eligibility for the reduced fare. If using a fare media issued solely for the use of a particular individual, proof of fare payment also includes an identification document bearing a photographic likeness of the individual and demonstrating that the individual is the person to whom the fare media is issued.

(g) "Authorized transit representative" means the person authorized by the transit provider to operate the transit vehicle, a peace officer, or any other person designated by the transit provider as an authorized transit provider under this section.

Sec. 94. [COMMISSIONER OF TRANSPORTATION; HIGHWAY REST AREAS.]

Until July 1, 2005, the commissioner of transportation may not close any trunk highway or interstate highway safety rest area that was open on January 1, 2004, or substantially reduce the hours of operation of such a rest area below the hours of operation in effect on January 1, 2004.

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

Sec. 95. [REPORT ON USE OF CREDIT CARDS BY DEPUTY REGISTRARS.]

The commissioner of administration shall develop a plan to allow deputy registrars to avoid or minimize the payment of transaction fees and costs relating to the acceptance of credit card charges, and report the plan to the chairs of the house and senate committees having jurisdiction over transportation policy, no later than January 10, 2005. The commissioner shall identify any statutory changes necessary to implement the plan.

Sec. 96. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber each section or subdivision of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
<u>160.27, subdivision 5</u>	<u>160.2715</u>
<u>160.277, subdivision 1</u>	<u>160.276, subdivision 2a</u>
<u>160.277, subdivision 2</u>	<u>160.276, subdivision 3a</u>
<u>160.277, subdivision 3</u>	<u>160.276, subdivision 8</u>
<u>160.278, subdivision 1</u>	<u>160.276, subdivision 6</u>
<u>160.278, subdivision 3</u>	<u>160.276, subdivision 7</u>
<u>160.28, subdivision 2</u>	<u>160.273</u>

Sec. 97. [REPEALER.]

Minnesota Statutes 2002, section 174.50, subdivision 4, is repealed.

Sec. 98. [EFFECTIVE DATE.]

Sections 59, 92, and 93 are effective the day following final enactment and apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

ARTICLE 2

CAPITAL PROJECTS

Section 1. [TRUNK HIGHWAY FUND APPROPRIATIONS.]

Subdivision 1. [ANALOG TO DIGITAL CONVERSION.] \$3,000,000 is appropriated to the commissioner of transportation from the trunk highway fund to continue the conversion of the existing analog microwave backbone equipment to digital equipment. This appropriation is available until expended.

Subd. 2. [SMALL CAPITAL PROJECTS.] \$4,400,000 is appropriated to the commissioner of transportation from the trunk highway fund to design, construct, furnish, and equip statewide building projects, consisting of truck stations, salt storage facilities, cold storage facilities, and Mankato headquarters site work. Of this amount, \$600,000 is for the department's share of the feasibility studies, design, site preparation, and upgrade of common utility services for a joint use truck station and public works facility with Pope County. This appropriation is available until expended.

Sec. 2. [TRUNK HIGHWAY BOND PROCEEDS ACCOUNT APPROPRIATIONS.]

Subdivision 1. [EXTERIOR REPAIR OF TRANSPORTATION BUILDING.] \$3,383,000 is appropriated to the commissioner of transportation from the trunk highway bond proceeds account to repair and renovate the exterior of the Department of Transportation building at 395 John Ireland Boulevard in St. Paul. This appropriation is available until expended.

Subd. 2. [MANKATO HEADQUARTERS BUILDING.] \$15,300,000 is appropriated to the commissioner of transportation from the trunk highway bond proceeds account to design, construct, furnish, and equip a new district headquarters facility in Mankato. This appropriation is available until expended.

Sec. 3. [BOND SALE.]

To provide the money appropriated by section 2 from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$18,683,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11."

Delete the title and insert:

"A bill for an act relating to transportation; modifying appropriations; modifying provisions relating to use of real estate appraisal data, snowmobile operation, toll facilities, operation of hybrid and inherently low emission vehicles, highway safety rest areas and travel information centers, lane observance, driver licenses, designation of natural preservation routes, establishment of cartways, vehicle weight and load restrictions, speed limits in school zones; prohibiting certain uses of traffic signal preemption transmitters, telephone use by certain drivers, appropriate speed when passing stopped emergency vehicle, railroad grade crossing requirements, public transit crimes, leaving unattended child in motor vehicle, legislative approval of rules concerning deputy registrars, review of plat roadway elements, regulation of motorized scooters, use of booster seats in vehicles, seat belt violations, operation of motor vehicles by peace officer with class D license; prohibiting issuance of driver's license to certain applicants under 18, provisional license limitations, allocation of two-wheeled vehicle endorsement fee, examination of driver license holder who is habitual violator; requiring state aviation plan; creating advisory council on aviation planning; requiring ten-ton county highway system plan; prohibiting closure of highway rest areas; protecting animals in vehicles; authorizing issuance of trunk highway bonds; appropriating money; amending Minnesota Statutes 2002, sections 84.87, subdivision 1; 160.02, by adding subdivisions; 160.08, subdivision 7; 160.276; 160.277; 160.278; 160.28; 160.84, subdivision 9; 160.85, subdivisions 1, 3, 3a, 5; 160.86; 160.88; 161.162, subdivision 2; 161.163, subdivision 1; 161.164, subdivision 2; 161.165, subdivisions 2, 3, 4; 161.166, subdivisions 2, 3; 161.23, subdivision 3; 161.433, subdivision 2; 161.434; 162.021, subdivision 5; 164.08, subdivision 2; 168.33, subdivision 9; 169.01, by adding subdivisions; 169.06, by adding a subdivision; 169.14, subdivisions 2, 3, 4, by adding subdivisions; 169.18, subdivisions 7, 10; 169.685, subdivisions 5, 6, 7; 169.686, subdivisions 1, 3; 169.87, subdivisions 5, 6; 169A.55, by adding a subdivision; 171.02, subdivision 2; 171.05, subdivision 2b, by adding a subdivision; 171.055, subdivisions 1, 2; 171.06, subdivision 2a; 171.07, subdivision 13; 171.13, subdivisions 1, 2, by adding subdivisions; 174.03, by adding a subdivision; 221.0314, subdivision 9; 462.352, by adding a subdivision; 462.358, subdivision 3b, by adding a subdivision; 505.03, subdivision 2; 609.855, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 13.44, subdivision 3; 117.036, subdivisions 2, 3, by adding a subdivision; 160.93, subdivision 4, by adding a subdivision; 168.013, subdivision 3; 169.14, subdivision 5a; 169.28, subdivision 1; 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 174; 343; repealing Minnesota Statutes 2002, section 174.50, subdivision 4."

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2005 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2005	1999				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2005 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2005 and insert the language after the enacting clause of S.F. No. 1999, the first engrossment; further, delete the title of H.F. No. 2005 and insert the title of S.F. No. 1999, the first engrossment.

And when so amended H.F. No. 2005 will be identical to S.F. No. 1999, and further recommends that H.F. No. 2005 be given its second reading and substituted for S.F. No. 1999, and that the Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2151 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2151	2774				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2151 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2151 and insert the language after the enacting clause of S.F. No. 2774, the first engrossment; further, delete the title of H.F. No. 2151 and insert the title of S.F. No. 2774, the first engrossment.

And when so amended H.F. No. 2151 will be identical to S.F. No. 2774, and further recommends that H.F. No. 2151 be given its second reading and substituted for S.F. No. 2774, and that the Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2052 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.

CONSENT CALENDARH.F. No. S.F. No.
2052 2196**CALENDAR**

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2351, 1836 and 2335 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2005, 2151 and 2052 were read the second time.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Senator Rest moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 2241: A bill for an act relating to state government operations; appropriating money for technology projects.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Nienow	Sams
Bakk	Hann	Larson	Olson	Saxhaug
Belanger	Higgins	LeClair	Ortman	Scheid
Berglin	Hottinger	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Dille	Kleis	Michel	Rest	Tomassoni
Fischbach	Knutson	Moua	Robling	Vickerman
Foley	Koering	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that the appointment withdrawn from the committee and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for March 25, 2004, be returned to the committee from which it was withdrawn.

Bureau of Mediation Services Commissioner - James Cunningham, Jr., to the Committee on Jobs, Housing and Community Development. The motion prevailed.

CONFIRMATION

Senator Vickerman moved that the report from the Committee on Agriculture, Veterans and Gaming, reported March 25, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Vickerman moved that the foregoing report be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the report from the Committee on Agriculture, Veterans and Gaming, reported March 25, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF ANIMAL HEALTH

Mahesh Kumar, 634 Jenisa Dr., St. Cloud, Stearns County, effective February 7, 2002, for a term expiring on January 2, 2006.

John Whitten, 707 Nissen St., Alexandria, Douglas County, effective February 7, 2002, for a term expiring on January 3, 2005.

DEPARTMENT OF AGRICULTURE COMMISSIONER

Gene Hugoson, 2775 - 60th St., Granada, Martin County, effective January 6, 2003, for a term expiring on January 1, 2007.

MINNESOTA RURAL FINANCE AUTHORITY

Lisa Heggedahl, 71521 - 240th Ave., Hayfield, Dodge County, effective February 7, 2002, for a term expiring on January 2, 2006.

Julian Sjostrom, 17890 County Hwy. 28, Pelican Rapids, Otter Tail County, effective February 7, 2002, for a term expiring on January 2, 2006.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Vickerman moved that the reports from the Committee on Agriculture, Veterans and Gaming, reported March 8, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Vickerman moved that the foregoing reports be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the reports from the Committee on Agriculture, Veterans and Gaming, reported March 8, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF VETERANS AFFAIRS COMMISSIONER

Jeffery Olson, 2216 Orwell Ct. N., Stillwater, Washington County, effective January 6, 2003, for a term expiring on January 1, 2007.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Frank Budd, M.D., 4435 Sunshine Lake Rd., Duluth, St. Louis County, effective March 22, 2002, for a term expiring on January 2, 2006.

Mel Euteneuer, 10683 Hillton Rd., Little Falls, Morrison County, effective March 22, 2002, for a term expiring on January 2, 2006.

Lawrence Greenberg, 2854 Huntington Ave., St. Louis Park, Hennepin County, effective May 30, 2003, for a term expiring on January 1, 2007.

Jeffery Johnson, 71316 - 600th St., Alpha, Jackson County, effective September 11, 2002, for a term expiring on January 3, 2005.

Dan Williams, 3561 Edgerton St., Vadnais Heights, Ramsey County, effective May 30, 2003, for a term expiring on January 1, 2007.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Vickerman moved that the reports from the Committee on Agriculture, Veterans and Gaming, reported February 19, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Vickerman moved that the foregoing reports be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the reports from the Committee on Agriculture, Veterans and Gaming, reported February 19, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

GAMBLING CONTROL BOARD

William Barbknecht, P.O. Box 31, Underwood, Otter Tail County, effective January 30, 2001, for a term expiring on June 30, 2004.

Patricia Davies, 687 Woodridge Dr., Mendota Heights, Dakota County, effective July 1, 2003, for a term expiring on June 30, 2007.

Gerald Dexter, 3565 Golfview Dr., White Bear Lake, Ramsey County, effective August 2, 2002, for a term expiring on June 30, 2006.

James Hynes, 1681 Highland Pkwy., St. Paul, Ramsey County, effective January 30, 2001, for a term expiring on June 30, 2004.

Donald McHale, Box 836, Nisswa, Crow Wing County, effective August 2, 2002, for a term expiring on June 30, 2006.

Peggy Moon, 23992 N. Lakeshore Dr., Glenwood, Pope County, effective July 16, 2001, for a term expiring on June 30, 2005.

Howard Register, 6601 Buckley Cir., #101, Inver Grove Heights, Dakota County, effective July 1, 2003, for a term expiring on June 30, 2007.

MINNESOTA RACING COMMISSION

Darcy Hitesman, 7588 Zanzibar Ln. N., Maple Grove, Hennepin County, effective October 13, 2003, for a term expiring on June 30, 2009.

Lynn Johnson, 3208 W. Lake St., Minneapolis, Hennepin County, effective December 23, 2002, for a term expiring on June 30, 2005.

Scott LeDoux, 358 - 139th Ln. NW, Andover, Anoka County, effective July 17, 2001, for a term expiring on June 30, 2007.

Robert McNamara, 4909 Prescott Cir., Edina, Hennepin County, effective July 17, 2001, for a term expiring on June 30, 2007.

Kathleen Preece, P.O. Box 3095, Bemidji, Beltrami County, effective November 5, 2003, for a term expiring on June 30, 2009.

William Robinson, 505 Willow Dr., Long Lake, Hennepin County, effective December 23, 2002, for a term expiring on June 30, 2007.

Kristine Sundberg, 18617 Covington Rd., Minnetonka, Hennepin County, effective October 13, 2003, for a term expiring on June 30, 2009.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Higgins moved that the reports from the Committee on State and Local Government Operations, reported March 8, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Higgins moved that the foregoing reports be now adopted. The motion prevailed.

Senator Higgins moved that in accordance with the reports from the Committee on State and Local Government Operations, reported March 8, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Matthew Anderson, 129 Australian Ave., Little Canada, Ramsey County, effective October 15, 2002, for a term expiring on January 2, 2006.

Sarah Caruso, 6 Manitoba Rd., Hopkins, Hennepin County, effective June 12, 2003, for a term expiring on January 1, 2007.

Yvonne Condell, 1322 - 12th St. S., Moorhead, Clay County, effective February 10, 2001, for a term expiring on January 3, 2005.

Diana Lewis, 2120 Charlton Rd., Sunfish Lake, Dakota County, effective June 12, 2003, for a term expiring on January 1, 2007.

William Miller, 3614 Prindle Rd., Duluth, St. Louis County, effective February 10, 2001, for a term expiring on January 3, 2005.

Edward Oliver, 20230 Cottagewood Rd., Deephaven, Hennepin County, effective June 12, 2003, for a term expiring on January 1, 2007.

Chris Osgood, 3604 W. Sunrise Dr., Minnetonka, Hennepin County, effective February 10, 2001, for a term expiring on January 3, 2005.

Pamela Perri Weaver, 402 Rice St., Anoka, Anoka County, effective March 25, 2002, for a term expiring on January 2, 2006.

OFFICE OF ADMINISTRATIVE HEARINGS CHIEF ADMINISTRATIVE LAW JUDGE

Raymond R. Krause, 1680 Lake Johanna Blvd., Arden Hills, Ramsey County, effective February 2, 2004, for a term expiring on June 30, 2010.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Betzold moved that the reports from the Committee on Judiciary, reported April 15, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Betzold moved that the foregoing reports be now adopted. The motion prevailed.

Senator Betzold moved that in accordance with the reports from the Committee on Judiciary, reported April 15, 2004, the Senate, having given its advice, do now consent to and confirm the appointments of:

BOARD ON JUDICIAL STANDARDS

Martha Holton Dimick, 5645 Grant Lorenz Rd., Shorewood, Hennepin County, effective March 1, 2002, for a term expiring on January 2, 2006.

Jacquelyn Hauser, 2524 Monterey Ave. S., St. Louis Park, Hennepin County, effective March 1, 2002, for a term expiring on January 2, 2006.

Patrick D. Sexton, 5538 Upton Ave. S., Minneapolis, Hennepin County, effective March 8, 2004, for a term expiring on January 7, 2008.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

S.F. No. 2177, H.F. No. 1645, S.F. Nos. 806, 2365, 1922, 2134 and 1115.

SPECIAL ORDER

S.F. No. 2177: A bill for an act relating to metropolitan government; modifying the method for determining each municipality's affordable and life-cycle housing opportunities amount; modifying the basis on which nonparticipating municipalities may elect to participate; making conforming changes; amending Minnesota Statutes 2002, section 473.254, subdivisions 2, 3, 4, 6, 7, 8, by adding a subdivision.

Senator Higgins moved to amend S.F. No. 2177 as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2002, section 462.358, subdivision 11, is amended to read:

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

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

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

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

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

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

Nothing in this subdivision shall be construed to limit or otherwise affect the authority granted to a municipality under subdivision 1a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2177 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Nienow	Sams
Bakk	Hann	Larson	Olson	Saxhaug
Belanger	Higgins	LeClair	Ortman	Scheid
Berglin	Hottinger	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Dille	Kleis	Michel	Rest	Tomassoni
Fischbach	Knutson	Moua	Robling	Vickerman
Foley	Koering	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger

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

SPECIAL ORDER

H.F. No. 1645: A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Nienow	Sams
Bakk	Hann	Larson	Olson	Saxhaug
Belanger	Higgins	LeClair	Ortman	Scheid
Berglin	Hottinger	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Dille	Kleis	Michel	Rest	Tomassoni
Fischbach	Knutson	Moua	Robling	Vickerman
Foley	Koering	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 806: A bill for an act relating to retirement; various retirement plans; modifying the responsibilities to provide actuarial valuations and proposed legislative cost estimates; reducing an appropriation; amending Minnesota Statutes 2002, sections 352.03, subdivision 6; 352B.02, subdivision 1e; 353.03, subdivision 3a; 354.06, subdivision 2a; 354A.021, subdivision 7; 356.215, subdivisions 2, 18; 422A.06, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 2002, sections 3.85, subdivisions 11, 12; 356.217.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Saxhaug
Bakk	Hann	Larson	Ortman	Scheid
Belanger	Higgins	LeClair	Ourada	Senjem
Berglin	Hottinger	Limmer	Pappas	Skoe
Betzold	Johnson, D.J.	Lourey	Pariseau	Skoglund
Chaudhary	Jungbauer	Marko	Pogemiller	Solon
Cohen	Kelley	Marty	Ranum	Sparks
Day	Kierlin	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Moua	Rosen	Wergin
Foley	Koering	Murphy	Ruud	Wiger
Frederickson	Kubly	Nienow	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2365: A bill for an act relating to health; modifying the reporting system for adverse health care events; requiring certain boards to make certain reports; amending Minnesota Statutes 2002, sections 147.121, subdivision 2; 147A.15, subdivision 2; 148.264, subdivision 2; 153.25, subdivision 2; Minnesota Statutes 2003 Supplement, section 144.7065, subdivision 10; Laws 2003, chapter 99, section 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 144; 147; 147A; 148; 151; 153.

Senator Kelley moved to amend S.F. No. 2365 as follows:

Page 2, line 19, delete "under the" and insert "as necessary"

Page 2, delete line 20

Page 2, line 21, delete "Health and Human Services" and after "out" insert "the state's certification responsibility under"

The motion prevailed. So the amendment was adopted.

S.F. No. 2365 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Saxhaug
Bakk	Hann	Larson	Ortman	Scheid
Belanger	Higgins	LeClair	Ourada	Senjem
Berglin	Hottinger	Limmer	Pappas	Skoe
Betzold	Johnson, D.J.	Lourey	Pariseau	Skoglund
Chaudhary	Jungbauer	Marko	Pogemiller	Solon
Cohen	Kelley	Marty	Ranum	Sparks
Day	Kierlin	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Moua	Rosen	Wergin
Foley	Koering	Murphy	Ruud	Wiger
Frederickson	Kubly	Nienow	Sams	

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

SPECIAL ORDER

S.F. No. 1922: A bill for an act relating to insurance; regulating underwriting of homeowner's insurance; amending Minnesota Statutes 2002, section 65A.30.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Saxhaug
Bakk	Hann	Larson	Ortman	Scheid
Belanger	Higgins	LeClair	Ourada	Senjem
Berglin	Hottinger	Limmer	Pappas	Skoe
Betzold	Johnson, D.J.	Lourey	Pariseau	Skoglund
Chaudhary	Jungbauer	Marko	Pogemiller	Solon
Cohen	Kelley	Marty	Ranum	Sparks
Day	Kierlin	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Moua	Rosen	Wergin
Foley	Koering	Murphy	Ruud	Wiger
Frederickson	Kubly	Nienow	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2134: A bill for an act relating to insurance; modifying regulation of joint self-insurance employee benefit plans; amending Minnesota Statutes 2002, sections 62H.01; 62H.02; 62H.04; repealing Minnesota Statutes 2002, section 62H.07.

Senator Rest moved to amend S.F. No. 2134 as follows:

Page 4, line 1, delete "62A.148,"

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend S.F. No. 2134 as follows:

Page 4, line 1, delete "62A.146,"

Page 4, line 2, delete "62A.65, subdivision 5, paragraph (b),"

Pursuant to Rule 41, Senator Kelley moved that he be excused from voting on all questions pertaining to S.F. No. 2134. The motion prevailed.

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

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Pappas	Stumpf
Bakk	Frederickson	Langseth	Pogemiller	Tomassoni
Berglin	Higgins	Lourey	Ranum	Vickerman
Betzold	Hottinger	Marty	Sams	Wiger
Cohen	Johnson, D.J.	Moua	Saxhaug	
Dibble	Kiscaden	Nienow	Skoe	
Dille	Koering	Olson	Skoglund	

Those who voted in the negative were:

Belanger	Kierlin	McGinn	Reiter	Solon
Chaudhary	Kleis	Metzen	Rest	Sparks
Day	Knutson	Murphy	Robling	Wergin
Fischbach	Larson	Neuville	Rosen	
Gaither	LeClair	Ortman	Ruud	
Hann	Limmer	Ourada	Scheid	
Jungbauer	Marko	Pariseau	Senjem	

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 2134 as follows:

Page 4, after line 10, insert:

"Sec. 4. Minnesota Statutes 2002, section 62T.02, is amended by adding a subdivision to read:

Subd. 3. [SEASONAL EMPLOYEES.] A purchasing alliance may define eligible employees to include seasonal employees. For purposes of this chapter, "seasonal employee" means an employee who is employed on a full-time basis for at least six months during the calendar year and is unemployed for no longer than four months during the calendar year. If seasonal employees are included:

(1) the alliance must not show bias in the selection of members based on the percentage of seasonal employees employed by an employer member;

(2) prior to issuance or renewal, the employer must inform the alliance that it will include seasonal employees;

(3) the employer must cover seasonal employees for the entire term of its plan year; and

(4) the purchasing alliance may require an employer-member contribution of at least 50 percent of the cost of employee coverage during the months the seasonal employee is unemployed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2134 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dibble	Frederickson	Hottinger
Bakk	Chaudhary	Dille	Gaither	Johnson, D.J.
Belanger	Cohen	Fischbach	Hann	Jungbauer
Berglin	Day	Foley	Higgins	Kierlin

Kiscaden	Lourey	Olson	Robling	Solon
Kleis	Marko	Ortman	Rosen	Sparks
Knutson	Marty	Ourada	Ruud	Stumpf
Koering	McGinn	Pappas	Sams	Tomassoni
Kubly	Metzen	Pariseau	Saxhaug	Vickerman
Langseth	Moua	Pogemiller	Scheid	Wergin
Larson	Murphy	Ranum	Senjem	Wiger
LeClair	Neuville	Reiter	Skoe	
Limmer	Nienow	Rest	Skoglund	

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

SPECIAL ORDER

S.F. No. 1115: A bill for an act relating to telecommunications; regulating third-party billing on telecommunications bills; modifying provisions for alternative forms of regulation of telephone companies; amending Minnesota Statutes 2002, sections 237.766; 237.773, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 237.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Saxhaug
Bakk	Hann	Larson	Ortman	Scheid
Belanger	Higgins	LeClair	Ourada	Senjem
Berglin	Hottinger	Limmer	Pappas	Skoe
Betzold	Johnson, D.J.	Lourey	Pariseau	Skoglund
Chaudhary	Jungbauer	Marko	Pogemiller	Solon
Cohen	Kelley	Marty	Ranum	Sparks
Day	Kierlin	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Moua	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Foley	Koering	Neuville	Ruud	Wiger
Frederickson	Kubly	Nienow	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Wergin moved that S.F. No. 1813, No. 104 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Day moved that S.F. No. 1385, No. 92 on General Orders, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Senator Kierlin moved that S.F. No. 1729, No. 109 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Nienow moved that S.F. No. 2805, No. 81 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Hann, Kleis, LeClair and Michel introduced--

S.F. No. 3048: A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Senators Sams, Murphy, Bakk, Dille and Frederickson introduced--

S.F. No. 3049: A bill for an act relating to economic development; authorizing certain investments; creating a program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Finance.

Senators Kleis, Jungbauer, Nienow, Wergin and Rosen introduced--

S.F. No. 3050: A bill for an act relating to the legislature; prohibiting per diem reimbursement for a certain period.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Bachmann and Johnson, D.E. were excused from the Session of today. Senator Neuville was excused from the Session of today from 11:45 a.m. to 12:00 noon. Senator Michel was excused from the Session of today at 12:00 noon.

ADJOURNMENT

Senator Rest moved that the Senate do now adjourn until 9:30 a.m., Wednesday, April 28, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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