

SIXTY-SECOND DAY

St. Paul, Minnesota, Wednesday, May 18, 2005

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. 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. Ralph Talbot.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 663, 1335, 1509 and 1998.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 17, 2005

Mr. President:

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

S.F. No. 917: A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Senate File No. 917 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 17, 2005

Senator Johnson, D.E., for Senator Sams, moved that the Senate do not concur in the amendments by the House to S.F. No. 917, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1064: A bill for an act relating to telecommunications; establishing an accessible electronic information service for blind and disabled persons; providing closed-captioning for certain local news programming; appropriating money; amending Minnesota Statutes 2004, section 237.52, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapters 248; 256C.

Senate File No. 1064 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 17, 2005

CONCURRENCE AND REPASSAGE

Senator Metzen moved that the Senate concur in the amendments by the House to S.F. No. 1064 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1064: A bill for an act relating to telecommunications; establishing an accessible electronic information service for blind and disabled persons; appropriating money; amending Minnesota Statutes 2004, section 237.52, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapters 248; 256C.

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

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

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Langseth	Ourada	Skoglund
Bakk	Hann	Larson	Pappas	Solon
Belanger	Higgins	LeClair	Pariseau	Sparks
Berglin	Hottinger	Limmer	Reiter	Stumpf
Betzold	Johnson, D.E.	Marko	Rest	Tomassoni
Cohen	Jungbauer	Marty	Robling	Vickerman
Dibble	Kelley	McGinn	Rosen	Wergin
Dille	Kierlin	Metzen	Ruud	Wiger
Fischbach	Kleis	Murphy	Saxhaug	
Foley	Koering	Nienow	Scheid	
Frederickson	Kubly	Olson	Senjem	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 561, 2279 and 225.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 17, 2005

FIRST READING OF HOUSE BILLS

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

H.F. No. 561: A bill for an act relating to child custody; disallowing persons with specified criminal convictions from becoming custodians of unrelated children; amending Minnesota Statutes 2004, sections 257C.03, subdivision 7; 518.179, by adding a subdivision.

Referred to the Committee on Judiciary.

H.F. No. 2279: A bill for an act relating to the city of Cologne; providing exemption to wetland replacement requirements.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2085.

H.F. No. 225: A bill for an act relating to government data; making technical, conforming, and clarifying changes to the Minnesota Government Data Practices Act; defining terms; modifying certain civil penalty and damages amounts; classifying and regulating access to, and dissemination of, certain data; regulating certain fees; providing for the conduct of certain board and council meetings; modifying provisions regulating motor vehicle and driver applications and records; modifying vehicle accident reports and procedures; providing for treatment of data held by the comprehensive incident-based reporting system; amending Minnesota Statutes 2004, sections 11A.24, subdivision 6; 13.01, subdivisions 1, 3; 13.02, subdivision 7; 13.03, subdivisions 1, 2, 3, 4, 5, 6, 8; 13.04, subdivisions 2, 4; 13.05, subdivisions 1, 4, 6, 7, 8, 9; 13.06, subdivisions 1, 2, 3, 4; 13.07; 13.072, subdivision 4; 13.073, subdivision 3; 13.08, subdivisions 1, 2, 4, 5; 13.32, by adding a subdivision; 13.37, subdivisions 1, 2, 3; 13.3805, by adding a subdivision; 13.43, subdivisions 1, 2, 3; 13.46, subdivision 4; 13.591, by adding subdivisions; 13.601, by adding a subdivision; 13.635, by adding a subdivision; 13.72, by adding subdivisions; 13.82, subdivisions 1, 16; 16C.06, subdivision 5; 116J.68, by adding a subdivision; 116L.03, by adding a subdivision; 116L.665, by adding a subdivision; 116M.15, by adding a subdivision; 116U.25; 168.346; 168A.04, by adding a subdivision; 169.09, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, by adding subdivisions; 171.07, subdivisions 1, 3; 171.12, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 13; 41A; 299C; repealing Minnesota Statutes 2004, sections 13.04, subdivision 5; 169.09, subdivision 10; 170.55.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 361, now on General Orders.

REPORTS OF COMMITTEES

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

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

H.F. No. 973 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
973	1208

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 973 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 973 and insert the language after the enacting clause of S.F. No. 1208, the first engrossment; further, delete the title of H.F. No. 973 and insert the title of S.F. No. 1208, the first engrossment.

And when so amended H.F. No. 973 will be identical to S.F. No. 1208, and further recommends that H.F. No. 973 be given its second reading and substituted for S.F. No. 1208, 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. 874 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
874	290

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 874 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 874 and insert the language after the enacting clause of S.F. No. 290, the second engrossment; further, delete the title of H.F. No. 874 and insert the title of S.F. No. 290, the second engrossment.

And when so amended H.F. No. 874 will be identical to S.F. No. 290, and further recommends that H.F. No. 874 be given its second reading and substituted for S.F. No. 290, 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. 478 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
478	615

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 478 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 478 and insert the language after the enacting clause of S.F. No. 615, the first engrossment; further, delete the title of H.F. No. 478 and insert the title of S.F. No. 615, the first engrossment.

And when so amended H.F. No. 478 will be identical to S.F. No. 615, and further recommends that H.F. No. 478 be given its second reading and substituted for S.F. No. 615, 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. 898 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		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
898	944				

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.

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

S.F. No. 896: A bill for an act relating to natural resources; state lands; modifying requirements for designation of scientific and natural areas; authorizing the private sale of certain surplus state lands; authorizing the public and private sale of certain tax-forfeited lands bordering public waters; providing for an easement on state land bordering a public water; amending Minnesota Statutes 2004, sections 84.033, by adding a subdivision; 97A.093; Laws 2003, First Special Session chapter 13, section 25; repealing Minnesota Statutes 2004, section 84.033, subdivision 2.

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

Page 4, line 8, delete "State" and insert "U.S."

Page 4, line 9, delete "northeasterly" and insert "northwestern"

Page 15, after line 27, insert:

"Sec. 21. [NO-BUILD EASEMENT.]

Notwithstanding any other law to the contrary, the St. Louis County Board of Commissioners may convey a three-foot permanent no-build easement on the northeasterly border of the unsold tax-forfeited property described as lot 35 in the plat of Upper Duluth St. Louis Avenue to an individual owner of private property that shares a border with the tax-forfeited lot.

[EFFECTIVE DATE.] This section is effective the day after the St. Louis County Board of Commissioners and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "authorizing conveyance of an easement;"

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

SECOND READING OF SENATE BILLS

S.F. No. 896 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 973, 874, 478 and 898 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Limmer moved that the name of Senator Foley be added as a co-author to S.F. No. 2298. The motion prevailed.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 10:00 a.m. The motion prevailed.

The hour of 10:00 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Anderson, Moua and Sams introduced--

S.F. No. 2304: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Como Zoo.

Referred to the Committee on Finance.

Senators Kiscaden and Scheid introduced--

S.F. No. 2305: A bill for an act relating to liquor; regulating county off-sale licenses; amending Minnesota Statutes 2004, section 340A.405, subdivision 2.

Referred to the Committee on Commerce.

Senators Kiscaden and Larson introduced--

S.F. No. 2306: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; removing references to legislative days.

Referred to the Committee on Rules and Administration.

Senator Metzen introduced--

S.F. No. 2307: A bill for an act relating to retirement; authorizing application for disability benefits from the Minnesota State Retirement System, notwithstanding a deadline.

Referred to the Committee on State and Local Government Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Day moved that S.F. No. 1017, No. 37 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

Senator Day moved that S.F. No. 1198, No. 104 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Betzold, 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. 644, H.F. No. 847, S.F. No. 1579, H.F. No. 466, S.F. Nos. 1468, 1908 and H.F. No. 1809.

SPECIAL ORDER

S.F. No. 644: A bill for an act relating to family law; requiring notification of noncustodial parents, corrections agents, local welfare agencies, and the court, of residence of a custodial parent with certain convicted persons; changing certain presumptions relating to paternity; disallowing certain convicted persons from becoming custodians of unrelated children; changing certain procedures for removal of a child's residence from Minnesota; requiring certain information in summary real estate disposition judgments; identifying pension plans subject to marital property division; authorizing the Department of Human Services to collect spousal maintenance; changing certain provisions concerning adoption communication or contact agreements; amending Minnesota Statutes 2004, sections 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivision 5; 257C.03, subdivision 7; 259.58; 518.1705, subdivision 7; 518.175, subdivision 3; 518.179, by adding a subdivision; 518.18; 518.191, subdivision 2; 518.58, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 244; 257.

Senator Marty moved to amend S.F. No. 644 as follows:

Page 1, line 31, after the period, insert "The offender's correction agent shall notify the child's parents, if any, and the legal guardians or physical custodians, if any, that the child is residing with a predatory offender."

Page 2, delete lines 3 to 8 and insert:

"A person who is granted or exercises custody of a child or parenting time with a child under this chapter or chapter 518 must notify the child's other parent, if any, the county social services agency, and the court that granted the custody or parenting time, if the person knowingly marries or lives in the same residence with a person who has been convicted of a crime listed in section 518.179, subdivision 2."

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 644 as follows:

Page 6, after line 33, insert:

"Sec. 7. Minnesota Statutes 2004, section 259.24, subdivision 1, is amended to read:

Subdivision 1. [EXCEPTIONS.] No child shall be adopted without the consent of the child's parents and the child's guardian, if there be one, except in the following instances:

(a) Consent shall not be required of a parent not entitled to notice of the proceedings.

(b) Consent shall not be required of a parent who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree or a decree of dissolution, and upon whom notice has been served as required by section 259.49.

(c) Consent shall not be required of a parent whose parental rights to the child have been terminated by a juvenile court or who has lost custody of a child through a final commitment of the juvenile court or through a decree in a prior adoption proceeding.

(d) If there be no parent or guardian qualified to consent to the adoption, the consent may shall be given by the commissioner. After the court accepts a parent's consent to the adoption under section 260C.201, subdivision 11, consent by the commissioner or commissioner's delegate is also necessary. Agreement to the identified prospective adoptive parent by the responsible social services agency under section 260C.201, subdivision 11, does not constitute the required consent.

(e) The commissioner or agency having authority to place a child for adoption pursuant to section 259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such child. The commissioner or agency shall make every effort to place siblings together for adoption. Notwithstanding any rule to the contrary, the commissioner may delegate the right to consent to the adoption or separation of siblings, if it is in the child's best interest, to a local social services agency.

Sec. 8. Minnesota Statutes 2004, section 259.24, subdivision 2a, is amended to read:

Subd. 2a. [TIME OF CONSENT; NOTICE OF INTENT TO CONSENT TO ADOPTION.] (a) Not sooner than 72 hours after the birth of a child and not later than 60 days after the child's placement in a prospective adoptive home, a person whose consent is required under this section shall execute a consent.

(b) Unless all birth parents from whom consent is required under this section are involved in making the adoptive placement and intend to consent to the adoption, a birth parent who intends to execute a consent to an adoption must give notice to the child's other birth parent of the intent to consent to the adoption prior to or within 72 hours following the placement of the child, if the other birth parent's consent to the adoption is required under subdivision 1. The birth parent who receives notice shall have 60 days after the placement of the child to either consent or refuse to consent to the adoption. If the birth parent who receives notice fails to take either of these actions, that parent shall be deemed to have irrevocably consented to the child's adoption. The notice provisions of chapter 260C and the rules of juvenile protection procedure shall apply to both parents when the consent to adopt is executed under section 260C.201, subdivision 11.

(c) When notice is required under this subdivision, it shall be provided to the other birth parent according to the Rules of Civil Procedure for service of a summons and complaint.

Sec. 9. Minnesota Statutes 2004, section 259.24, subdivision 5, is amended to read:

Subd. 5. [EXECUTION.] All consents to an adoption shall be in writing, executed before two competent witnesses, and acknowledged by the consenting party. In addition, all consents to an adoption, except those by the commissioner, the commissioner's agent, a licensed child-placing agency, an adult adoptee, or the child's parent in a petition for adoption by a stepparent, shall be executed before a representative of the commissioner, the commissioner's agent, or a licensed child-placing agency. All consents by a parent:

(1) shall contain notice to the parent of the substance of subdivision 6a, providing for the right

to withdraw consent unless the parent will not have the right to withdraw consent because consent was executed under section 260C.201, subdivision 11, following proper notice that consent given under that provision is irrevocable upon acceptance by the court as provided in subdivision 6a; and

(2) shall contain the following written notice in all capital letters at least one-eighth inch high:

"This agency will submit your consent to adoption to the court. The consent itself does not terminate your parental rights. Parental rights to a child may be terminated only by an adoption decree or by a court order terminating parental rights. Unless the child is adopted or your parental rights are terminated, you may be asked to support the child."

Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

Sec. 10. Minnesota Statutes 2004, section 259.24, subdivision 6a, is amended to read:

Subd. 6a. [WITHDRAWAL OF CONSENT.] Except for consents executed under section 260C.201, subdivision 11, a parent's consent to adoption may be withdrawn for any reason within ten working days after the consent is executed and acknowledged. Written notification of withdrawal of consent must be received by the agency to which the child was surrendered no later than the tenth working day after the consent is executed and acknowledged. On the day following the tenth working day after execution and acknowledgment, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by the court, except upon order of the same court after written findings that the consent was obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents and the child shall be made parties. The proceedings shall be conducted to preserve the confidentiality of the adoption process. There shall be no presumption in the proceedings favoring the birth parents over the adoptive parents."

Page 9, after line 3, insert:

"Sec. 12. Minnesota Statutes 2004, section 260C.201, subdivision 11, is amended to read:

Subd. 11. [REVIEW OF COURT-ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) This subdivision and subdivision 11a do not apply in cases where the child is in placement due solely to the child's developmental disability or emotional disturbance, where legal custody has not been transferred to the responsible social services agency, and where the court finds compelling reasons under section 260C.007, subdivision 8, to continue the child in foster care past the time periods specified in this subdivision. Foster care placements of children due solely to their disability are governed by section 260C.141, subdivision 2b. In all other cases where the child is in foster care or in the care of a noncustodial parent under subdivision 1, the court shall conduct a hearing to determine the permanent status of a child not later than 12 months after the child is placed in foster care or in the care of a noncustodial parent.

For purposes of this subdivision, the date of the child's placement in foster care is the earlier of the first court-ordered placement or 60 days after the date on which the child has been voluntarily placed in foster care by the child's parent or guardian. For purposes of this subdivision, time spent by a child under the protective supervision of the responsible social services agency in the home of a noncustodial parent pursuant to an order under subdivision 1 counts towards the requirement of a permanency hearing under this subdivision or subdivision 11a.

For purposes of this subdivision, 12 months is calculated as follows:

(1) during the pendency of a petition alleging that a child is in need of protection or services, all time periods when a child is placed in foster care or in the home of a noncustodial parent are cumulated;

(2) if a child has been placed in foster care within the previous five years under one or more previous petitions, the lengths of all prior time periods when the child was placed in foster care within the previous five years are cumulated. If a child under this clause has been in foster care for 12 months or more, the court, if it is in the best interests of the child and for compelling reasons, may extend the total time the child may continue out of the home under the current petition up to an additional six months before making a permanency determination.

(b) Unless the responsible social services agency recommends return of the child to the custodial parent or parents, not later than 30 days prior to this hearing, the responsible social services agency shall file pleadings in juvenile court to establish the basis for the juvenile court to order permanent placement of the child according to paragraph (d). Notice of the hearing and copies of the pleadings must be provided pursuant to section 260C.152. If a termination of parental rights petition is filed before the date required for the permanency planning determination and there is a trial under section 260C.163 scheduled on that petition within 90 days of the filing of the petition, no hearing need be conducted under this subdivision.

(c) At the conclusion of the hearing, the court shall order the child returned to the care of the parent or guardian from whom the child was removed or order a permanent placement in the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated. Transfer of permanent legal and physical custody, termination of parental rights, or guardianship and legal custody to the commissioner through a consent to adopt are preferred permanency options for a child who cannot return home.

(d) If the child is not returned to the home, the court must order one of the following dispositions:

(1) permanent legal and physical custody to a relative in the best interests of the child according to the following conditions:

(i) an order for transfer of permanent legal and physical custody to a relative shall only be made after the court has reviewed the suitability of the prospective legal and physical custodian;

(ii) in transferring permanent legal and physical custody to a relative, the juvenile court shall follow the standards applicable under this chapter and chapter 260, and the procedures set out in the juvenile court rules;

(iii) an order establishing permanent legal and physical custody under this subdivision must be filed with the family court;

(iv) a transfer of legal and physical custody includes responsibility for the protection, education, care, and control of the child and decision making on behalf of the child;

(v) the social services agency may bring a petition or motion naming a fit and willing relative as a proposed permanent legal and physical custodian. The commissioner of human services shall annually prepare for counties information that must be given to proposed custodians about their legal rights and obligations as custodians together with information on financial and medical benefits for which the child is eligible; and

(vi) the juvenile court may maintain jurisdiction over the responsible social services agency, the parents or guardian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring appropriate services are delivered to the child and permanent legal custodian or for the purpose of ensuring conditions ordered by the court related to the care and custody of the child are met;

(2) termination of parental rights according to the following conditions:

(i) unless the social services agency has already filed a petition for termination of parental rights under section 260C.307, the court may order such a petition filed and all the requirements of sections 260C.301 to 260C.328 remain applicable; and

(ii) an adoption completed subsequent to a determination under this subdivision may include an agreement for communication or contact under section 259.58;

(3) long-term foster care according to the following conditions:

(i) the court may order a child into long-term foster care only if it finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests; and

(ii) further, the court may only order long-term foster care for the child under this section if it finds the following:

(A) the child has reached age 12 and reasonable efforts by the responsible social services agency have failed to locate an adoptive family for the child; or

(B) the child is a sibling of a child described in subitem (A) and the siblings have a significant positive relationship and are ordered into the same long-term foster care home;

(4) foster care for a specified period of time according to the following conditions:

(i) foster care for a specified period of time may be ordered only if:

(A) the sole basis for an adjudication that the child is in need of protection or services is the child's behavior;

(B) the court finds that foster care for a specified period of time is in the best interests of the child; and

(C) the court finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests;

(ii) the order does not specify that the child continue in foster care for any period exceeding one year; or

(5) guardianship and legal custody to the commissioner of human services under the following procedures and conditions:

(i) there is an identified prospective adoptive home that has agreed to adopt the child, agreed to by the responsible social services agency having legal custody of the child pursuant to court order under this section, and the court accepts the parent's voluntary consent to adopt under section 259.24;

(ii) if the court accepts a consent to adopt in lieu of ordering one of the other enumerated permanency dispositions, the court must review the matter at least every 90 days. The review will address the reasonable efforts of the agency to achieve a finalized adoption;

(iii) a consent to adopt under this clause vests all legal authority regarding the child, including guardianship and legal custody of the child, with the commissioner of human services as if the child were a state ward after termination of parental rights;

(iv) the court must forward a copy of the consent to adopt, together with a certified copy of the order transferring guardianship and legal custody to the commissioner, to the commissioner; and

(v) if an adoption is not finalized by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under this clause, the commissioner of human services or the commissioner's delegate shall pursue adoptive placement in another home unless the commissioner certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent; and

(vi) notwithstanding item (v), the commissioner of human services or the commissioner's designee must pursue adoptive placement in another home as soon as the commissioner or commissioner's designee determines that finalization of the adoption with the identified prospective adoptive parent is not possible, that the identified prospective adoptive parent is not willing to adopt the child, that the identified prospective adoptive parent is not cooperative in completing the steps necessary to finalize the adoption, or upon the commissioner's determination to withhold consent to the adoption.

(e) In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

(f) Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:

- (1) the placement is long-term foster care or foster care for a specified period of time;
- (2) the court orders further hearings because it has retained jurisdiction of a transfer of permanent legal and physical custody matter;
- (3) an adoption has not yet been finalized; or
- (4) there is a disruption of the permanent or long-term placement.

(g) Court reviews of an order for long-term foster care, whether under this section or section 260C.317, subdivision 3, paragraph (d), or foster care for a specified period of time must be conducted at least yearly and must review the child's out-of-home placement plan and the reasonable efforts of the agency to:

- (1) identify a specific long-term foster home for the child or a specific foster home for the time the child is specified to be out of the care of the parent, if one has not already been identified;
- (2) support continued placement of the child in the identified home, if one has been identified;
- (3) ensure appropriate services are provided to the child during the period of long-term foster care or foster care for a specified period of time;
- (4) plan for the child's independence upon the child's leaving long-term foster care living as required under section 260C.212, subdivision 1; and
- (5) where placement is for a specified period of time, a plan for the safe return of the child to the care of the parent.

(h) An order under this subdivision must include the following detailed findings:

- (1) how the child's best interests are served by the order;
- (2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts to reunify the child with the parent or parents;
- (3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement; and
- (4) whether the conditions which led to the out-of-home placement have been corrected so that the child can return home.

(i) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social services agency is a party to the proceeding and must receive notice. A parent may only seek modification of an order for long-term foster care upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.

(j) The court shall issue an order required under this section within 15 days of the close of the proceedings. The court may extend issuing the order an additional 15 days when necessary in the interests of justice and the best interests of the child.

Sec. 13. [260C.209] [BACKGROUND CHECKS.]

Subdivision 1. [SUBJECTS.] (a) The responsible social services agency must conduct a background check under this section of the following:

(1) a noncustodial parent or nonadjudicated parent who is being assessed for purposes of providing day-to-day care of a child temporarily or permanently under section 260C.212, subdivision 4, and any member of the parent's household who is over the age of 13 when there is reasonable cause to believe that the parent or household member over age 13 has a criminal history or a history of maltreatment of a child or vulnerable adult which would endanger the child's health, safety, or welfare;

(2) an individual whose suitability for relative placement under section 260C.212, subdivision 5, is being determined, and any member of the relative's household who is over the age of 13 when:

(i) the relative must be licensed for foster care; or

(ii) the agency must conduct a background study under section 259.53, subdivision 2; or

(iii) the agency has reasonable cause to believe the relative or household member over the age of 13 has a criminal history which would not make transfer of permanent legal and physical custody to the relative under section 260C.201, subdivision 11, in the child's best interest; and

(3) a parent, following an out-of-home placement:

(i) when the responsible social service agency has reasonable cause to believe that the parent has been convicted of a crime directly related to the parent's capacity to maintain the child's health, safety, or welfare; or

(ii) the parent is the subject of an open investigation of, or has been the subject of a substantiated allegation of, child or vulnerable-adult maltreatment within the past ten years.

(b) "Reasonable cause" means that the agency has received information or a report from the subject or a third person that creates an articulable suspicion that the individual has a history that may pose a risk to the health, safety, or welfare of the child. The information or report must be specific to the potential subject of the background check and shall not be based on the race, religion, ethnic background, age, class, or lifestyle of the potential subject.

Subd. 2. [GENERAL PROCEDURES.] (a) When conducting a background check under subdivision 1, the agency may require the individual being assessed to provide sufficient information to ensure an accurate assessment under this section, including:

(1) the individual's first, middle, and last name and all other names by which the individual has been known;

(2) home address, zip code, city, county, and state of residence for the past ten years;

(3) sex;

(4) date of birth; and

(5) driver's license number or state identification number.

(b) When notified by the responsible social services agency that it is conducting an assessment under this section, the Bureau of Criminal Apprehension, commissioners of health and human services, law enforcement, and county agencies must provide the responsible social services agency or county attorney with the following information on the individual being assessed: criminal history data, reports about the maltreatment of adults substantiated under section 626.557, and reports of maltreatment of minors substantiated under section 626.556.

Subd. 3. [MULTISTATE INFORMATION.] (a) For any assessment completed under this section, if the responsible social services agency has reasonable cause to believe that the individual is a multistate offender, the individual must provide the responsible social services

agency or the county attorney with a set of classifiable fingerprints obtained from an authorized law enforcement agency. The responsible social services agency or county attorney may obtain criminal history data from the National Criminal Records Repository by submitting the fingerprints to the Bureau of Criminal Apprehension.

(b) For purposes of this subdivision, the responsible social services agency has reasonable cause when, but not limited to:

(1) information from the Bureau of Criminal Apprehension indicates that the individual is a multistate offender;

(2) information from the Bureau of Criminal Apprehension indicates that multistate offender status is undetermined;

(3) the social services agency has received a report from the individual or a third party indicating that the individual has a criminal history in a jurisdiction other than Minnesota; or

(4) the individual is or has been a resident of a state other than Minnesota at any time during the prior ten years.

Subd. 4. [NOTICE UPON RECEIPT.] The responsible social services agency must provide the subject of the background study with the results of the study under this section within 15 business days of receipt or at least 15 days prior to hearing at which the results will be presented, whichever comes first. The subject may provide written information to the agency that the results are incorrect and may provide additional or clarifying information to the agency and to the court through a party to the proceeding. This provision does not apply to any background study conducted under chapters 245A and 245C.

Sec. 14. Minnesota Statutes 2004, section 260C.212, subdivision 4, is amended to read:

Subd. 4. [RESPONSIBLE SOCIAL SERVICE AGENCY'S DUTIES FOR CHILDREN IN PLACEMENT.] (a) When a child is in placement, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

(1) If The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this clause may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

(2) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent;

(i) the agency shall prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care;

(ii) provide a parent who is the subject of a background study under section 260C.209, 15 days' notice that it intends to use the study to recommend against putting the child with that parent, as well as the notice provided in section 260C.209, subdivision 4, and the court shall afford the parent an opportunity to be heard concerning the study; and

(iii) the results of a background study of a noncustodial parent shall not be used by the agency to determine that the parent is incapable of providing day-to-day care of the child unless the agency reasonably believes that placement of the child into the home of that parent would endanger the child's health, safety, or welfare.

(3) If, after the provision of services following an out-of-home placement plan under this section, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

(4) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

(b) The responsible social services agency shall give notice to the parent or parents or guardian of each child in a residential facility, other than a child in placement due solely to that child's developmental disability or emotional disturbance, of the following information:

(1) that residential care of the child may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under chapter 260C and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

(3) the nature of the services available to the parent;

(4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;

(5) the first consideration for placement with relatives;

(6) the benefit to the child in getting the child out of residential care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;

(7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and

(8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in the residential facility.

(c) The responsible social services agency shall inform a parent considering voluntary placement of a child who is not developmentally disabled or emotionally disturbed of the following information:

(1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;

(2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;

(3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;

(4) if the responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of

separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and

(5) the timelines and procedures for review of voluntary placements under subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under section 260C.201, subdivision 11.

(d) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years."

Page 14, after line 21, insert:

"Sec. 21. [APPROPRIATION.]

\$57,000 is appropriated from the general fund to the commissioner of human services to carry out the duties imposed by this act. \$43,000 is available for the fiscal year ending June 30, 2006, and \$14,000 is available for the fiscal year ending June 30, 2007."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 644 as follows:

Page 9, after line 3, insert:

"Sec. 8. Minnesota Statutes 2004, section 518.1705, subdivision 4, is amended to read:

Subd. 4. [CUSTODY DESIGNATION.] A final judgment and decree that includes a parenting plan using alternate terms to designate decision-making responsibilities or allocation of residential time between the parents must designate whether the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody, or both. This designation is solely for enforcement of the final judgment and decree where this designation is required for that enforcement and has no effect under the laws of this state, any other state, or another country that do not require this designation. If the parenting plan substitutes other terms for legal and physical custody and if a designation of legal and physical custody is necessary for enforcement of the judgment and decree in another jurisdiction, it must be considered solely for that purpose that the parents have joint legal and joint physical custody. Under Minnesota law, a parenting plan does not require a designation of sole or joint, legal or physical custody."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 644 as follows:

Page 9, after line 3, insert:

"Sec. 8. Minnesota Statutes 2004, section 518.091, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY RESTRAINING ORDERS.] (a) Every summons must include the notice in this subdivision.

NOTICE OF TEMPORARY RESTRAINING AND ALTERNATIVE DISPUTE
RESOLUTION PROVISIONS

UNDER MINNESOTA LAW, SERVICE OF THIS SUMMONS MAKES THE FOLLOWING REQUIREMENTS APPLY TO BOTH PARTIES TO THIS ACTION, UNLESS THEY ARE MODIFIED BY THE COURT OR THE PROCEEDING IS DISMISSED:

(1) NEITHER PARTY MAY DISPOSE OF ANY ASSETS EXCEPT (i) FOR THE NECESSITIES OF LIFE OR FOR THE NECESSARY GENERATION OF INCOME OR PRESERVATION OF ASSETS, (ii) BY AN AGREEMENT IN WRITING, OR (iii) FOR RETAINING COUNSEL TO CARRY ON OR TO CONTEST THIS PROCEEDING;

(2) NEITHER PARTY MAY HARASS THE OTHER PARTY; AND

(3) ALL CURRENTLY AVAILABLE INSURANCE COVERAGE MUST BE MAINTAINED AND CONTINUED WITHOUT CHANGE IN COVERAGE OR BENEFICIARY DESIGNATION.

IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT TO SANCTIONS BY THE COURT.

~~(4) PARTIES TO A MARRIAGE DISSOLUTION PROCEEDING ARE ENCOURAGED TO ATTEMPT ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO MINNESOTA LAW. ALTERNATIVE DISPUTE RESOLUTION INCLUDES MEDIATION, ARBITRATION, AND OTHER PROCESSES AS SET FORTH IN THE DISTRICT COURT RULES SHALL PARTICIPATE IN A MINIMUM OF TWO HOURS OF MEDIATION WITHIN 30 DAYS OF COMMENCEMENT OF A DIVORCE ACTION BY SERVICE OF THIS SUMMONS, UNLESS THE PARTIES FILE A SIGNED MARITAL TERMINATION AGREEMENT WITH THE COURT DURING THAT TIME. YOU MAY CONTACT THE COURT ADMINISTRATOR ABOUT RESOURCES IN YOUR AREA. IF YOU CANNOT PAY FOR MEDIATION OR ALTERNATIVE DISPUTE RESOLUTION, IN SOME COUNTIES, ASSISTANCE MAY BE AVAILABLE TO YOU THROUGH A NONPROFIT PROVIDER OR A COURT PROGRAM. IF YOU ARE A VICTIM OF DOMESTIC ABUSE OR THREATS OF ABUSE AS DEFINED IN MINNESOTA STATUTES, CHAPTER 518B, YOU ARE NOT REQUIRED TO TRY MEDIATION AND YOU WILL NOT BE PENALIZED BY THE COURT IN LATER PROCEEDINGS.~~

(b) Upon service of the summons, the restraining provisions contained in the notice apply by operation of law upon both parties until modified by further order of the court or dismissal of the proceeding, unless more than one year has passed since the last document was filed with the court."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hann moved to amend the Hann amendment to S.F. No. 644 as follows:

Page 1, line 29, delete "30" and insert "60"

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

Senator Hann withdrew his first amendment, as amended.

Senator Lourey moved to amend S.F. No. 644 as follows:

Page 13, after line 26, insert:

"Sec. 13. Minnesota Statutes 2004, section 518.54, subdivision 4a, is amended to read:

Subd. 4a. [SUPPORT ORDER.] (a) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction;

(1) for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, ~~or~~;

(2) for a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement, ~~and that~~; or

(3) for the maintenance of a spouse.

(b) The support order may include related costs and fees, interest and penalties, income withholding, and other relief. This definition applies to orders issued under this chapter and chapters 256, 257, and 518C.

Sec. 14. Minnesota Statutes 2004, section 518.54, subdivision 14, is amended to read:

Subd. 14. [IV-D CASE.] "IV-D case" means a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4). An obligation for spousal maintenance under subdivision 4a, paragraph (a), clause (3), is not an IV-D case.

Sec. 15. Minnesota Statutes 2004, section 518.54, is amended by adding a subdivision to read:

Subd. 15. [INCOME WITHHOLDING ONLY SERVICES.] "Income withholding only services" means the services provided by the public authority to collect payments pursuant to a support order but does not include other enforcement services provided by the public authority for IV-D cases. Notices required for income withholding under this section shall be initiated by the applicant for services. An obligation for spousal maintenance under subdivision 4a, paragraph (a), clause (3), is only eligible for income withholding only services.

Sec. 16. Minnesota Statutes 2004, section 518.551, subdivision 1, is amended to read:

Subdivision 1. [SCOPE; PAYMENT TO PUBLIC AGENCY.] (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance ~~and~~ or support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support ~~and~~ or maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement. This includes the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments.

(c) Payments made to the public authority other than payments under section 518.6111 must be credited as of the date the payment is received by the central collections unit.

(d) Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee."

Page 14, after line 21, insert:

"Sec. 18. [EFFECTIVE DATE.]

Sections 13 to 16 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 644 as follows:

Page 6, after line 33, insert:

"Sec. 7. Minnesota Statutes 2004, section 259.29, subdivision 2, is amended to read:

Subd. 2. [PLACEMENT WITH RELATIVE ~~OR~~, FRIEND, OR MARRIED COUPLE.] The authorized child-placing agency shall consider placement, consistent with the child's best interests and in the following order, with (1) a relative or relatives of the child, ~~or~~ (2) an important friend with whom the child has resided or had significant contact, or (3) a married couple. In implementing this section, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable adoptive home. The agency shall disclose only data that is necessary to facilitate implementing the preference.

If the child's birth parent or parents explicitly request that placement with relatives or important friends not be considered, the authorized child-placing agency shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the birth parent or parents, the agency shall place the child with a family that meets the birth parent's religious preference.

This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 644. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Those who voted in the affirmative were:

Bachmann	Gerlach	Kubly	Nienow	Ruud
Belanger	Hann	Larson	Olson	Senjem
Day	Johnson, D.J.	LeClair	Ortman	Wergin
Dille	Jungbauer	Limmer	Pariseau	
Fischbach	Kierlin	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	
Gaither	Koering	Neuville	Rosen	

Those who voted in the negative were:

Anderson	Foley	Marko	Ranum	Sparks
Bakk	Higgins	Marty	Rest	Tomassoni
Berglin	Hottinger	Metzen	Saxhaug	Vickerman
Betzold	Kelley	Moua	Scheid	Wiger
Chaudhary	Kiscaden	Murphy	Skoe	
Cohen	Langseth	Pappas	Skoglund	
Dibble	Lourey	Pogemiller	Solon	

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

Senator Hann moved his first amendment to S.F. No. 644, as amended by the Senate May 18, 2005.

Senator Berglin moved to amend the first Hann amendment to S.F. No. 644 as follows:

Page 1, line 31, after "TIME" insert "OR DO NOT HAVE THE MEANS TO DEFRAID THE COST OF THE MEDIATION"

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

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

Senator Dille moved to amend S.F. No. 644 as follows:

Page 8, line 35, after "decree" insert "unless all the parties agree to omit it"

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 644 as follows:

Page 8, line 35, delete ", prior to"

Page 8, line 36, delete "entry of the adoption decree," and delete "prospective" and after "parents" insert "or birth relatives"

The motion prevailed. So the amendment was adopted.

S.F. No. 644 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 56 and nays 9, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	LeClair	Pappas	Skoe
Bakk	Hottinger	Limmer	Pariseau	Skoglund
Belanger	Johnson, D.E.	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.J.	Marty	Ranum	Stumpf
Cohen	Jungbauer	Metzen	Reiter	Tomassoni
Day	Kierlin	Michel	Robling	Vickerman
Dille	Kiscaden	Moua	Rosen	Wergin
Fischbach	Kleis	Murphy	Ruud	Wiger
Frederickson	Koering	Neuville	Sams	
Gaither	Kubly	Nienow	Saxhaug	
Gerlach	Langseth	Olson	Scheid	
Hann	Larson	Ortman	Senjem	

Those who voted in the negative were:

Anderson	Chaudhary	Foley	Marko	Solon
Berglin	Dibble	Kelley	Rest	

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

SPECIAL ORDER

H.F. No. 847: A bill for an act relating to game and fish; modifying purchasing requirements; modifying certain definitions; providing for special fish management tags; specifying status of and regulating stands and blinds on public lands; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking;

modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; prohibiting computer-assisted remote hunting; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.025, subdivision 10; 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivisions 7, 16; 97A.485, subdivision 9; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

Senator Saxhaug moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 14, line 32, after "daily" insert "and may not have more than one walleye larger than 20 inches in possession"

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 10, line 32, before "No" insert "(a)"

Page 11, after line 2, insert:

"(b) A person who violates this section is guilty of a misdemeanor.

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

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 3, after line 14, insert:

"Sec. 2. Minnesota Statutes 2004, section 84.027, is amended by adding a subdivision to read:

Subd. 17. [BACKGROUND CHECKS FOR VOLUNTEER INSTRUCTORS.] (a) The commissioner may conduct background checks for volunteer instructor applicants for department safety training and education programs, including the programs established under sections 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter and trapper education and training).

(b) The commissioner shall perform the background check by retrieving criminal history data maintained in the criminal justice information system (CJIS) and other data sources.

(c) The commissioner shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the applicant that the commissioner will conduct a background check under this section;

(2) a notification to the applicant of the applicant's rights under paragraph (d); and

(3) a signed consent by the applicant to conduct the background check expiring one year from the date of signature.

- (d) The volunteer instructor applicant who is the subject of a background check has the right to:
- (1) be informed that the commissioner will request a background check on the applicant;
 - (2) be informed by the commissioner of the results of the background check and obtain a copy of the background check;
 - (3) obtain any record that forms the basis for the background check and report;
 - (4) challenge the accuracy and completeness of the information contained in the report or a record; and
 - (5) be informed by the commissioner if the applicant is rejected because of the result of the background check.

Sec. 3. Minnesota Statutes 2004, section 84.91, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance in conformity with it, shall be prohibited from operating the snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by section 169A.53.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under this section and ~~chapter~~ chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 2004, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

- (1) make a direct crossing of a public road right-of-way;

- (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- (3) operate an all-terrain vehicle on public lands or waters.

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity unless:

(1) the person successfully completed the safety education and training program under section 84.925, subdivision 1, including a riding component; and

~~(2) the riding component of the training was conducted using an all-terrain vehicle with over 90cc engine capacity; and~~

~~(3) the person is able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle."~~

Page 8, after line 9, insert:

"Sec. 16. Minnesota Statutes 2004, section 97B.015, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner shall ~~make rules establishing~~ establish a statewide course in the safe use of firearms and identification of wild mammals and birds. ~~At least one course must be held within the boundary of each school district. A course may be held in a school district.~~ The courses must be conducted by the commissioner in cooperation with other organizations. The courses must instruct youths in commonly accepted principles of safety in hunting and handling common hunting firearms and identification of various species of wild mammals and birds by sight and other unique characteristics.

Sec. 17. Minnesota Statutes 2004, section 97B.015, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION, SUPERVISION, AND ENFORCEMENT.] (a) The commissioner shall appoint a qualified person from the Enforcement Division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the Enforcement Division with the necessary personnel for this section.

~~(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the Enforcement Division. The Enforcement Division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The Enforcement Division must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.~~

Sec. 18. Minnesota Statutes 2004, section 97B.015, subdivision 5, is amended to read:

Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the person is at least reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a deer, bear, turkey, or prairie chicken license that will become valid when the person reaches age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 19. Minnesota Statutes 2004, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

(1) a firearms safety certificate or equivalent certificate;

(2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;

(3) a previous hunting license; with a valid firearms safety qualification indicator; or

(4) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

~~(b)~~ (c) A person born after December 31, 1979, may not use a lifetime license to take wild animals by firearms, unless the person meets the requirements for obtaining an annual license under paragraph (a) or (b)."

Page 15, after line 28, insert:

"Sec. 38. Minnesota Statutes 2004, section 169A.63, subdivision 6, is amended to read:

Subd. 6. [VEHICLE SUBJECT TO FORFEITURE.] (a) A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

(b) Motorboats subject to seizure and forfeiture under this section also include their trailers.

Sec. 39. Minnesota Statutes 2004, 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.

Sec. 40. Minnesota Statutes 2004, section 349.12, subdivision 25, is amended to read:

Subd. 25. [LAWFUL PURPOSE.] (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) or festival organization, as defined in subdivision 15a, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154, which standards must apply to both types of organizations in the same manner and to the same extent;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a program recognized by the Minnesota Department of Human Services for the education, prevention, or treatment of compulsive gambling;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, subject to rules of the board, provided that the rules must not include mileage reimbursements in the computation of the per diem reimbursement limit and must impose no aggregate annual limit on the amount of reasonable and necessary expenditures made to support:

(i) members of a military marching or color guard unit for activities conducted within the state;

(ii) members of an organization solely for services performed by the members at funeral services; or

(iii) members of military marching, color guard, or honor guard units may be reimbursed for participating in color guard, honor guard, or marching unit events within the state or states contiguous to Minnesota at a per participant rate of up to \$35 per diem;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender and the organization complies with section 349.154;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, the taxes imposed by section 297E.02, subdivisions 1, 4, 5, and 6, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on permitted gambling premises wholly owned by the licensed organization paying the taxes, or wholly leased by a licensed veterans organization under a national charter recognized under section 501(c)(19) of the Internal Revenue Code, not to exceed:

(i) for premises used for bingo, the amount that an organization may expend under board rules on rent for bingo; and

(ii) \$35,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization which is a church or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances;

(12) payment of the reasonable costs of an audit required in section 297E.06, subdivision 4, provided the annual audit is filed in a timely manner with the Department of Revenue;

~~(13) a contribution to or expenditure on a wildlife management project that benefits the public at large, provided that the state agency with authority over that wildlife management project approves the project before the contribution or expenditure is made;~~

~~(14) expenditures, approved by the commissioner of natural resources, by an organization for grooming and maintaining snowmobile trails and all-terrain vehicle trails that are (1) grant-in-aid trails established under section 85.019, or (2) other trails open to public use, including purchase or lease of equipment for this purpose; projects or activities approved by the commissioner of natural resources for:~~

~~(i) wildlife management projects that benefit the public at large;~~

~~(ii) grant-in-aid trail maintenance and grooming established under sections 84.83 and 84.927, and other trails open to public use, including purchase or lease of equipment for this purpose; or~~

~~(iii) supplies and materials for safety training and educational programs coordinated by the Department of Natural Resources, including the Enforcement Division;~~

~~(15) (14) conducting nutritional programs, food shelves, and congregate dining programs primarily for persons who are age 62 or older or disabled;~~

~~(16) (15) a contribution to a community arts organization, or an expenditure to sponsor arts programs in the community, including but not limited to visual, literary, performing, or musical arts;~~

~~(17) (16) an expenditure by a licensed veterans organization for payment of water, fuel for heating, electricity, and sewer costs for a building wholly owned or wholly leased by and used as the primary headquarters of the licensed veterans organization;~~

~~(18) (17) expenditure by a licensed veterans organization of up to \$5,000 in a calendar year in net costs to the organization for meals and other membership events, limited to members and spouses, held in recognition of military service. No more than \$5,000 can be expended in total per calendar year under this clause by all licensed veterans organizations sharing the same veterans post home; or~~

~~(19) (18) payment of fees authorized under this chapter imposed by the state of Minnesota to conduct lawful gambling in Minnesota.~~

~~(b) Notwithstanding paragraph (a), "lawful purpose" does not include:~~

~~(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;~~

~~(2) any activity intended to influence an election or a governmental decision-making process;~~

~~(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made~~

uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced; or (v) with respect to an expenditure to bring an existing building into compliance with the Americans with Disabilities Act under item (ii), an organization has the option to apply the amount of the board-approved expenditure to the erection or acquisition of a replacement building that is in compliance with the Americans with Disabilities Act;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a); or

(6) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 6, lines 35 and 36, delete the new language

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 9, line 14, delete "2007" and insert "2008"

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend H.F. No. 847, the unofficial engrossment, as follows:

Page 1, after line 37, insert:

"Section 1. [65B.286] [SNOWMOBILE AUXILIARY LIGHTING SYSTEM DISCOUNT.]

Subdivision 1. [DEFINITION.] For the purposes of this section, the term "auxiliary hazard warning lighting system" means a system installed by the manufacturer of a snowmobile as original equipment or installed in a snowmobile by the manufacturer or an authorized dealer of that manufacturer as an aftermarket system that does the following when activated:

(1) a yellow light emitting diode (L.E.D.) light on the front of the snowmobile that flashes at least once per second and is visible at least one-half mile in front of the snowmobile; and

(2) a red light emitting diode (L.E.D.) light on the rear of the snowmobile that flashes at least once per second and is visible at least one-half mile from behind the snowmobile.

Subd. 2. [REQUIRED REDUCTION.] An insurer must provide an appropriate premium reduction of at least five percent on a policy insuring the snowmobile, or on that portion of a policy insuring a snowmobile that is issued, delivered, or renewed in this state, to the insured whose snowmobile is equipped with an authorized auxiliary hazard warning lighting system. The premium reduction required by this subdivision applies to every snowmobile of the insured that is equipped with an auxiliary hazard warning lighting system."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 847 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	Frederickson	Koering	Neuville	Sams
Bachmann	Gaither	Kubly	Nienow	Saxhaug
Bakk	Gerlach	Langseth	Olson	Scheid
Belanger	Hann	Larson	Ortman	Senjem
Berglin	Higgins	LeClair	Pappas	Skoe
Betzold	Hottinger	Limmer	Pariseau	Skoglund
Chaudhary	Johnson, D.E.	Lourey	Pogemiller	Solon
Cohen	Johnson, D.J.	Marko	Ranum	Sparks
Day	Jungbauer	Marty	Reiter	Stumpf
Dibble	Kelley	Metzen	Rest	Tomassoni
Dille	Kierlin	Michel	Robling	Vickerman
Fischbach	Kiscaden	Moua	Rosen	Wergin
Foley	Kleis	Murphy	Ruud	Wiger

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

SPECIAL ORDER

S.F. No. 1579: A bill for an act relating to health; modifying the Health Care Administrative Simplification Act of 1994; modifying requirements of federal Drug Enforcement Administration registration numbers; modifying provisions for wells, borings, and underground uses; modifying requirements for filing and issuing death records; modifying provisions for disposition of dead bodies; eliminating authority to designate certain morticians; amending Minnesota Statutes 2004, sections 62J.51, subdivisions 17, 18; 62J.52, subdivisions 1, 2, 5; 62J.54, subdivisions 1, 2; 62J.581, subdivision 5; 103I.005, subdivisions 4a, 6, 7, 10, 12, by adding subdivisions; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivisions 1, 3; 103I.115; 103I.205, subdivisions 4, 9; 103I.208, subdivisions 1, 2; 103I.231; 103I.325, subdivision 2; 103I.345, subdivision 2; 103I.401; 103I.501; 103I.505; 103I.525, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.531, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.535, subdivisions 1, 2, 4, 5, 7, 8, 9, by adding a subdivision; 103I.541; 103I.545, subdivision 2; 103I.601, subdivisions 4, 9; 144.221, subdivision 1; 144.225, subdivision 7; 149A.93, subdivisions 1, 2, 3, 4, 5; 149A.94, subdivision 3; 149A.96, subdivisions 1, 4, 7; Laws 1998, chapter 316, section 4; repealing Minnesota Statutes 2004, sections 103I.005, subdivision 13; 103I.222; 144.214, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 466: A bill for an act relating to agriculture; changing certain warehouse laws; amending Minnesota Statutes 2004, sections 231.08, by adding subdivisions; 231.09; 231.11; 231.18, subdivisions 3, 5; proposing coding for new law in Minnesota Statutes, chapter 231; repealing Minnesota Rules, parts 1560.7700; 1560.7750; 1560.7800; 1560.7850; 1560.7900; 1560.8000; 1560.8100; 1560.8200; 1560.8300; 1560.8400; 1560.8500; 1560.8600; 1560.8700; 1560.8800.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1468: A bill for an act relating to public employers; modifying public employer reimbursement for compensation paid to certain firefighters and peace officers; creating a panel to evaluate claims; appropriating money; amending Minnesota Statutes 2004, sections 214.04, subdivision 1; 299A.465, subdivision 4, by adding subdivisions.

Senator Cohen moved that S.F. No. 1468 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 1908: A bill for an act relating to natural resources; establishing the Shooting Range Protection Act; requiring expedited rulemaking; proposing coding for new law as Minnesota Statutes, chapter 87A.

Senator Chaudhary moved to amend S.F. No. 1908 as follows:

Page 4, line 10, delete "a preexisting" and insert "an"

Page 6, line 24, delete "conditions imposed by" and insert "regulation of days and hours imposed by the terms and conditions of"

Senator Chaudhary moved to amend the Chaudhary amendment to S.F. No. 1908 as follows:

Page 1, line 4, after "hours" insert "of operation"

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

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1908. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Chaudhary amendment, as amended.

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

Those who voted in the affirmative were:

Bakk	Gerlach	Larson	Pariseau	Scheid
Belanger	Johnson, D.J.	Metzen	Reiter	Skoe
Chaudhary	Jungbauer	Michel	Rest	Sparks
Day	Kierlin	Neuville	Rosen	Stumpf
Dille	Kleis	Nienow	Ruud	Tomassoni
Fischbach	Koering	Olson	Sams	Vickerman
Gaither	Langseth	Ortman	Saxhaug	

Those who voted in the negative were:

Anderson	Foley	LeClair	Pappas	Wergin
Bachmann	Higgins	Limmer	Pogemiller	Wiger
Berglin	Hottinger	Lourey	Robling	
Betzold	Kelley	Marko	Senjem	
Cohen	Kiscaden	Marty	Skoglund	
Dibble	Kubly	Moua	Solon	

The motion prevailed. So the Chaudhary amendment, as amended, was adopted.

Senator Marko moved to amend S.F. No. 1908 as follows:

Page 4, line 33, before "Allowable" insert "(a)"

Page 5, after line 9, insert:

"(b) The noise level standards established in paragraph (a) also apply within a municipality located across a river from a shooting range that is adjacent to the river."

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

S.F. No. 1908 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Bachmann	Cohen	Foley	Hann	Jungbauer
Bakk	Day	Frederickson	Hottinger	Kelley
Belanger	Dille	Gaither	Johnson, D.E.	Kierlin
Chaudhary	Fischbach	Gerlach	Johnson, D.J.	Kiscaden

Kleis	Lourey	Ortman	Ruud	Sparks
Koering	Metzen	Pariseau	Sams	Stumpf
Kubly	Michel	Pogemiller	Saxhaug	Tomassoni
Langseth	Murphy	Reiter	Scheid	Vickerman
Larson	Neuville	Rest	Senjem	Wergin
LeClair	Nienow	Robling	Skoe	Wiger
Limmer	Olson	Rosen	Solon	

Those who voted in the negative were:

Anderson	Betzold	Higgins	Marty	Pappas
Berglin	Dibble	Marko	Moua	Skoglund

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

SPECIAL ORDER

H.F. No. 1809: A bill for an act relating to insurance; regulating agency terminations, coverages, fees, forms, disclosures, reports, information security, and premiums; amending Minnesota Statutes 2004, sections 60A.14, subdivision 1; 60A.171, subdivision 11; 60A.23, subdivision 8; 60A.966; 60A.969; 62A.136; 62A.31, subdivision 1h; 62A.315; 62A.316; 62E.12; 62E.13, subdivision 2; 62Q.471; 62Q.65; 65A.29, subdivision 11; 65B.48, subdivision 3; 72A.20, subdivisions 13, 36; 79.211, by adding a subdivision; 79.40; 79.56, subdivisions 1, 3; 79.62, subdivision 3; 79A.03, subdivision 9; 79A.04, subdivisions 2, 10; 79A.06, subdivision 5; 79A.12, subdivision 2; 79A.22, subdivision 11, by adding a subdivision; 123A.21, by adding a subdivision; 176.191, subdivision 3; Laws 1985, chapter 85, section 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 60D; 65A; 65B; repealing Minnesota Statutes 2004, sections 61A.072, subdivision 2; 62E.03.

Senator Scheid moved to amend H.F. No. 1809, as amended pursuant to Rule 45, adopted by the Senate May 11, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1783.)

Page 1, delete section 1

Page 8, line 22, after the period, insert "Licensee" does not include producers until January 1, 2007."

Page 11, delete section 10

Pages 24 to 26, delete sections 21 and 22

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend H.F. No. 1809, as amended pursuant to Rule 45, adopted by the Senate May 11, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1783.)

Page 20, after line 15, insert:

"Sec. 16. [62L.056] [SMALL EMPLOYER FLEXIBLE BENEFITS PLANS.]

(a) Notwithstanding any provision of this chapter or chapter 363A, a health carrier may offer, sell, issue, and renew a health benefit plan that is a flexible benefits plan under this section to a small employer if the following requirements are satisfied:

(1) the health carrier is assessed less than ten percent of the total amount assessed by the Minnesota Comprehensive Health Association;

(2) the health benefit plan must be offered in compliance with this chapter, except as otherwise permitted in this section;

(3) the health benefit plan to be offered must be designed to enable employers and covered persons to better manage costs and coverage options through the use of co-pays, deductibles, and other cost-sharing arrangements;

(4) the health benefit plan must be issued and administered in compliance with sections 62E.141; 62L.03, subdivision 6; and 62L.12, subdivisions 3 and 4, relating to prohibitions against enrolling in the Minnesota Comprehensive Health Association persons eligible for employer group coverage;

(5) the health benefit plan may modify or exclude any or all coverages of benefits that would otherwise be required by law, except for maternity benefits and other benefits required under federal law, and provided further that maternity benefits may be excluded only if every employee of the small employer approves the exclusion;

(6) the health benefit plan may modify or exclude any or all coverages of services when provided by specific types of health care providers otherwise required by law, except as required by federal law;

(7) each health benefit plan must be approved by the commissioner of commerce, but the commissioner may not disapprove a plan on the grounds of a modification or exclusion permitted under clause (5) or (6); and

(8) prior to sale of the health benefit plan, the small employer must be given a written list of the coverages otherwise required by law that are modified or excluded in the health benefit plan. The list must include a description of each coverage in the list and indicate whether the coverage is modified or excluded. If a coverage is modified, the list must describe the modification. The list may, but need not, also list any or all coverages otherwise required by law that are included in the health benefit plan and indicate that they are included.

(b) The definitions in section 62L.02 apply to this section as modified by this section.

(c) An employer may provide a health benefit plan permitted under this section to its employees, the employees' dependents, and other persons eligible for coverage under the employer's plan notwithstanding chapter 363A."

Page 41, line 6, delete "17, 19, 20, 24, and 30 to 35" and insert "16, 18, 20, 21, 25, and 31 to 36"

Page 41, line 7, delete "18, and 25" and insert "19, and 26"

Page 41, line 8, delete "27" and insert "28"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin moved to amend the second Scheid amendment to H.F. No. 1809 as follows:

Page 2, line 5, delete "and"

Page 2, line 15, before the period, insert "; and"

(9) the employer has not provided a health benefit plan to employees during the prior 12 months"

CALL OF THE SENATE

Senator Lourey imposed a call of the Senate for the balance of the proceedings on H.F. No. 1809. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Berglin amendment to the second Scheid amendment.

The roll was called, and there were yeas 15 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Foley	Marty	Pogemiller
Berglin	Cohen	Higgins	Moua	Skoglund
Betzold	Dibble	Lourey	Pappas	Tomassoni

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Larson	Pariseau	Skoe
Bakk	Johnson, D.J.	LeClair	Reiter	Solon
Belanger	Jungbauer	Limmer	Rest	Sparks
Day	Kelley	Metzen	Robling	Stumpf
Dille	Kierlin	Michel	Rosen	Vickerman
Fischbach	Kiscaden	Murphy	Ruud	Wergin
Frederickson	Kleis	Neuville	Sams	Wiger
Gaither	Koering	Nienow	Saxhaug	
Gerlach	Kubly	Olson	Scheid	
Hann	Langseth	Ortman	Senjem	

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

The question recurred on the adoption of the second Scheid amendment. The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend H.F. No. 1809, as amended pursuant to Rule 45, adopted by the Senate May 11, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1783.)

Page 41, after line 1, insert:

"Sec. 36. Laws 1985, chapter 85, section 1, is amended to read:

Section 1. [CERTAIN COUNTIES; JOINT AGREEMENTS FOR INSURANCE COVERAGE.]

(a) The counties of Aitkin, Itasca, Koochiching and St. Louis, and political subdivisions located in those counties, except the city of Duluth, when two or more of them are acting jointly under Minnesota Statutes, section 471.61, subdivision 1, or section 471.59 for purposes of section 471.61, may act jointly for the same purposes with any nonprofit organization organized under the laws of Minnesota and which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code 1954, as amended through December 31, 1984.

(b) Notwithstanding Minnesota Statutes, sections 62L.03; 62L.04; 62L.045; or any other provision of Minnesota Statutes, chapter 62L, an arrangement described in paragraph (a) may provide the same health coverage under the same plan and premium rates to its member employers that have 50 or fewer employees that the arrangement provides to its member employers that have more than 50 employees. The insurer offering the plan need not offer this same plan to small employers that are not member employers in the arrangement described in paragraph (a).

(c) Paragraph (b) is a pilot project that expires at the end of its third full plan year after its date of enactment. After the second full plan year, the entity operating an arrangement described in paragraph (a) shall provide a written report to the commissioner of commerce summarizing the advantages and disadvantages of the pilot project and recommending whether to make it permanent."

Page 41, line 6, before "Sections" insert "(a)"

Page 41, after line 9, insert:

"(b) Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), local approval of section 36 is not required. Section 36 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator LeClair moved to amend H.F. No. 1809, as amended pursuant to Rule 45, adopted by the Senate May 11, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1783.)

Page 21, after line 6, insert:

"Sec. 18. [65A.297] [ACTIVE DUTY MEMBER OF ARMED SERVICES RESERVE OR NATIONAL GUARD; USE IN UNDERWRITING PROHIBITED.]

No insurer, including the Minnesota FAIR plan, shall refuse to renew, decline to offer or write, reduce the limits of, cancel, or charge differential rates for equivalent coverage for any coverage in a homeowner's policy because the dwelling is vacant or occupied by a caretaker if the insured's absence is caused solely by the insured being called to active duty as a member of the armed services reserve or the National Guard."

Page 41, line 7, after the period, insert "Section 18 is effective the day following final enactment and applies to any action taken by an insurer on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend H.F. No. 1809, as amended pursuant to Rule 45, adopted by the Senate May 11, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1783.)

Page 21, after line 6, insert:

"Sec. 18. [65B.286] [SNOWMOBILE AUXILIARY LIGHTING SYSTEM DISCOUNT.]

Subdivision 1. [DEFINITION.] For the purposes of this section, the term "auxiliary hazard warning lighting system" means a system installed by the manufacturer of a snowmobile as original equipment or installed in a snowmobile by the manufacturer or an authorized dealer of that manufacturer as an aftermarket system that does the following when activated:

(1) a yellow light emitting diode (L.E.D.) light on the front of the snowmobile that flashes at least once per second and is visible at least one-half mile in front of the snowmobile; and

(2) a red light emitting diode (L.E.D.) light on the rear of the snowmobile that flashes at least once per second and is visible at least one-half mile from behind the snowmobile.

Subd. 2. [REQUIRED REDUCTION.] An insurer must provide an appropriate premium reduction of at least five percent on a policy insuring the snowmobile, or on that portion of a policy insuring a snowmobile that is issued, delivered, or renewed in this state, to the insured whose snowmobile is equipped with an authorized auxiliary hazard warning lighting system. The premium reduction required by this subdivision applies to every snowmobile of the insured that is equipped with an auxiliary hazard warning lighting system."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1809 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 53 and nays 10, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Langseth	Olson	Senjem
Bakk	Hann	Larson	Ortman	Skoe
Belanger	Johnson, D.E.	LeClair	Pariseau	Solon
Chaudhary	Johnson, D.J.	Limmer	Reiter	Sparks
Cohen	Jungbauer	McGinn	Rest	Stumpf
Day	Kelley	Metzen	Robling	Tomassoni
Dille	Kierlin	Michel	Rosen	Vickerman
Fischbach	Kiscaden	Moua	Ruud	Wergin
Foley	Kleis	Murphy	Sams	Wiger
Frederickson	Koering	Neuville	Saxhaug	
Gaither	Kubly	Nienow	Scheid	

Those who voted in the negative were:

Anderson	Betzold	Higgins	Marty	Pogemiller
Berglin	Dibble	Lourey	Pappas	Skoglund

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Wergin moved that S.F. No. 783, No. 16 on General Orders, be stricken and re-referred to the Committee on Agriculture, Veterans and Gaming. The motion prevailed.

Senator Wergin moved that S.F. No. 1774, No. 57 on General Orders, be stricken and re-referred to the Committee on Agriculture, Veterans and Gaming. The motion prevailed.

Senator Betzold moved that S.F. No. 1211, No. 143 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 1164: Senators Kiscaden, McGinn and Betzold.

S.F. No. 917: Senators Sams, Stumpf, Rest, Lourey and Neuville.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 2:10 p.m. The motion prevailed.

The hour of 2:10 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 2461 be taken from the table. The motion prevailed.

H.F. No. 2461: A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; authorizing issuance of trunk highway bonds; increasing tax on motor fuels; modifying vehicle registration tax; modifying law and proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; allocating county state-aid highway funds; allocating portion of metropolitan sales tax revenue to transit fund; modifying provisions related to state mail, state highways and bridges, county state-aid highways, county wheelage taxes, toll facilities, railroad grade crossings, traffic fine allocations, commercial motor vehicles, day activity center buses, other motor vehicles, state aviation, airport noise mitigation reporting, bridges in smaller cities, highway signs, various accounts, weight limits on highways and other traffic regulations, drivers' licenses and permits, transit facilities and operations, gasoline sales, wetland replacement near the city of Cologne, the employment status of public safety radio communications operators, the insurance verification sampling program, maximum train speeds in the city of Orr, park-and-ride lots, a restriction on ethanol requirements, deputy registrar positions in Carver and Hennepin Counties, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 160.87, by adding a subdivision; 161.14, by adding subdivisions; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding subdivisions; 162.08, subdivision 3; 163.051; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 8; 168.031; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.18, subdivisions 4, 5, 11, as amended, if enacted; 169.448, by adding a subdivision; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.03, by adding subdivisions; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; 299D.03, subdivision 5; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473.604, subdivision 5; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 174; 190; 219; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2;

168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

SUSPENSION OF RULES

Senator Johnson, D.E. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2461 and that the rules of the Senate be so far suspended as to give H.F. No. 2461 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2461 was read the second time.

H.F. No. 2461 was read the third time and placed on its final passage.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2461. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Higgins	Marko	Rest	Stumpf
Bakk	Hottinger	Marty	Sams	Tomassoni
Berglin	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Betzold	Kelley	Moua	Scheid	Wiger
Chaudhary	Kiscaden	Murphy	Skoe	
Cohen	Kubly	Pappas	Skoglund	
Dibble	Langseth	Pogemiller	Solon	
Foley	Lourey	Ranum	Sparks	

Those who voted in the negative were:

Bachmann	Gerlach	Larson	Olson	Ruud
Belanger	Hann	LeClair	Ortman	Senjem
Day	Johnson, D.J.	Limmer	Ourada	Wergin
Dille	Jungbauer	McGinn	Pariseau	
Fischbach	Kierlin	Michel	Reiter	
Frederickson	Kleis	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 1089 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1089: A bill for an act relating to transportation; changing criteria for logo signs; allowing hybrid vehicles in high-occupancy vehicle lanes; changing administrative highway and

vehicle provisions; revising definitions; regulating motorized foot scooters; conforming statute to federal law; modifying traffic regulations and vehicle equipment requirements; regulating disability van parking; prohibiting certain drivers from using cellular phones while driving; changing child safety restraint and seat belt requirements; making seat belt violation a primary offense; imposing driving restrictions on provisional license holders; modifying vehicle weight provisions; amending definition of class D driver's license; restricting use of driver's license personal information; requiring chapter on future needs in state aviation system plan; establishing advisory council on aviation planning; extending commuter rail corridor coordinating committee and adding member; prohibiting certain quotas; modifying aeronautics provisions; establishing safety zones at international airport; changing train speed in city of Orr; deactivating certain ramp meters; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 162.02, subdivisions 2, 3a; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, by adding subdivisions; 168.012, subdivision 1; 168.16; 168.185; 168.31, subdivision 5; 169.01, subdivisions 75, 81, by adding subdivisions; 169.06, subdivisions 5, 6, by adding a subdivision; 169.09, by adding a subdivision; 169.14, subdivisions 2, 4, 5, 5a, by adding subdivisions; 169.28, subdivision 2; 169.345, subdivision 1; 169.346, subdivisions 1, 2; 169.448, by adding a subdivision; 169.522; 169.685, subdivision 5; 169.686, subdivision 1; 169.71, subdivision 1; 169.733; 169.81, subdivision 3c; 169.824, subdivision 2; 169.85, subdivisions 1, 6; 169.86, subdivision 5; 169.87, subdivision 5; 171.01, subdivision 22; 171.02, subdivision 2; 171.05, subdivision 2b; 171.055, subdivision 2; 171.12, subdivision 7; 171.17, subdivision 1; 171.30, subdivision 1; 174.03, by adding a subdivision; 174.86, subdivision 5; 219.166; 219.567; 299D.08; 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.66, by adding a subdivision; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; 473.123, subdivisions 2a, 3; 473.604, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 162; 169; 174; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.15, subdivision 2; 360.59, subdivisions 4, 9.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 13, after line 21, insert:

"Sec. 21. Minnesota Statutes 2004, section 168.15, subdivision 1, is amended to read:

Subdivision 1. [TRANSFER OF OWNERSHIP.] (a) Upon the transfer of ownership, destruction, theft, dismantling, or permanent removal by the owner from this state of any motor vehicle registered in accordance with this chapter, the right of the owner of the vehicle to use the registration certificate and number plates assigned to the vehicle expires.

(b) When the ownership of a motor vehicle is transferred to another resident of person required to register the vehicle in this state, the transferor shall ~~surrender the registration plates, unless otherwise provided for in this chapter,~~ and assign the registration tax paid to the credit of the transferee unless the registration stickers are surrendered to the commissioner before the first day of the new registration period.

(c) When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been issued under this chapter, a person shall join with the registered owner in transmitting with the application for transfer of ownership, the registration certificate, with the assignment and notice of sale duly ~~executed upon the reverse side, or,~~

(d) In case of loss of the title or certificate of registration of a vehicle not subject to section 325E.15, the person shall make application to the commissioner with proof of loss by sworn statement, in writing, and satisfactory to the registrar of the title as specified in section 168A.09 and assign a notice of sale of the vehicle on the application for title as specified in section 168A.04.

(e) Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, the ~~manufacturer or dealer~~ transferor shall, within ten days after the transfer, file with the registrar commissioner (1) a notice ~~or report~~ containing the date of transfer, a description of the motor vehicle, and the transferee's name, ~~street and number of~~

~~residence, if in a city, and post office residence address in the state or if not a natural person then the transferee's business and mailing address, and shall also transmit with it (2) the transferee's application for registration."~~

Pages 62 to 70, delete sections 69 to 79

Pages 71 to 76, delete sections 81 to 88

Page 82, line 1, after the semicolon, insert "and"

Page 82, line 2, delete "; and 360.59, subdivisions 4 and 9"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 38, after line 7, insert:

"Sec. 47. Minnesota Statutes 2004, 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 unreasonable or when a child passenger restraint system is not available;

(2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system 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; and

(4) a person while operating a type III school bus or type III Head Start bus, as defined in section 169.01, subdivision 6, paragraph (5).

(b) A child passenger restraint system is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system 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. 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 to a customer renting or leasing the motor vehicle who requests the device. A reasonable rent or fee may be charged for use of the child passenger restraint device."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 5, after line 3, insert:

"Sec. 3. Minnesota Statutes 2004, section 161.368, is amended to read:

161.368 [HIGHWAY CONTRACTS WITH TRIBAL AUTHORITIES.]

On behalf of the state, the commissioner may enter into cost-sharing agreements with Indian tribal authorities for the purpose of providing maintenance, design, and construction to highways on tribal lands. These agreements may include (1) a provision for waiver of immunity from suit by a party to the contract on the part of the tribal authority with respect to any controversy arising out of the contract and (2) a provision conferring jurisdiction on state district courts to hear such a controversy."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 13, after line 21, insert:

"Sec. 21. Minnesota Statutes 2004, section 168.031, is amended to read:

168.031 [REGISTRATION EXEMPTION; ACTIVE MILITARY-RELATED SERVICE.]

(a) The motor vehicle of any person who engages in active military service in time of war or other emergency declared by proper authority in any branch or unit of the military or naval forces of the United States armed forces shall be exempt from the motor vehicle registration tax during the period of such active service and for 40 90 days immediately thereafter if the owner has filed, before, during, or within 90 days after completion of that active service, files with the registrar of motor vehicles a written application for exemption with such proof of military service as the registrar may have required and if the motor vehicle is not operated on a public highway within the state during the requested period of exemption, except by the owner while on furlough or leave of absence from the military.

(b) The motor vehicle of any disabled war veteran, which vehicle has been furnished free, in whole or in part, by the United States government to said disabled veteran, shall be exempt from the motor vehicle registration tax. The motor vehicle owned and registered by a former prisoner of war that bears the "EX-POW" plates is exempt from the motor vehicle registration tax.

(c) For purposes of this section, the term "active service" shall have the meaning given this term in section 190.05, subdivisions 5b and 5c, but excludes service performed exclusively for purposes of:

(1) annual training and other periodic inactive duty training for National Guard and other reserve members;

(2) special training periodically made available to National Guard and other reserve members;

(3) service performed in accordance with section 190.08, subdivision 3; and

(4) service performed as part of the active guard/reserve program pursuant to United States Code, title 32, section 502(f), or other applicable authority.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to persons serving in active military service on or after that date."

Page 61, after line 3, insert:

"Sec. 67. Minnesota Statutes 2004, section 192.502, subdivision 2, is amended to read:

Subd. 2. [RENEWAL OF PROFESSIONAL LICENSES ~~OR CERTIFICATIONS, DRIVER'S~~

LICENSE, AND MOTOR VEHICLE REGISTRATION.] (a) The renewal of a license or certificate of registration for a ~~member of the Minnesota National Guard or other military reserves~~ person who has been ordered to active military service and who is required by law to be licensed or registered in order to carry on or practice a ~~health or other~~ trade, employment, occupation, or profession in the state is governed under sections 326.55 and 326.56.

(b) The renewal of a driver's license for a person who has been ordered to active military service is governed under section 171.27.

(c) The renewal and payment of the motor vehicle registration tax for a vehicle of a person who has been ordered to active military service is governed under section 168.031.

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

Sec. 68. Minnesota Statutes 2004, section 197.65, is amended to read:

197.65 [RENEWAL OF PROFESSIONAL LICENSES OR CERTIFICATIONS, DRIVER'S LICENSE, AND MOTOR VEHICLE REGISTRATION.]

(a) The renewal of a license or certificate of registration for a person who is serving in or has recently been ~~separated or discharged~~ from active military service and who is required by law to be licensed or registered in order to carry on or practice a ~~health or other~~ trade, employment, occupation, or profession in the state is governed under sections 326.55 and 326.56.

(b) The renewal of a driver's license for a person who is serving in or has recently been separated or discharged from active military service is governed under section 171.27.

(c) The renewal and payment of the motor vehicle registration tax for a vehicle of a person who is serving in or has recently been separated or discharged from active military service is governed under section 168.031.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 42, after line 13, insert:

"[EFFECTIVE DATE.] The language in paragraph (a), clause (2), is effective August 1, 2006."

Page 47, after line 23, insert:

"[EFFECTIVE DATE.] This section is effective August 1, 2006."

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 15, line 11, after "truck" insert "that is not used in interstate commerce"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 15, after line 32, insert:

"Sec. 23. Minnesota Statutes 2004, section 168.27, is amended by adding a subdivision to read:

Subd. 28. [E85 LABEL.] A licensed motor vehicle dealer who offers for sale a vehicle that may be operated on E85 fuel, within the meaning of section 296A.01, subdivision 19, must affix to the vehicle a temporary label on the window or windshield that identifies the automobile as capable of operating on E85. The label must bear a logo approved by the commissioner of commerce."

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 2, after line 10, insert:

"Section 1. Minnesota Statutes 2004, section 16B.49, is amended to read:

16B.49 [CENTRAL MAILING SYSTEM.]

(a) The commissioner shall maintain and operate for state agencies, departments, institutions, and offices a central mail handling unit. Official, outgoing mail for units in St. Paul must be delivered unstamped to the unit. The unit shall also operate an interoffice mail distribution system. The department may add personnel and acquire equipment that may be necessary to operate the unit efficiently and cost-effectively. Account must be kept of the postage required on that mail, which is then a proper charge against the agency delivering the mail. To provide funds for the payment of postage, each agency shall make advance payments to the commissioner sufficient to cover its postage obligations for at least 60 days. For purposes of this section, the Minnesota State Colleges and Universities is a state agency.

(b) Notwithstanding paragraph (a) or section 16C.09, the commissioner may approve the performance of mail-related functions by an agency outside the state's central mail-handling unit if the agency demonstrates it furthers program effectiveness, better use of services, greater efficiency, or greater economy in state government."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 81, after line 25, insert:

"Sec. 96. [SUSPENSION OF PROGRAM TO VERIFY INSURANCE COVERAGE THROUGH SAMPLING.]

The commissioner of public safety shall take no action under Minnesota Statutes, section 169.796, subdivision 3, and shall discontinue all activities related to the program to verify insurance coverage through sampling, except as provided in sections 96 to 103.

Sec. 97. [REINSTATEMENT OF SUSPENDED LICENSES.]

The commissioner, without requiring proof of insurance or payment of a reinstatement fee, shall reinstate the driver's license of every vehicle owner whose license is suspended under Minnesota Statutes, section 169.796, subdivision 3, retroactive to the date of the suspension. The commissioner shall promptly refund any such reinstatement fees previously paid.

Sec. 98. [DISMISSAL OF CHARGES.]

All charges, complaints, and citations issued for a violation of Minnesota Statutes, section 169.796, subdivision 3, or a related violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3, are void and must be dismissed.

Sec. 99. [REMOVAL OF PREVIOUS VIOLATIONS.]

The commissioner shall purge from a person's driving record any notation of a violation of Minnesota Statutes, section 169.796, subdivision 3, and any notation of a related suspension or violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3. An insurer may not increase a premium for a policy of vehicle insurance on the basis of a violation described in this section by a named insured if the violation occurred before the effective date of this section, and any such increase previously imposed must be rescinded and any related premium increase promptly refunded.

Sec. 100. [REMEDATION FOR CONVICTIONS.]

A court in which a conviction for an offense referred to in section 98 occurred, must vacate the conviction, on its own motion, without cost to the person convicted, and must immediately notify the person that the conviction has been vacated.

Sec. 101. [REMEDATION BY INSURERS.]

(a) Insurers that issue or renew motor vehicle insurance in this state shall, within 60 days after the effective date of this section, inform the commissioner of commerce as to whether it has canceled, failed to renew, denied an application for coverage, or imposed a surcharge on any motor vehicle insurance due to a suspension or conviction as a result of the law referenced in section 96, provide a list of any such persons, and indicate for each person the remediation the insurer intends to provide.

(b) Remediation under paragraph (a) must compensate the victim by providing refunds and reinstatements of coverage.

(c) Insurers shall provide the remediation without requiring that the person make a request for remediation.

(d) The commissioner of commerce shall enforce this section under its general enforcement powers under Minnesota Statutes, chapter 45.

Sec. 102. [REPORT.]

The commissioner of public safety shall report to the chairs of the house of representatives and senate committees with jurisdiction over transportation policy and finance by September 1, 2007, concerning the operation of the vehicle insurance verification program, and the impact of the program on the identification and number of uninsured motorists.

Sec. 103. [PUBLIC SAFETY FUNDING.]

The commissioner of public safety shall use unspent funds appropriated for purposes of administering Minnesota Statutes, section 169.796, subdivision 3, to carry out the provisions of sections 97 and 99. Funds remaining at the conclusion of fiscal year 2005 may be carried over to fiscal year 2006 until expended, to complete the required provisions of sections 97 and 99."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Olson moved to amend S.F. No. 1089 as follows:

Page 4, after line 3, insert:

"Sec. 2. Minnesota Statutes 2004, 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. The commissioner shall designate off-peak hours, during which user fees may not be charged for

the use of high-occupancy vehicle lanes that are not separated by a physical barrier from unrestricted lanes. 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."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 1089 as follows:

Page 81, after line 25, insert:

"Sec. 96. [FLOODWOOD SAFETY REST AREA.]

Notwithstanding Minnesota Statutes, section 160.2725, subdivisions 1 and 5, or other lease or agreement to the contrary, the operator of the safety rest area in the city of Floodwood may sell nonalcoholic beverages and snack foods. This provision may not be waived by contract or other agreement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Solon moved to amend S.F. No. 1089 as follows:

Page 81, after line 9, insert:

"Sec. 95. [CHANGEABLE MESSAGE SIGN ON U.S. HIGHWAY 2.]

The commissioner of transportation shall erect and operate a changeable message sign on U.S. Highway 2, on the approach to the Richard I. Bong Bridge in the city of Duluth."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marko moved to amend S.F. No. 1089 as follows:

Page 41, line 34, delete "three miles" and insert "one mile"

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend S.F. No. 1089 as follows:

Page 80, line 7, after "VEHICLES" insert "AND DRIVER'S LICENSE AGENT"

Page 80, line 16, after "vehicles" insert "and driver's license agent"

Page 80, line 18, after "collection" insert "and driver's license"

Page 80, line 21, after "vehicles" insert "and driver's license agent"

Page 80, line 22, delete "section 168.33" and insert "sections 168.33 and 171.061"

The motion prevailed. So the amendment was adopted.

Senator Ranum moved to amend S.F. No. 1089 as follows:

Page 81, after line 25, insert:

"Sec. 96. [MITIGATION REQUIRED.]

The Metropolitan Airports Commission shall adopt the recommendation of the Noise Oversight Committee dated March 26, 2004, which provides that homes within the 62 DNL noise contour and greater on the 2007 Part 150 Noise Exposure Map will receive the five-decibel reduction insulation package based upon the block intersect method, and that homes within the 60 and 61 DNL noise contours will receive a sound insulation package with a cost not to exceed \$13,500 per home based upon the block intersect method. The Metropolitan Airports Commission shall establish a schedule to ensure completion of the required insulation by December 31, 2010."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rest moved to amend S.F. No. 1089 as follows:

Page 39, line 5, strike "and" and after the stricken "vision" insert a comma

Page 39, line 6, reinstate the stricken comma and before the semicolon, insert "and electronic toll-collection devices"

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend S.F. No. 1089 as follows:

Page 54, after line 6, insert:

"Sec. 61. Minnesota Statutes 2004, section 171.13, subdivision 1, is amended to read:

Subdivision 1. [EXAMINATION SUBJECTS TESTED AND LOCATIONS; ENGLISH REQUIREMENT; PROVISIONS FOR COLOR BLINDNESS, DISABLED VETERANS.] (a) 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. The commissioner may not give the examination in any language other than English.

(b) This examination must include a test of the 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; ~~an and actual demonstration of ability to demonstrate the exercise of ordinary and reasonable control in the operation of a motor vehicle; and. This examination must include~~ 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,~~

(c) ~~However, no driver's license the commissioner shall be denied not deny an applicant a driver's license on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that~~

(d) War veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a driver's license, must be granted such the license.

(e) 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."

Page 81, line 36, after "REPEALER" insert "; INSTRUCTION TO REVISOR"

Page 82, line 1, before "Minnesota" insert "(a)"

Page 82, after line 3, insert:

"(b) Minnesota Rules, part 7410.4740, item A, is repealed.

The revisor of statutes shall delete that provision from the next publication of Minnesota Rules and make other style and form changes necessitated by its deletion, including correcting or deleting any relevant cross-references to Minnesota Rules, part 7410.4740."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Reiter imposed a call of the Senate for the balance of the proceedings on S.F. No. 1089. The Sergeant at Arms was instructed to bring in the absent members.

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

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

The roll was called, and there were yeas 14 and nays 47, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Kleis	Nienow	Reiter
Fischbach	Hann	LeClair	Olson	Wergin
Gaither	Jungbauer	Limmer	Pariseau	

Those who voted in the negative were:

Anderson	Frederickson	Lourey	Pogemiller	Skoglund
Bakk	Higgins	Marko	Ranum	Solon
Belanger	Hottinger	Marty	Rest	Sparks
Berglin	Kelley	McGinn	Robling	Stumpf
Betzold	Kierlin	Metzen	Rosen	Tomassoni
Chaudhary	Kiscaden	Michel	Sams	Vickerman
Cohen	Koering	Moua	Saxhaug	Wiger
Dibble	Kubly	Murphy	Scheid	
Dille	Langseth	Ortman	Senjem	
Foley	Larson	Pappas	Skoe	

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

Senator Ortman moved to amend S.F. No. 1089 as follows:

Page 80, after line 25, insert:

"Sec. 93. [DEPUTY REGISTRAR AND DRIVER'S LICENSE AGENT APPOINTMENT.]

Notwithstanding any restriction in law or rule concerning proximity of deputy motor vehicle registrar offices or predicted number of annual applications processed, the commissioner of public safety shall appoint the auditor of Carver County as a deputy motor vehicle registrar and driver's license agent in the city of Chanhasen. All provisions of Minnesota Statutes, sections 168.33 and 171.061, not inconsistent with this section, apply to the appointments under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend S.F. No. 1089 as follows:

Page 80, after line 25, insert:

"Sec. 93. [WETLAND REPLACEMENT REQUIREMENT EXEMPTION.]

Notwithstanding any law to the contrary, due to the construction of a trail in or near the city of Cologne on type I and type III wetlands in the area between the improved portion of marked State Highway 284 and Benton Lake, wetland replacement is eligible for replacement under Minnesota Statutes, section 103G.222, subdivision 1, paragraph (1)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend S.F. No. 1089 as follows:

Page 47, after line 23, insert:

"Sec. 55. [169.864] [SPECIAL PAPER PRODUCTS VEHICLE PERMIT.]

Subdivision 1. [THREE-UNIT VEHICLE.] The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly. No semitrailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 108,000 pounds;

(3) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Subd. 2. [TWO-UNIT VEHICLE.] The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds;

(3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section; and

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less.

Subd. 3. [RESTRICTIONS.] Vehicles issued permits under subdivisions 1 and 2 must comply with the following restrictions:

(1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87;

(2) the vehicle may not be operated on the interstate highway system; and

(3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by Code of Federal Regulations, title 23, part 658.19.

Subd. 4. [PERMIT FEE.] Vehicle permits issued under subdivision 1, clause (1), must be annual permits. The fee is \$850 for each vehicle and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated to the commissioner for the costs of administering the permit program.

[EFFECTIVE DATE.] This section is effective the later of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 1089 as follows:

Page 47, after line 23, insert:

"Sec. 55. Minnesota Statutes 2004, section 169.87, subdivision 4, is amended to read:

Subd. 4. [VEHICLE TRANSPORTING MILK.] Until June 1, 2003 2007, a weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Senator Marko moved that the vote whereby the Marko amendment to S.F. No. 1089 was adopted on May 18, 2005, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Marko withdrew her amendment.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 11, line 10, before "educational" insert "charitable, religious, or"

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 1089 as follows:

Page 16, after line 8, insert:

"Sec. 24. Minnesota Statutes 2004, section 168A.20, is amended by adding a subdivision to read:

Subd. 5. [SATISFACTION OF AUTOMOBILE LIEN SEVEN YEARS OLD; RELEASE.] (a) A security interest perfected under this chapter expires seven years from the perfection date for a passenger automobile, as defined in section 168.011, subdivision 7.

(b) A lien holder may notify the department in writing or in a format approved by the department during the sixth year of the lien, no later than 90 days in advance of the seven-year anniversary, if the lien will not be satisfied during this registration period and the lien must be extended up to seven additional years as requested by the lien holder."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wiger moved to amend S.F. No. 1089 as follows:

Page 62, after line 2, insert:

"Sec. 69. Minnesota Statutes 2004, section 325D.01, subdivision 5, is amended to read:

Subd. 5. [COST.] The term "cost", as applied to the wholesale or retail vendor, means:

(1) the actual current delivered invoice or replacement cost, whichever is lower, without deducting customary cash discounts, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business at that location by the vendor;

(2) where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price then currently in effect, less the published trade discount but without deducting the customary cash discount, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business by the vendor shall be prima facie evidence of "cost";

~~(3) for purposes of gasoline offered for sale by way of posted price or indicating meter by a retailer, at a retail location where gasoline is dispensed into passenger automobiles and trucks by the consumer, "cost" means the average terminal price on the day, at the terminal from which the most recent supply of gasoline delivered to the retail location was acquired, plus all applicable state and federal excise taxes and fees, plus the lesser of six percent or eight cents."~~

Page 82, line 1, before "Minnesota" insert "(a)"

Page 82, after line 3, insert:

"(b) Minnesota Statutes 2004, sections 325D.01, subdivisions 11 and 12; and 325D.71, are repealed.

Sec. 99. [EFFECTIVE DATE.]

Sections 69 and 98, paragraph (b), are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Koering questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Pursuant to Rule 41.2, Senator Kierlin moved that he be excused from voting on the Wiger amendment to S.F. No. 1089. The motion prevailed.

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

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

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kleis	Neuville	Ranum
Bachmann	Gaither	LeClair	Nienow	Robling
Belanger	Gerlach	Limmer	Olson	Scheid
Betzold	Hann	Marko	Ortman	Senjem
Chaudhary	Higgins	McGinn	Ourada	Skoglund
Day	Jungbauer	Michel	Pariseau	Solon
Dibble	Kiscaden	Moua	Pogemiller	Wiger

Those who voted in the negative were:

Bakk	Hottinger	Larson	Reiter	Skoe
Berglin	Johnson, D.E.	Lourey	Rest	Sparks
Cohen	Kelley	Marty	Rosen	Stumpf
Dille	Koering	Metzen	Ruud	Tomassoni
Fischbach	Kubly	Murphy	Sams	Vickerman
Frederickson	Langseth	Pappas	Saxhaug	Wergin

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 10, after line 30, insert:

"Sec. 20. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 40. [COMMISSIONER.] "Commissioner" means the commissioner of the Minnesota Department of Public Safety.

Sec. 21. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 41. [STATE.] "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States."

Page 13, after line 21, insert:

"Sec. 23. Minnesota Statutes 2004, section 168.091, subdivision 1, is amended to read:

Subdivision 1. [NONRESIDENT BUYER.] (a) Upon payment of a fee of \$1, the registrar commissioner may issue a permit to a nonresident purchasing a new or used motor vehicle in this state for the sole purpose of allowing such nonresident to remove the vehicle to be removed from this state for registration in another state or country. Such

(b) The permit shall be is in lieu of any other registration or taxation for use of the highways and shall be is valid for a period of 31 days from the date of sale, trade, or gift.

(c) The permit shall must be available in such form an electronic format as the registrar may determine and, whenever practicable, shall be determined by the commissioner.

(d) If the sale, gift, or trade information is electronically transmitted to the commissioner by a dealer or deputy registrar of motor vehicles, the \$1 fee is waived.

(e) The permit must be posted upon the left side of the inside rear window of the vehicle or, if not practicable, where it is plainly visible to law enforcement. Each such permit shall be is valid only for the vehicle for which the permit was issued."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 82, line 1, before "Minnesota" insert "(a)"

Page 82, after line 3, insert:

"(b) Minnesota Statutes 2004, sections 168.831, 168.832, 168.833, 168.834, 168.835, 168.836, and 168.837, are repealed."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 1089 as follows:

Page 62, after line 2, insert:

"Sec. 69. Minnesota Statutes 2004, section 360.013, subdivision 39, is amended to read:

Subd. 39. [AIRPORT.] "Airport" means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, surfacing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, including facilities described in section 116R.02, subdivision 6, and all appurtenant rights-of-way, whether heretofore or hereafter established. The operation and maintenance of airports is an essential public service.

Sec. 70. Minnesota Statutes 2004, section 360.017, subdivision 1, is amended to read:

Subdivision 1. [CREATION; AUTHORIZED DISBURSEMENTS.] (a) There is hereby created a fund to be known as the state airports fund. The fund shall consist of all money appropriated to it, or directed to be paid into it, by the legislature.

(b) The state airports fund shall be paid out on authorization of the commissioner and shall be used:

(1) to acquire, construct, improve, maintain, and operate airports and other air navigation facilities;

(2) to assist municipalities in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities;

(3) to assist municipalities to initiate, enhance, and market scheduled air service at their airports;

(4) to promote interest and safety in aeronautics through education and information; and

(5) to pay the salaries and expenses of the Department of Transportation related to aeronautic planning, administration, and operation. All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance.

A municipality that adopts a comprehensive plan that the commissioner finds is incompatible with the state aviation plan is not eligible for assistance from the state airports fund.

Sec. 71. Minnesota Statutes 2004, section 360.065, is amended by adding a subdivision to read:

Subd. 3. [DISCLOSURE OF AIRPORT ZONING REGULATIONS.] Before accepting consideration or signing an agreement to sell or transfer real property that is located in safety zone A, B, or C, excluding safety zones associated with an airport owned or operated by the Metropolitan Airports Commission, under zoning regulations adopted by the governing body, the seller or transferor, whether executing the agreement in the seller or transferor's own right, or as executor, administrator, assignee, trustee, or otherwise by authority of law, must disclose in writing to the buyer or transferee the existence of airport zoning regulations that affect the real property."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 1089 as follows:

Page 10, after line 18, insert:

"Sec. 17. Minnesota Statutes 2004, section 168.011, subdivision 25, is amended to read:

Subd. 25. [RECREATIONAL EQUIPMENT VEHICLE.] (a) "Recreational equipment vehicle" means travel trailers including those which that telescope or fold down, chassis-mounted campers, house-cars, motor homes, tent trailers, slip-in-campers, and converted buses that provide temporary human living quarters. A

(b) "Recreational vehicle" is considered to provide temporary living quarters if it a vehicle that:

(1) is not used as the residence of the owner or occupant;

(2) is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and

(3) is either self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

(b) For the purposes of this subdivision, a Subd. 25a. [MOTOR HOME.] "Motor home" means a unit recreational vehicle designed to provide temporary living quarters. The motor home has a living unit built into as an integral part of, or permanently attached to the chassis of, a self-propelled motor vehicle chassis or van.

(a) A motor home must contain permanently installed, independent, life-support systems which that meet the American National Standards Institute standard number A119.2 for recreational vehicles and provide at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) a cooking facility with liquid propane gas supply, (2) a refrigerator, (3) a self-contained toilet or a toilet connected to a plumbing system with a connection for external water disposal, (4) a heating or air conditioning system separate from the motor vehicle engine, (5) a potable water supply system including a sink with a faucet either self-contained or with connections for an external source, and (6) a separate 110-125 volt volts electrical power supply.

(b) For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, and designed not to be removed except for repair or replacement. A system which that is readily removable or held in place by clamps or tie-downs is not permanently installed.

(c) Motor homes include ~~but are not limited to,~~ the following a:

(1) type A motor home -, which is a raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters as ~~defined~~ described in this paragraph (a);

(2) type B motor home -, which is a ~~van-type vehicle~~ van that conforms to the ~~motor home definition~~ description in this paragraph (a) and has been completed or altered by the a final-stage manufacturer; and

(3) type C motor home -, which is an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as ~~defined~~ described in this paragraph (a).

(d) A motor vehicle with a slip-in ~~campers are~~ camper or other removable equipment that is mounted into or on a motor vehicle ~~commonly known as a pickup truck, in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle may is not a motor home, is not a recreational vehicle, and must not be registered as a recreational vehicle under section 168.013.~~

Page 17, delete line 6 and insert "truck, fire-fighting equipment, an authorized emergency vehicle, or a recreational equipment vehicle being"

Page 17, after line 14, insert:

"Sec. 27. Minnesota Statutes 2004, section 169.01, subdivision 76, is amended to read:

Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185."

Page 48, after line 6, insert:

"Sec. 58. Minnesota Statutes 2004, section 169A.52, subdivision 3, is amended to read:

Subd. 3. [TEST REFUSAL; LICENSE REVOCATION.] (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

(b) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a

commercial motor vehicle for a period of one year under section 171.165 (commercial driver's license disqualification) and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year according to the federal regulations adopted by reference in section 171.165, subdivision 2."

Page 48, line 24, after "for" insert "type III"

Pages 48 to 50, delete section 57 and insert:

"Sec. 60. Minnesota Statutes 2004, section 171.01, subdivision 35, is amended to read:

Subd. 35. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185.

Sec. 61. Minnesota Statutes 2004, section 171.01, subdivision 47, is amended to read:

Subd. 47. [STATE.] "State" means ~~any a state of the United States, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any province of the Dominion of Canada, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

Sec. 62. Minnesota Statutes 2004, section 171.01, is amended by adding a subdivision to read:

Subd. 48a. [TANK VEHICLE.] "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank, as defined in Code of Federal Regulations, title 49, section 178.320, including a cargo tank or a portable tank as defined in Code of Federal Regulations, title 49, section 171.8, that is either permanently or temporarily attached to the vehicle or the chassis, except portable tanks having a rated capacity under 1,000 gallons.

Sec. 63. Minnesota Statutes 2004, section 171.02, is amended to read:

171.02 [LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.]

Subdivision 1. [LICENSE REQUIRED.] Except when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a license valid under this chapter for the type or class of vehicle being driven. The department shall not issue a driver's license to a person unless and until the person's license from any jurisdiction has been invalidated. The department shall provide to the issuing department of any jurisdiction, information that the licensee is now licensed in Minnesota. A person is not permitted to have more than one valid driver's license at any time. The department shall not issue to a person to whom a current Minnesota identification card has been issued a driver's license, other than ~~an instruction permit or~~ a limited license, unless the person's Minnesota identification card has been invalidated.

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.]
 (a) Drivers' licenses ~~shall be~~ are classified according to the types of vehicles ~~which that~~ that 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~~ is 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~~ are four general classes of licenses as follows:

(b) Class D; valid for:

(1) operating all farm trucks ~~operated by~~ if the farm truck is:

(i) ~~the owner, (ii) controlled and operated by a farmer, including operation by an immediate family member of the owner, (iii) or an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or farmer;~~

(ii) used to transport agricultural products, farm machinery, or farm supplies, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(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 used within 150 miles of the farm;

(2) operating fire trucks and emergency fire equipment an authorized emergency vehicle, as defined in section 169.01, subdivision 5, 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 a recreational equipment vehicle 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) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; and

(7) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(c) Class C; valid for:

(1) operating class D motor 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:

(1) operating all vehicles in class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses. The holder of a class B license may tow; and

(2) towing 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.

Subd. 2a. ~~[EXCEPTIONS EXCEPTION FOR CERTAIN SCHOOL BUS DRIVERS.] (a) Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class C license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.~~

(b) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

(1) (a) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this ~~paragraph~~ subdivision.

(2) (b) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(3) (c) The operator is prohibited from using the eight-light system. Violation of this ~~clause~~ paragraph is a misdemeanor.

(4) (d) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(i) (1) safe operation of the type of school bus the operator will be driving;

(ii) (2) understanding student behavior, including issues relating to students with disabilities;

(iii) (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(iv) (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(v) (5) handling emergency situations; and

(vi) (6) safe loading and unloading of students.

(5) (e) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this ~~paragraph~~ subdivision.

(6) (f) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(7) (g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(8) (h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(9) (i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this ~~paragraph~~ subdivision.

(10) (j) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(11) (k) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(12) (l) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

(13) (m) Annual certification of the requirements listed in this paragraph subdivision must be maintained under separate file at the business location for each operator licensed under this paragraph subdivision and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this paragraph subdivision is responsible for maintaining these files for inspection.

(14) (n) The school bus must bear a current certificate of inspection issued under section 169.451.

(15) (o) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph subdivision.

Subd. 3. [MOTORIZED BICYCLE.] (a) ~~No~~ A motorized bicycle shall ~~shall~~ may not be operated on any public roadway by any person who does not possess a valid driver's license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has successfully completed an approved safety course and passed the written portion of the examination prescribed by the commissioner.

(b) This course must consist of, but is not limited to, a basic understanding of:

- (1) motorized bicycles and their limitations;
- (2) motorized bicycle laws and rules;
- (3) safe operating practices and basic operating techniques;
- (4) helmets and protective clothing;
- (5) motorized bicycle traffic strategies; and
- (6) effects of alcohol and drugs on motorized bicycle operators.

(c) The commissioner may ~~promulgate~~ adopt rules prescribing the content of the safety course, examination, and the information to be contained on the permits. A person operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit.

(d) The fees for motorized bicycle operator's permits are as follows:

- | | |
|---|--------|
| (1) Examination and operator's permit,
valid for one year | \$6 |
| (2) Duplicate | \$3 |
| (3) Renewal permit before age 21
and valid until age 21 | \$9 |
| (4) Renewal permit after age 21 <u>or older</u>
and valid for four years | \$15 |
| (5) Duplicate of any renewal permit | \$4.50 |
| (6) Written examination and
instruction permit, valid for
30 days | \$6 |

Subd. 4. [RESTRICTED COMMERCIAL DRIVER'S LICENSE.] (a) The commissioner may issue restricted commercial drivers' licenses and take the following actions to the extent that the actions are authorized by regulation of the United States Department of Transportation entitled "Waiver for Farm-Related Service Industries" as published in the Federal Register, April 17, 1992 in Code of Federal Regulations, title 49, section 383.3, paragraph (f):

- (1) prescribe examination requirements and other qualifications for the license;
 - (2) prescribe classes of vehicles that may be operated by holders of the license;
 - (3) specify commercial motor vehicle operation that is authorized by the license, and prohibit other commercial motor vehicle operation by holders of the license; and
 - (4) prescribe the period of time during which the license is valid.
- (b) Restricted commercial drivers' licenses are subject to sections 171.165 and 171.166 in the same manner as other commercial drivers' licenses.

(c) Actions of the commissioner under this subdivision are not subject to sections 14.05 to 14.47 of the Administrative Procedure Act.

Subd. 5. [EXEMPTION FOR CERTAIN BACKUP SNOWPLOW DRIVERS.] Pursuant to the waiver authorization set forth in Public Law 104-59, section 345, subsection (a), paragraph (5), a person who operates a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting, or sanding is not required to hold a commercial driver's license if the person:

- (1) is an employee of a local unit of government with a population of 3,000 or less;
- (2) is operating within the boundaries of the local unit of government;
- (3) holds a valid class D driver's license; and
- (4) except in the event of a lawful strike, is temporarily replacing the employee who normally operates the vehicle but either is unable to operate the vehicle or is in need of additional assistance due to a snow emergency as determined by the local unit of government.

Sec. 64. Minnesota Statutes 2004, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

~~(1) (a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota National Guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;~~

(b) A person in the employ or service of the United States federal government is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license while driving or operating for military purposes a commercial motor vehicle owned by or leased to the United States federal government if the person is:

- (1) on active duty in the U. S. Coast Guard;
- (2) on active duty in a branch of the U. S. Armed Forces, which includes the Army, Air Force, Navy, and Marine Corps;
- (3) a member of a reserve component of the U. S. Armed Forces; or
- (4) on active duty in the Army National Guard or Air National Guard, which includes (i) a

member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U. S. Armed Forces Reserve technician.

~~(2) (c) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and is exempt. For purposes of this section, an all-terrain vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.~~

~~(3) (d) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver.~~

~~(4) (e) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in compliance accordance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716 standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state; or jurisdiction is exempt.~~

~~(5) (f) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, but only for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such the nonresident.~~

~~(6) (g) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province jurisdiction or by military authorities of the United States may operate a motor vehicle as a driver, but only for a period of not more than 60 days after becoming a resident of this state, without being required to have a Minnesota driver's license as provided in this chapter.~~

~~(7) (h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in compliance accordance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716 standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state; and.~~

~~(8) (i) Any person operating a snowmobile, as defined in section 84.81, is exempt.~~

Sec. 65. Minnesota Statutes 2004, section 171.04, subdivision 2, is amended to read:

Subd. 2. [DISQUALIFIED OPERATORS OF COMMERCIAL MOTOR VEHICLES.] During the period of disqualification, the department shall not issue a class C, class B, or class A commercial driver's license, including a limited license, to a person who has been disqualified from operating a commercial motor vehicle under section 171.165."

Page 52, after line 22, insert:

"Sec. 68. Minnesota Statutes 2004, section 171.09, is amended to read:

171.09 [DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.]

(a) The commissioner ~~shall have the authority, when good cause appears, to~~ may impose restrictions suitable to the licensee's driving ability or ~~such~~ other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. ~~The commissioner may,~~

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the

knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions of on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

~~(b)~~ (d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under paragraph (a) this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

Sec. 69. Minnesota Statutes 2004, section 171.12, subdivision 3, is amended to read:

Subd. 3. [APPLICATION AND RECORD, WHEN DESTROYED.] The department may cause applications for drivers' licenses, provisional licenses, and instruction permits, and related records, to be destroyed immediately after the period for which issued, except that:

(1) the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents shall be is cumulative and must be kept for a period of at least five years;

(2) the driver's record pertaining to violations of a driver or vehicle out-of-service order must be kept for a period of at least ten years; and

(3) the driver's record pertaining to felony convictions in the commission of which a motor vehicle was used, to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections section 169.09, to violations of section 169A.31, and to violations of section 171.24, subdivision 5, shall must be cumulative and kept for a period of at least 15 years, except as provided in clause (3); and

~~(3) the driver's record pertaining to an offense, or a related licensing action, under section 169A.20, subdivision 1, clause (1) or (5), must be purged after ten years of any reference to the offense or action if (i) this offense or action involved an alcohol concentration of 0.08 or more but less than 0.10, (ii) this offense or action was a first impaired driving incident, and (iii) the driver has incurred no other impaired driving incident during the ten-year period. For purposes of this clause, "impaired driving incident" includes any incident that may be counted as a prior impaired driving conviction or a prior impaired driving-related loss of license, as defined in section 169A.03, subdivisions 20 and 21. This clause does not apply to the driver's record of a person to whom a commercial driver's license has been issued retained permanently."~~

Page 54, after line 6, insert:

"Sec. 71. [171.162] [COMMERCIAL DRIVER'S LICENSE, RECORDS CHECK.]

As required by Code of Federal Regulations, title 49, section 383.73, before issuing a class A, class B, or class C commercial driver's license, the department shall request the applicant's complete driving record from all states where the applicant was previously licensed over the last ten years to operate any type of motor vehicle.

Sec. 72. Minnesota Statutes 2004, section 171.165, subdivision 1, is amended to read:

Subdivision 1. ~~[FIRST VIOLATION FEDERAL STANDARDS.]~~ Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for one year

upon receiving a record of the first conviction of the person for committing a violation of any of the following offenses while operating a commercial motor vehicle:

- (1) ~~section 169A.20 or 169A.31;~~
- (2) ~~section 169.09, subdivision 1 or 2;~~
- (3) ~~a felony, other than a felony described in subdivision 3, paragraph (a), clause (2), item (ii);~~
- (4) ~~driving with a revoked, suspended, canceled, denied, or disqualified commercial driver's license;~~
- (5) ~~causing a fatality through the negligent or criminal operation of a commercial motor vehicle; or~~
- (6) ~~an offense committed in another state that would be grounds for disqualification under this subdivision or subdivision 2 if committed in Minnesota in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D and Code of Federal Regulations, title 49, section 384.219.~~

Sec. 73. Minnesota Statutes 2004, section 171.165, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT REVOCATION.] The commissioner shall disqualify a person from operating commercial motor vehicles for ~~one year from the effective date of a revocation~~ under section 169A.52 or a statute or ordinance from another state or jurisdiction in conformity with it, ~~if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident on which the revocation is based~~ in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

Sec. 74. Minnesota Statutes 2004, section 171.165, subdivision 6, is amended to read:

Subd. 6. [EXEMPTIONS.] (a) A disqualification shall not be imposed under this section on a ~~recreational equipment vehicle operator, farmer, or firefighter~~ authorized emergency vehicle operator operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (b).

(b) A conviction for a violation that occurred before August 1, 2005, while operating a vehicle that is not a commercial motor vehicle shall not be counted as a first or subsequent violation for purposes of determining the period for which a driver must be disqualified under this section.

Sec. 75. [171.167] [NOTICE TO COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.]

The department shall participate fully in the commercial driver's license information system established under the Commercial Motor Vehicle Safety Act of 1986 at United States Code, title 49, section 31309."

Page 82, line 2, after the semicolon, insert "169.99, subdivision 1b; 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a, and 4b;"

Page 82, after line 3, insert:

"Minnesota Rules, part 7503.2400, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Ortman moved to amend the Jungbauer amendment to S.F. No. 1089 as follows:

Page 3, after line 7, insert:

"Sec. 58. Minnesota Statutes 2004, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. [SPEED.] The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of ~~section 169.14, subdivision 2, paragraph (a), clause (3), a speed limit of 55 or 60 miles per hour~~ must specify whether the speed was greater than ten miles per hour in excess of ~~the lawful speed~~ a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit."

Page 15, after line 32, insert:

"Sec. 70. Minnesota Statutes 2004, section 171.12, subdivision 6, is amended to read:

Subd. 6. [CERTAIN CONVICTIONS NOT RECORDED.] (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of ~~section 169.14, subdivision 2, paragraph (a), clause (3), a speed limit of 55 or 60 miles per hour~~ unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle."

Page 17, line 23, delete "171.12, subdivision 6;"

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the Ortman amendment to the Jungbauer amendment.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Ourada	Skoe
Bachmann	Gerlach	LeClair	Pappas	Sparks
Bakk	Hann	Limmer	Pariseau	Stumpf
Belanger	Higgins	Lourey	Pogemiller	Tomassoni
Betzold	Hottinger	Metzen	Robling	Vickerman
Chaudhary	Johnson, D.E.	Michel	Rosen	Wergin
Cohen	Jungbauer	Murphy	Ruud	Wiger
Day	Kelley	Neuville	Sams	
Dille	Kierlin	Nienow	Saxhaug	
Fischbach	Koering	Olson	Scheid	
Frederickson	Kubly	Ortman	Senjem	

Those who voted in the negative were:

Berglin	Kleis	Marty	Ranum	Skoglund
Dibble	Larson	McGinn	Reiter	Solon
Foley	Marko	Moua	Rest	

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

Senator Frederickson moved to amend the Jungbauer amendment to S.F. No. 1089 as follows:

Page 17, lines 22 and 23, delete "169.99, subdivision 1b;"

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

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

Senator Gerlach moved to amend S.F. No. 1089 as follows:

Page 78, after line 26, insert:

"Sec. 91. Minnesota Statutes 2004, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] Each county treasurer shall collect and make settlement of the taxes levied under subdivisions 1 and 1a and section 473.4461, subdivision 2, with the treasurer of the council. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the council for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

[EFFECTIVE DATE.] This section is effective for taxes payable in 2006 and thereafter.

Sec. 92. Minnesota Statutes 2004, section 473.4461, is amended to read:

473.4461 [ADDITIONS TO TRANSIT TAXING DISTRICT.]

Subdivision 1. [SERVICE EXPANSION PLAN REQUIRED.] Notwithstanding any provision of section 473.446 or any other law, the Metropolitan Council may not levy a tax under section 473.446, subdivision 1, in any city or town not included in the transit taxing district as it existed on January 1, 2001, unless the council and the governing body of that city or town have agreed on a service expansion plan.

Subd. 2. [CONTRACTUAL AGREEMENT; PROPERTY TAX LEVY.] Notwithstanding section 473.446, subdivision 2, the Metropolitan Council may enter into an agreement with a city or a town to join the transit taxing district. The agreement shall describe the types and levels of transit services to be provided within the area comprising the city or town. The agreement must provide that the area comprising the city or town shall be subject to the levy under section 473.446, subdivision 1. If a city or town enters into an agreement to join the transit taxing district, a copy of that portion of the agreement must be filed with the auditor or auditors of the county or counties containing the city or town.

Subd. 3. [PROPERTY TAX LEVY ALLOWED FOR OPERATIONS.] A tax levied in a city or town pursuant to an agreement under subdivision 2 may be used to fund transit operations or to pay the costs of principal and interest for transit-related bonded debt for a period of time not to exceed four years. After the four-year period, the tax levied in the city or town may be used only as provided under section 473.446, subdivision 1.

[EFFECTIVE DATE.] This section is effective the day following final enactment, for taxes payable in 2006 and thereafter."

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Michel moved to amend S.F. No. 1089 as follows:

Pages 70 and 71, delete section 80

Page 80, after line 6, insert:

"Sec. 91. [PROPERTY IN SAFETY ZONE.]

Subdivision 1. [DUTY OF METROPOLITAN AIRPORTS COMMISSION.] Notwithstanding any contrary law in this chapter, Minnesota Rules, part 8800.2400, or any other administrative order, the Metropolitan Airports Commission, upon receipt of an offer described in subdivision 2, shall purchase real property from an owner of property:

(1) that is located at the south end of Runway 17-35 at the Minneapolis-St. Paul International Airport;

(2) that is located in the original safety zone A within the meaning of Minnesota Rules, 8800.2400, subpart 5;

(3) more than 50 percent of the acreage of which is within 500 feet of either side of the extended runway centerline of Runway 17-35;

(4) that is located within 5,000 feet of the end of Runway 17-35 and thus is eligible for partial reimbursement under Federal Aviation Administration Order 5100.38B, January 2004; and

(5) that meets or exceeds the density requirements set forth in Minnesota Rules, 8800.2400, subpart 6, item C.

Subd. 2. [OFFER TO SELL PROPERTY.] Within 45 days of the effective date of this section, an owner of property described in subdivision 1, in order to compel the commission to acquire the property, shall provide to the commission a written offer to sell the property at a stated price and on terms stated in the offer.

Subd. 3. [ACQUISITION.] Upon receipt of the offer described in subdivision 2, the commission shall negotiate in good faith for the acquisition of the property. If the parties fail to reach agreement within 60 days of delivery of the offer, the commission shall proceed as an acquiring authority under Minnesota Statutes, section 117.036, to acquire the property. If the owner and commission have not reached agreement on acquisition price and terms, within 120 days of receipt of the initial offer, the commission shall commence eminent domain proceedings under chapter 117.

Subd. 4. [COMMISSION REIMBURSEMENT.] The commission shall seek reimbursement from the Federal Aviation Administration for its costs in acquiring the property under all applicable programs, including Federal Aviation Administration Order 5100.38B, January 2004.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Koering	Murphy	Rosen	Stumpf
Bakk	Kubly	Neuville	Ruud	Tomassoni
Belanger	Lourey	Nienow	Sams	Vickerman
Dibble	Marko	Ourada	Saxhaug	Wiger
Dille	Marty	Pariseau	Scheid	
Fischbach	Metzen	Pogemiller	Skoe	
Kelley	Michel	Ranum	Skoglund	
Kleis	Moua	Rest	Sparks	

Those who voted in the negative were:

Bachmann	Foley	Hottinger	Larson	Pappas
Berglin	Frederickson	Johnson, D.E.	LeClair	Reiter
Betzold	Gaither	Jungbauer	Limmer	Robling
Chaudhary	Gerlach	Kierlin	McGinn	Senjem
Cohen	Hann	Kiscaden	Olson	Solon
Day	Higgins	Langseth	Ortman	Wergin

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 1089 as follows:

Page 58, after line 9, insert:

"(10) one representative of reliever airports;"

Page 58, line 10, delete "(10)" and insert "(11)"

Page 58, line 13, delete "(11)" and insert "(12)"

Page 58, line 16, delete "(12)" and insert "(13)"

Page 58, line 18, delete "(13)" and insert "(14)"

Page 58, line 20, delete "(14)" and insert "(15)"

Page 58, line 22, delete "(15)" and insert "(16)"

Page 58, line 23, delete "(16)" and insert "(17)"

Page 58, line 25, delete "(17)" and insert "(18)"

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 1089 as follows:

Page 38, delete section 47

Page 50, lines 32 to 36, delete the new language and reinstate the stricken language

Page 51, lines 1 to 4, delete the new language and reinstate the stricken language

Page 51, lines 26 to 34, delete the new language and reinstate the stricken language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Limmer	Pariseau	Tomassoni
Bakk	Gerlach	Metzen	Reiter	Vickerman
Betzold	Hann	Neuville	Sams	
Chaudhary	Kierlin	Nienow	Skoe	
Day	Kiscaden	Olson	Sparks	
Fischbach	LeClair	Ortman	Stumpf	

Those who voted in the negative were:

Anderson	Higgins	Marko	Pogemiller	Senjem
Belanger	Hottinger	Marty	Ranum	Skoglund
Berglin	Johnson, D.E.	McGinn	Rest	Solon
Cohen	Jungbauer	Michel	Robling	Wergin
Dibble	Kleis	Moua	Rosen	Wiger
Dille	Langseth	Murphy	Ruud	
Foley	Larson	Ourada	Saxhaug	
Frederickson	Lourey	Pappas	Scheid	

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

Senator Hottinger moved to amend S.F. No. 1089 as follows:

Page 81, after line 25, insert:

"Sec. 96. [WHEELCHAIR SECUREMENT POSITION TEMPORARY EXEMPTION.]

Notwithstanding any contrary provisions in Minnesota Statutes, chapter 299A, or Minnesota Rules, chapter 7450, enrolled participants in the National Veterans Wheelchair Games may be transported in transit vehicles in side-facing positions. Transportation services and operators of

transit vehicles, when they are providing transportation to enrolled participants in the National Veterans Wheelchair Games in the counties of Hennepin and Ramsey, are exempt from statutes and rules insofar as they prohibit transportation of wheelchair users in side-facing positions. This exemption is effective on June 26, 2005, and expires on July 3, 2005."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 1089 as follows:

Page 16, after line 8, insert:

"Sec. 24. Minnesota Statutes 2004, section 168.346, is amended to read:

168.346 [PRIVACY OF NAME OR RESIDENCE ADDRESS PERSONAL INFORMATION.]

~~(a) The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9. Subdivision 1. [VEHICLE REGISTRATION DATA; FEDERAL COMPLIANCE.] (a) Data on an individual provided to register a vehicle is classified as provided by United States Code, title 18, section 2721, subsection (a).~~

~~(b) An individual The registered owner of a motor vehicle must be informed in a clear and conspicuous manner on the forms for issuance or renewal of titles and registrations, that the owner's personal information who is an individual may be disclosed consent in writing to the commissioner to disclose the individual's personal information exempted by United States Code, title 18, section 2721, subsection (a), to any person who makes a written request for the personal information, and that, except for uses permitted by United States Code, title 18, section 2721, subsection (b),. If the registered owner may prohibit disclosure of the personal information by so indicating on the form is an individual and so authorizes disclosure, the commissioner shall implement the request. For purposes of this paragraph, access by requesters making requests described in section 168.345, subdivision 4, is deemed to be related to public safety.~~

~~(c) At the time of registration or renewal, If authorized by the individual registered owner of a motor vehicle must also be informed in a clear and conspicuous manner on forms that as indicated in paragraph (b), the registered owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, and or solicitation. The commissioner shall implement methods and procedures that enable the registered owner to request that bulk surveys, marketing, or solicitation not be directed to the owner. If the registered owner so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.~~

~~(d) Subd. 2. [PERSONAL INFORMATION DISCLOSURE FOR PUBLIC SAFETY.] The commissioner shall disclose personal information when the use is related to the operation or use of a motor vehicle or to public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this paragraph subdivision when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes.~~

~~(e) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to register a motor vehicle is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, subsection (b). Subd. 3. [PRIVACY CLASSIFICATION FOR PERSONAL SAFETY.] The registered owner of a vehicle who is an individual may request, in writing, that the registered owner's residence address or name and residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the registered owner that the classification is required for the safety of the registered owner or the registered owner's family, if the statement also provides a valid, existing address where the registered owner consents to receive service of process. The commissioner shall use the service of process mailing address in place of the registered owner's residence address in all documents and notices pertaining to the vehicle. The residence address or name and residence address and any information provided in the classification request, other than the individual's service for process mailing address, are private data on individuals but may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.~~

Sec. 25. Minnesota Statutes 2004, section 168A.04, is amended by adding a subdivision to read:

Subd. 2a. [ALTERNATE MAILING ADDRESS.] If the United States Postal Service will not deliver mail to the residence address of a registered owner who is an individual as listed on the title application, then the registered owner must provide verification from the United States Postal Service that mail will not be delivered to the registered owner's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the residence address for all notices and mailings to the registered owner."

Page 22, after line 11, insert:

"Sec. 33. Minnesota Statutes 2004, section 169.09, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP FOR ACCIDENT WITH PERSON INDIVIDUAL.] The driver of any motor vehicle involved in an accident resulting in immediately demonstrable bodily injury to or death of any person individual shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident, until the driver has fulfilled the requirements of this chapter section as to the giving of information. The stop shall must be made without unnecessarily obstructing traffic.

Sec. 34. Minnesota Statutes 2004, section 169.09, subdivision 2, is amended to read:

Subd. 2. [DRIVER TO STOP FOR ACCIDENT TO PROPERTY.] The driver of any motor vehicle involved in an accident to a vehicle which is driven or attended by any person individual shall immediately stop such the motor vehicle at the scene of such the accident, or as close thereto to the accident as possible, but shall forthwith return to, and in every event shall remain at, the scene of the accident, until the driver has fulfilled the requirements of this chapter section as to the giving of information. Every such The stop shall must be made without unnecessarily obstructing traffic more than is necessary.

Sec. 35. Minnesota Statutes 2004, section 169.09, subdivision 3, is amended to read:

Subd. 3. [DRIVER TO GIVE INFORMATION.] (a) The driver of any motor vehicle involved in an accident resulting in bodily injury to or death of any person individual, or damage to any vehicle which is driven or attended by any person individual, shall stop and give the driver's name, address, and date of birth and the registration plate number of the vehicle being driven, and. The driver shall, upon request and if available, exhibit the driver's license or permit to drive to the person individual struck or the driver or occupant of or person individual attending any vehicle collided with. The driver also shall give the information and upon request exhibit the license or permit to any police peace officer at the scene of the accident or who is investigating the accident. The driver shall render reasonable assistance to any person individual injured in the accident.

(b) If not given at the scene of the accident, the driver, within 72 hours ~~thereafter~~ after the accident, shall give ~~upon~~ on request to any ~~person~~ individual involved in the accident or to a peace officer investigating the accident, the name and address of the insurer providing ~~automobile vehicle~~ liability insurance coverage, and the local insurance agent for the insurer.

Sec. 36. Minnesota Statutes 2004, section 169.09, subdivision 4, is amended to read:

Subd. 4. [~~COLLISION WITH UNATTENDED VEHICLE.~~] The driver of any motor vehicle ~~which~~ that collides with and damages any vehicle ~~which~~ that is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and registered owner of the vehicle striking the unattended vehicle, shall report ~~the~~ this same information to a ~~police~~ peace officer, or shall leave in a conspicuous place in or secured to the vehicle struck, a written notice giving the name and address of the driver and of the registered owner of the vehicle doing the striking.

Sec. 37. Minnesota Statutes 2004, section 169.09, subdivision 5, is amended to read:

Subd. 5. [~~NOTIFY OWNER OF DAMAGED PROPERTY.~~] The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of ~~such~~ the property of ~~such~~ that fact ~~and~~, of the driver's name and address, and of the registration plate number of the vehicle being driven and shall, upon request and if available, exhibit the driver's ~~or chauffeur's~~ license, and make report of ~~such~~ the accident in every case. The report shall must be made in the same manner as a report made pursuant to subdivision 7.

Sec. 38. Minnesota Statutes 2004, section 169.09, subdivision 6, is amended to read:

Subd. 6. [~~NOTIFY POLICE NOTICE OF PERSONAL INJURY.~~] The driver of a vehicle involved in an accident resulting in bodily injury to or death of any ~~person~~ individual shall, after compliance with ~~the provisions of this section~~, and by the quickest means of communication, give notice of the accident to the local police department; if the accident occurs within a municipality, or to a State Patrol officer if the accident occurs on a trunk highway, or to the office of the sheriff of the county.

Sec. 39. Minnesota Statutes 2004, section 169.09, subdivision 7, is amended to read:

Subd. 7. [~~ACCIDENT REPORT TO COMMISSIONER.~~] (a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of any ~~person~~ individual or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days ~~thereof~~ of the accident. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability insurance coverage at the time of the accident.

(b) On determining that the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient, the commissioner of public safety may require the driver to file supplementary ~~reports~~ information.

Sec. 40. Minnesota Statutes 2004, section 169.09, subdivision 8, is amended to read:

Subd. 8. [~~OFFICER TO REPORT ACCIDENT TO COMMISSIONER.~~] A ~~law-enforcement~~ peace officer who, in the regular course of duty, investigates a ~~motor vehicle~~ an accident that must be reported under this section shall, within ten days after the date of the accident, forward an electronic or written report of the accident to as prescribed by the commissioner of public safety.

Sec. 41. Minnesota Statutes 2004, section 169.09, subdivision 9, is amended to read:

Subd. 9. [~~ACCIDENT REPORT FORMS FORMAT.~~] The ~~Department~~ commissioner of public safety shall ~~prepare electronic or written forms~~ prescribe the format for the accident reports required under this section. Upon request the ~~department~~ commissioner shall ~~supply~~ make available the ~~forms~~ format to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals. ~~The forms must be appropriate with respect to the persons required to~~

~~make the reports and the purposes to be served. The electronic or written report forms to be completed by persons individuals involved in accidents and by investigating peace officers must call for sufficiently detailed information to disclose with reference to a traffic accident the causes, existing conditions then-existing, and the persons individuals and vehicles involved.~~

Sec. 42. Minnesota Statutes 2004, section 169.09, subdivision 11, is amended to read:

Subd. 11. [CORONER TO REPORT DEATH.] Every coroner or other official performing like functions shall report in writing to the Department commissioner of public safety the death of any ~~person individual~~ within the coroner's jurisdiction as the result of an accident involving a ~~motor~~ vehicle and the circumstances of the accident. The report shall must be made within 15 days after the death.

In the case of drivers killed in ~~motor~~ vehicle accidents and of the death of pedestrians 16 years of age or older, who die within four hours after an accident, the coroner or other official performing like functions shall examine the body and shall make tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the victim. This information shall must be included in each report submitted pursuant to the provisions of this subdivision and shall be tabulated on a monthly basis by the Department commissioner of public safety. This information may be used only for statistical purposes which that do not reveal the identity of the deceased.

Sec. 43. Minnesota Statutes 2004, section 169.09, subdivision 12, is amended to read:

Subd. 12. [GARAGE TO REPORT BULLET DAMAGE.] The ~~person individual~~ in charge of any garage or repair shop to which is brought any ~~motor~~ vehicle which that shows evidence of having been struck by any bullet shall immediately report to the local police or sheriff and to the commissioner of public safety within 24 hours after ~~such motor~~ the vehicle is received, giving the engine number if any, registration plate number, and the name and address of the registered owner or operator of ~~such the~~ vehicle.

Sec. 44. Minnesota Statutes 2004, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any ~~person individual~~, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any ~~person individual~~, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the accident results in substantial bodily harm to any ~~person individual~~, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, ~~10~~, 11, or 12 is guilty of a misdemeanor.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section."

Page 22, after line 32, insert:

"Sec. 46. Minnesota Statutes 2004, section 169.09, subdivision 15, is amended to read:

Subd. 15. [DEFENSE.] It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person individual suffering immediately demonstrable bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Sec. 47. Minnesota Statutes 2004, section 169.09, is amended by adding a subdivision to read:

Subd. 16. [COMMISSIONER AS AGENT FOR SERVICE OF PROCESS.] The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent, of a motor vehicle within the state of Minnesota, is deemed an irrevocable appointment by the resident if absent from this state continuously for six months or more following an accident, or by the nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of the use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. This appointment is binding upon the nonresident's executor, administrator, or personal representative. The use or operation of a motor vehicle by the resident or nonresident is a signification of agreement that any process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident that is so served has the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of process must be made by serving a copy thereof upon the commissioner or by filing a copy in the commissioner's office, together with payment of a fee of \$20, and is deemed sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that, notice of service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Sec. 48. Minnesota Statutes 2004, section 169.09, is amended by adding a subdivision to read:

Subd. 17. [CONTINUANCE OF COURT PROCEEDING; COSTS.] The court in which the action is pending may order a continuance as may be necessary to afford the defendant reasonable opportunity to defend the action, not exceeding 90 days from the date of filing of the action in that court. The fee of \$20 paid by the plaintiff to the commissioner at the time of service of the proceedings must be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The commissioner shall keep a record of all processes so served, which must show the day and hour of service.

Pages 52 to 54, delete section 60 and insert:

"Sec. 77. Minnesota Statutes 2004, section 171.07, subdivision 1, is amended to read:

Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee; the licensee's full name, date of birth, and residence address and permanent mailing address if different; a description of the licensee in a manner as the commissioner deems necessary; and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the license, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be

delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(e) (d) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(d) (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

Sec. 78. Minnesota Statutes 2004, section 171.07, subdivision 3, is amended to read:

Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to a person ~~an individual~~ who has a driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, date of birth, and residence address; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(e) (d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(d) (e) The fee for a Minnesota identification card is 50 cents when issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 79. Minnesota Statutes 2004, section 171.12, subdivision 7, is amended to read:

Subd. 7. [~~PRIVACY OF RESIDENCE ADDRESS DATA.~~] (a) ~~An applicant for Data on individuals provided to obtain a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9 is classified as provided by United States Code, title 18, section 2721, subsection (a).~~

(b) ~~An applicant for a driver's license or a Minnesota identification card must be informed in a clear and conspicuous manner on the forms for the issuance or renewal that may consent, in~~

writing, to the commissioner to disclose the applicant's personal information may be disclosed exempted by United States Code, title 18, section 2721, subsection (a), to any person who makes a request for the personal information, and that except for uses permitted by United States Code, title 18, section 2721, subsection (b), the applicant may prohibit disclosure of the personal information by so indicating on the form. If the applicant so authorizes disclosures, the commissioner shall implement the request and the information may be used.

(c) If authorized by an applicant for a driver's license or a Minnesota identification card must be also informed in a clear and conspicuous manner on forms that, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation. The commissioner shall implement methods and procedures that enable the applicant to request that bulk surveys, marketing, or solicitation not be directed to the applicant. If the applicant so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

(d) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to obtain a Minnesota identification card or a driver's license is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, subsection (b). An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing address in place of the residence address in all documents and notices pertaining to the driver's license, instruction permit, or Minnesota identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(e) A person shall not retain any information from magnetically, electronically, or otherwise scanning a driver's license, permit, or state identification card, except the document holder's name; date of birth; driver's license, permit, or state identification card number; and document expiration date. A person shall not use any of this retained information for advertising or marketing purposes. A person shall not sell and shall not otherwise disseminate the retained information to any third party for any purpose, including any marketing, advertising, or promotional activities, except that retained information may be provided under a court order or as authorized elsewhere in law."

Page 81, after line 35, insert:

"Sec. 116. [INSTRUCTION TO REVISOR.]

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

<u>Column A</u>	<u>Column B</u>
<u>170.24</u>	<u>169.09, subdivision 14a</u>
<u>170.54</u>	<u>169.09, subdivision 5a "</u>

Page 82, line 2, after the semicolon, insert "169.09, subdivision 10; 170.55;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 1089 as follows:

Page 50, after line 19, insert:

"Sec. 58. Minnesota Statutes 2004, section 171.05, subdivision 1, is amended to read:

Subdivision 1. [PERSON 18 OR MORE YEARS OF AGE.] (a) Any person who is 18 or more years of age and who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a class D driver's license under this chapter, may apply for an instruction permit and the department shall issue such the permit entitling. The instruction permit entitles the applicant, while having such permit in immediate possession, to drive a motor vehicle for which a class D license is valid upon the highways for a period of one year, but such person must be two years if the permit holder:

(1) has the permit in immediate possession; and

(2) is driving the vehicle while accompanied by an adult licensed driver who is actually occupying a seat beside the driver.

(b) Any license of a lower class may be used as an instruction permit ~~for~~ to operate a vehicle requiring a higher class license for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using ~~such~~ the lower class license as an instruction permit.

Sec. 59. Minnesota Statutes 2004, section 171.05, subdivision 2, is amended to read:

Subd. 2. [PERSON LESS THAN 18 YEARS OF AGE.] (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:

(i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a department-administered test of the applicant's knowledge of traffic laws;

(5) has completed 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; and

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

(b) The instruction permit is valid for ~~one year~~ two years from the date of application and may be renewed upon payment of a fee equal to the ~~fee~~ for issuance of an instruction permit under section 171.06, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend S.F. No. 1089 as follows:

Page 2, after line 10, insert:

"Section 1. Minnesota Statutes 2004, 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 that~~ 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 the state or a political subdivision are classified as private data on individuals or nonpublic data.

(c) [PUBLIC DATA.] The data made confidential or protected nonpublic by the provisions of under paragraph (a) shall or made private or nonpublic under paragraph (b) 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.~~

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

Sec. 2. Minnesota Statutes 2004, section 117.036, is amended to read:

117.036 [APPRAISAL AND NEGOTIATION REQUIREMENTS APPLICABLE TO ACQUISITION OF PROPERTY FOR TRANSPORTATION PURPOSES.]

Subdivision 1. [APPLICATION.] This section applies to the acquisition of property for public highways, streets, roads, alleys, airports, mass transit facilities, or for other transportation facilities or purposes.

Subd. 2. [APPRAISAL.] (a) ~~Before commencing an eminent domain proceeding under this chapter acquiring an interest in real property, 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. Notwithstanding section 13.44 or any other law to the contrary, the acquiring authority must provide the fee owner or contract purchaser with a copy of the current appraisal at least 20 days before presenting a petition under section 117.055, the acquiring authority must provide the owner with a copy of the appraisal and inform the owner of the owner's~~ fee owner or contract

purchaser of the right to obtain an appraisal under this section. Upon request, the acquiring authority must make available to the fee owner or contract purchaser all appraisals of the property.

(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 if the fee owner or contract purchaser:

(1) submits to the acquiring authority a copy of the appraisal and the information necessary for reimbursement, provided that the owner does so;

(2) requests reimbursement within 60 90 days after the owner receives receiving the appraisal from the authority under paragraph (a); and

(3) ensures that the appraisal is conducted in accordance with the Uniform Standards of Professional Appraisal Practice.

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 acquiring authority and either the fee owner or contract purchaser, the acquiring authority may pay the reimbursement up to \$1,500 directly to the appraiser.

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 fee owner or contract purchaser 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 fee owner or contract purchaser if available, and other information that may be relevant to a determination of damages under this chapter.

Subd. 4. [CONDEMNATION COMMISSIONERS' HEARING.] (a) Notwithstanding section 13.44, an owner's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the owner's appraiser testify, unless a copy of the owner's appraiser's written report is provided to the acquiring authority at least five days before the hearing.

(b) Notwithstanding section 13.44, the acquiring authority's appraisal may not be used or considered in a condemnation commissioners' hearing conducted under section 117.085, nor may the acquiring authority's appraiser testify, unless a copy of the acquiring authority's appraiser's written report is provided to the owner or contract purchaser at least five days before the hearing."

Page 5, after line 3, insert:

"Sec. 5. Minnesota Statutes 2004, section 161.442, is amended to read:

161.442 [RECONVEYANCE TO FORMER OWNER.]

Notwithstanding sections 161.23, 161.41, 161.411, 161.43, 161.44, or any other statute, the commissioner of transportation, with the consent of the owner, or for good cause and with the consent of the court, may transfer, sell, or convey real property including fixtures, and interests in real property including easements, to the owner from whom the property was acquired by the state for trunk highway purposes through a pending eminent domain action. The transfer of title may be by stipulation, partial dismissal, bill of sale, or conveyance. Any resulting change in the state's acquisition must be explained in the final certificate for that action. This provision does not confer on a landowner the right to compel a reconveyance without the consent of the commissioner.

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

Page 80, after line 6, insert:

"Sec. 95. Minnesota Statutes 2004, section 515B.1-107, is amended to read:

515B.1-107 [EMINENT DOMAIN.]

(a) If a unit is acquired by eminent domain, or if part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any material purpose permitted by the declaration, the award shall compensate the unit owner and secured party in the unit as their interests may appear, whether or not any common element interest is acquired. Upon acquisition, unless the order or final certificate otherwise provides, that unit's allocated interests are automatically reallocated among the remaining units in proportion to their respective allocated interests prior to the taking, and the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the allocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(b) Except as provided in subsection (a), if part of a unit is acquired by eminent domain, the award shall compensate the unit owner and secured party for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the order or final certificate otherwise provides, (i) that unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration and (ii) the portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

(c) If part of the common elements is acquired by eminent domain, the association shall accept service of process on behalf of all unit owners and the portion of the award attributable to the common elements taken shall be paid to the association. Unless the declaration provides otherwise, any portion of the award attributable to the acquisition of a limited common element shall be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition and their secured parties, as their interests may appear or as provided by the declaration.

(d) In any eminent domain proceeding the units shall be treated as separate parcels of real estate for valuation purposes, regardless of the number of units subject to the proceeding.

(e) Any distribution to a unit owner from the proceeds of an eminent domain award shall be subject to any limitations imposed by the declaration or bylaws.

(f) The court order or final certificate containing the final awards shall be recorded in every county in which any portion of the common interest community is located.

Sec. 96. Minnesota Statutes 2004, section 515B.3-102, is amended to read:

515B.3-102 [POWERS OF UNIT OWNERS' ASSOCIATION.]

(a) Except as provided in subsection (b), and subject to the provisions of the declaration or bylaws, the association shall have the power to:

(1) adopt, amend and revoke rules and regulations not inconsistent with the articles of incorporation, bylaws and declaration, as follows: (i) regulating the use of the common elements; (ii) regulating the use of the units, and conduct of unit occupants, which may jeopardize the health, safety or welfare of other occupants, which involves noise or other disturbing activity, or which may damage the common elements or other units; (iii) regulating or prohibiting animals; (iv) regulating changes in the appearance of the common elements and conduct which may damage the common interest community; (v) regulating the exterior appearance of the common interest community, including, for example, balconies and patios, window treatments, and signs and other displays, regardless of whether inside a unit; (vi) implementing the articles of incorporation, declaration and bylaws, and exercising the powers granted by this section; and (vii) otherwise facilitating the operation of the common interest community;

(2) adopt and amend budgets for revenues, expenditures and reserves, and levy and collect assessments for common expenses from unit owners;

(3) hire and discharge managing agents and other employees, agents, and independent contractors;

(4) institute, defend, or intervene in litigation or administrative proceedings (i) in its own name on behalf of itself or two or more unit owners on matters affecting the common elements or other matters affecting the common interest community or, (ii) with the consent of the owners of the affected units on matters affecting only those units;

(5) make contracts and incur liabilities;

(6) regulate the use, maintenance, repair, replacement and modification of the common elements and the units;

(7) cause improvements to be made as a part of the common elements, and, in the case of a cooperative, the units;

(8) acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but (i) common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section 515B.3-112, or (ii) part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section 515B.3-112;

(9) grant public utility and transportation easements through, over or under the common elements, and, subject to approval by resolution of unit owners other than declarant or its affiliates at a meeting duly called, grant other public or private easements, leases and licenses through, over or under the common elements;

(10) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements, and for services provided to unit owners;

(11) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) impose reasonable charges for the review, preparation and recordation of amendments to the declaration, resale certificates required by section 515B.4-107, statements of unpaid assessments, or furnishing copies of association records;

(13) provide for the indemnification of its officers and directors, and maintain directors' and officers' liability insurance;

(14) provide for reasonable procedures governing the conduct of meetings and election of directors;

(15) exercise any other powers conferred by law, or by the declaration, articles of incorporation or bylaws; and

(16) exercise any other powers necessary and proper for the governance and operation of the association.

(b) Notwithstanding subsection (a) the declaration or bylaws may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1089 as follows:

Page 2, after line 10, insert:

"ARTICLE 1
TRANSPORTATION POLICY"

Page 82, after line 3, insert:

"ARTICLE 2
TECHNICAL CORRECTIONS"

Section 1. Minnesota Statutes 2004, section 296A.07, subdivision 3, as amended by 2005 H.F. No. 2461, article 3, section 3, if enacted, is amended to read:

Subd. 3. [RATE OF TAX.] The gasoline excise tax is imposed at the following rates:

(1) E85 is taxed at the rate of 17.75 cents per gallon until May 31, ~~2006~~ 2007, and 21.3 cents per gallon thereafter;

(2) M85 is taxed at the rate of 14.25 cents per gallon until May 31, ~~2006~~ 2007, and 17.1 cents per gallon thereafter; and

(3) all other gasoline is taxed at the rate of 25 cents per gallon until May 31, ~~2006~~ 2007, and 30 cents per gallon thereafter.

[EFFECTIVE DATE.] This section is effective June 1, 2005, and applies to all gasoline in distributor storage on that date.

Sec. 2. Minnesota Statutes 2004, section 296A.08, subdivision 2, as amended by 2005 H.F. No. 2461, article 3, section 4, if enacted, is amended to read:

Subd. 2. [RATE OF TAX.] The special fuel excise tax is imposed at the following rates:

(a) Liquefied petroleum gas or propane is taxed at the rate of 18.75 cents per gallon until May 31, ~~2006~~ 2007, and 22.5 cents per gallon thereafter.

(b) Liquefied natural gas is taxed at the rate of 15 cents per gallon until May 31, ~~2006~~ 2007, and 18 cents per gallon thereafter.

(c) Compressed natural gas is taxed at the following rates: \$2.174 per thousand cubic feet, or 25 cents per gasoline equivalent, until May 31, ~~2006~~ 2007, and \$2.609 per thousand cubic feet, or 30 cents per gasoline equivalent thereafter. For purposes of this paragraph "gasoline equivalent," as defined by the National Conference on Weights and Measures, is 5.66 pounds of natural gas.

(d) All other special fuel is taxed at the same rate as the gasoline excise tax as specified in section 296A.07, subdivision 2. The tax is payable in the form and manner prescribed by the commissioner.

[EFFECTIVE DATE.] This section is effective June 1, 2005, and applies to all special fuels in distributor storage on that date.

Sec. 3. Minnesota Statutes 2004, section 297A.94, as amended by 2005 H.F. No. 2461, article 3, section 5, if enacted, is amended to read:

297A.94 [DEPOSIT OF REVENUES.]

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3. The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, ~~87.1~~ 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

(g) Of the revenues that the commissioner determines are derived from sales and use in the counties of Anoka, Carver, ~~Chisago~~, Dakota, Hennepin, Ramsey, Scott, and Washington, the commissioner shall deposit 3.08 percent into the metropolitan area transit fund created in section

16A.88, subdivision 2, and .77 percent into the greater Minnesota transit fund created under section 16A.88, subdivision 1.

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

Sec. 4. Minnesota Statutes 2004, section 297B.09, subdivision 1, as amended by 2005 H.F. No. 2461, article 3, section 6, if enacted, is amended to read:

Subdivision 1. [DEPOSIT OF REVENUES.] (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(c) From July 1, 2003, to June 30, ~~2005~~ 2007, 30 percent must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund under section 16A.88, 0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund.

(d) From July 1, 2007, to June 30, 2008, 38.25 percent must be deposited in the highway user tax distribution fund, 24.225 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.275 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(e) From July 1, 2008, to June 30, 2009, 44.25 percent must be deposited in the highway user tax distribution fund, 28.025 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.475 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(f) From July 1, 2009, to June 30, 2010, 50.25 percent must be deposited in the highway user tax distribution fund, 31.825 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.675 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(g) From July 1, 2010, to June 30, 2011, 56.25 percent must be deposited in the highway user tax distribution fund, 35.625 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.875 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(h) On and after July 1, 2011, 60 percent must be deposited in the highway user tax distribution fund, 38 percent must be deposited in the metropolitan area transit fund under section 16A.88, and two percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

(i) Notwithstanding any other law, the commissioner shall in fiscal years 2006 through 2009 reduce the amount that would be distributed to the trunk highway fund from the amount deposited in the highway user tax distribution fund under this section by the following amounts, and shall transfer the amount so reduced to the general fund:

- (1) in fiscal year 2006, \$100,200,000;
- (2) in fiscal year 2007, \$103,600,000;
- (3) in fiscal year 2008, \$106,000,000; and
- (4) in fiscal year 2009, \$109,700,000.

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

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective on the date indicated for each section if 2005 H.F. No. 2461 is enacted."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1089 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Ourada	Solon
Bakk	Frederickson	Marko	Pappas	Sparks
Belanger	Gaither	Marty	Pogemiller	Stumpf
Berglin	Hann	McGinn	Ranum	Vickerman
Betzold	Higgins	Metzen	Rest	Wergin
Chaudhary	Hottinger	Michel	Rosen	Wiger
Cohen	Jungbauer	Moua	Sams	
Dibble	Kiscaden	Murphy	Saxhaug	
Dille	Kleis	Neuville	Scheid	
Fischbach	Langseth	Olson	Skoglund	

Those who voted in the negative were:

Bachmann	Larson	Nienow	Reiter	Senjem
Day	LeClair	Ortman	Robling	Skoe
Gerlach	Limmer	Pariseau	Ruud	Tomassoni
Kierlin				

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 5.1, Senator Day, chief author, moved that S.F. No. 1198 be withdrawn from the Committee on Health and Family Security, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1198 was read the second time.

Senator Scheid moved that S.F. No. 580, No. 21 on General Orders, be stricken and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Senator Pappas moved that S.F. No. 1978 be withdrawn from the Committee on Agriculture, Veterans and Gaming and returned to its author. The motion prevailed.

MEMBERS EXCUSED

Senator Lourey was excused from the Session of today from 8:30 to 8:50 a.m. Senator Pogemiller was excused from the Session of today from 8:30 to 9:00 a.m. Senator Johnson, D.J. was excused from the Session of today from 8:30 to 9:00 a.m. and at 4:00 p.m. Senator Kiscaden was excused from the Session of today from 8:30 to 10:30 a.m. Senator Sams was excused from the Session of today from 8:30 to 11:30 a.m. Senator Ourada was excused from the Session of today from 9:00 a.m. to 2:30 p.m. Senator McGinn was excused from the Session of today from 11:30 a.m. to 1:35 p.m. Senator Ranum was excused from the Session of today from 11:50 a.m. to

12:05 p.m. and from 12:15 to 1:40 p.m. Senator Foley was excused from the Session of today from 12:00 noon to 12:05 p.m. Senator Pariseau was excused from the Session of today from 12:00 noon to 12:10 p.m. Senator Marko was excused from the Session of today from 12:30 to 1:40 p.m. Senator Kelley was excused from the Session of today at 6:25 p.m. Senator Koering was excused from the Session of today at 6:35 p.m. Senator Kubly was excused from the Session of today at 6:45 p.m.

ADJOURNMENT

Senator Rest moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 19, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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