

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, April 21, 2009

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Gary Dreier.

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

Anderson	Erickson Ropes	Koering	Olson, G.	Scheid
Bakk	Fischbach	Kubly	Olson, M.	Senjem
Berglin	Fobbe	Langseth	Ortman	Sheran
Betzold	Foley	Latz	Pappas	Sieben
Carlson	Frederickson	Limmer	Pariseau	Skoe
Chaudhary	Gerlach	Lourey	Pogemiller	Skogen
Clark	Hann	Lynch	Prettner Solon	Sparks
Cohen	Higgins	Marty	Rest	Stumpf
Dahle	Ingebrigtsen	Metzen	Robling	Tomassoni
Day	Johnson	Michel	Rosen	Torres Ray
Dibble	Jungbauer	Moua	Rummel	Vandever
Dille	Kelash	Murphy	Saltzman	Vickerman
Doll	Koch	Olseen	Saxhaug	Wiger

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 File, herewith returned: S.F. No. 643.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 20, 2009

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 908, 1242 and 1301.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 20, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 908: A bill for an act relating to unemployment insurance; providing for a shared work plan; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, section 268.135.

Senator Pogemiller moved that H.F. No. 908 be laid on the table. The motion prevailed.

H.F. No. 1242: A bill for an act relating to public safety; establishing Brandon's Law; implementing procedures for investigating missing person cases; amending Minnesota Statutes 2008, sections 299C.51; 299C.52; 299C.53; 299C.54, subdivisions 1, 2, 3, 3a; 299C.55; 299C.56; 299C.565; 390.25, subdivision 2; 626.8454, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1146, now on General Orders.

H.F. No. 1301: A bill for an act relating to public safety; providing for public safety, courts, and corrections including requirements for predatory offenders regarding registration, computer access, electronic solicitation, and special license plates; crime victims of criminal sexual conduct and domestic abuse; domestic fatality review teams; public defenders eligibility for representation, appointment, and reimbursement; courts regarding judges' evidence from recording equipment in a law enforcement vehicle; driver's license reinstatement diversion pilot program; driver's license records; corrections regarding probation, pretrial release, and correctional officers, sentencing, and evidence-based practices for community supervision; sentencing guidelines; emergency response team; controlled substances; financial crimes; unsafe recalled toys; animal fighting; public employer consideration of criminal records in hiring; peace officer and public safety dispatcher employment; assault on public utility workers; trespass in police cordoned-off areas; peace officer education; communications regarding criminal history, background checks, warrant information, CIBRS data, criminal justice data, and Statewide Radio Board; authorizing requests for proposals to replace alcohol concentration breath testing devices; providing for boards, task forces, and programs; providing for reports; providing for penalties; amending Minnesota Statutes 2008, sections 12.03, by adding a subdivision; 13.87, subdivision 1; 122A.18, subdivision 8; 123B.03, subdivision 1; 152.02, subdivisions 6, 12; 152.027, by adding a subdivision; 169.71, subdivision 1; 243.166, subdivisions 1a, 4, 4b, 6; 244.05, subdivision 6; 244.052, subdivision 1; 246.13, subdivision 2; 253B.141, subdivision 1; 299A.681; 299C.115; 299C.17; 299C.21; 299C.40, subdivisions 1, 2; 299C.46, subdivision 1; 299C.52, subdivisions 1, 3, 4; 299C.53, subdivision 1; 299C.62, subdivision 1; 299C.65, subdivisions 1, 5; 299C.68, subdivision 2; 343.31, subdivision

1; 357.021, subdivision 6; 388.24, subdivision 4; 401.025, subdivision 1; 401.065, subdivision 3a; 403.36, subdivision 2, by adding a subdivision; 471.59, by adding subdivisions; 480.23; 484.91, subdivision 1; 491A.03, subdivision 1; 518.165, subdivision 5; 518B.01, subdivisions 2, 20; 524.5-118, subdivision 2; 609.131, subdivision 1; 609.2231, by adding a subdivision; 609.352, subdivision 2a; 609.605, subdivision 1; 611.17; 611.18; 611.20, subdivision 3; 611.21; 611.272; 611A.0315, subdivision 1; 626.843, subdivisions 1, 3; 626.845, subdivision 1; 626.863; 628.69, subdivision 6; 629.34, subdivision 1; 629.341, subdivision 1; Laws 1999, chapter 216, article 2, section 27, subdivisions 1, as amended, 3c, as added, 4; proposing coding for new law in Minnesota Statutes, chapters 12; 168; 169A; 244; 260B; 325F; 364; 634; repealing Minnesota Statutes 2008, sections 260B.199, subdivision 2; 260B.201, subdivision 3; 299C.61, subdivision 8; 299C.67, subdivision 3; 383B.65, subdivision 2; 403.36, subdivision 1f; Laws 2002, chapter 266, section 1, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 993, now on the Calendar.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Anderson introduced—

S.F. No. 2100: A bill for an act relating to finance; appropriating money for water monitoring.

Referred to the Committee on Finance.

Senator Anderson introduced—

S.F. No. 2101: A bill for an act relating to finance; appropriating money for certain agencies to post budgets on Web sites.

Referred to the Committee on Finance.

Senators Frederickson and Anderson introduced—

S.F. No. 2102: A bill for an act relating to waters; appropriating money for a biological assessment of the lower Minnesota River.

Referred to the Committee on Finance.

Senator Marty introduced—

S.F. No. 2103: A bill for an act relating to health; modifying provisions of the cancer surveillance system; amending Minnesota Statutes 2008, sections 13.3806, subdivision 14; 144.671.

Referred to the Committee on Health, Housing and Family Security.

Senators Dibble, Saxhaug and Lourey introduced–

S.F. No. 2104: A bill for an act relating to arts and cultural heritage; appropriating money for Minnesota Public Radio for new programming.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Clark moved that the name of Senator Koch be added as a co-author to S.F. No. 1456. The motion prevailed.

Senator Rest moved that the names of Senators Anderson and Sieben be added as co-authors to S.F. No. 1542. The motion prevailed.

Senator Bakk moved that the name of Senator Clark be added as a co-author to S.F. No. 1679. The motion prevailed.

Senators Rest, Pogemiller, Senjem, Vandevveer and Latz introduced –

Senate Resolution No. 81: A Senate resolution congratulating the Junior Rolling Timberwolves basketball team on winning the 2009 NWBA Varsity Division National Championship.

Referred to the Committee on Rules and Administration.

Senators Rest, Michel, Latz and Olson, G. introduced –

Senate Resolution No. 82: A Senate resolution congratulating Sandra L. Pappas on being named Classic Lake Conference Distinguished Female Alumna.

Referred to the Committee on Rules and Administration.

RECESS

Senator Pogemiller 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.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

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

S.F. Nos. 1627 and 2081.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. Nos. 1627 and 2081. The Sergeant at Arms was instructed to bring in the absent members.

SPECIAL ORDER

S.F. No. 1627: A bill for an act relating to the judiciary; appropriating money for the courts, public defenders, and other judiciary-related agencies; imposing per page filing fees for court papers; increasing various court fees and the parking surcharge; authorizing the imposition of a public defender fee for licensed attorneys; prohibiting local authorities from enforcing criminal provisions with administrative penalties; expanding the application of the criminal and traffic surcharge; authorizing referees to preside over conciliation courts and increasing the conciliation court civil claim limit; providing the Fourth Judicial District with fiscal flexibility as to the location of court facilities; providing a restorative justice-based alternative disposition process for certain adult and juvenile offenders; providing for the use of special masters to handle pretrial matters; enforcing judicial sanctions, including fines, fees, and surcharges; authorizing disbursement of minimum fines for controlled substance offenses to juvenile substance abuse court programs; appropriating money; amending Minnesota Statutes 2008, sections 2.724, subdivisions 2, 3; 86B.705, subdivision 2; 134A.09, subdivision 2a; 134A.10, subdivision 3; 152.025, subdivisions 1, 2; 152.0262, subdivision 1; 169A.20, subdivision 1, by adding subdivisions; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.28, subdivision 2; 169A.284; 169A.46, subdivision 1; 169A.54, subdivision 1; 299D.03, subdivision 5; 357.021, subdivisions 1a, 2, 6, 7; 357.022; 357.08; 364.08; 375.14; 480.15, by adding a subdivision; 484.85; 484.90, subdivision 6; 484.91, subdivision 1; 491A.01, subdivision 3; 491A.02, subdivision 9; 491A.03, subdivision 1; 525.091, subdivision 1; 550.011; 609.035, subdivision 2; 609.095; 609.10, subdivision 1; 609.101, subdivisions 3, 4; 609.125, subdivision 1; 609.131, subdivision 3; 609.135, subdivisions 1, 1a, 2; 631.48; proposing coding for new law in Minnesota Statutes, chapters 484; 609; repealing Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 383B.65, subdivision 2; 484.90, subdivisions 1, 2, 3; 487.08, subdivisions 1, 2, 3, 5; 609.135, subdivision 8.

Senator Foley moved to amend S.F. No. 1627 as follows:

Page 7, line 1, after "\$4" insert "for each name"

The motion prevailed. So the amendment was adopted.

Senator Prettner Solon moved to amend S.F. No. 1627 as follows:

Page 11, line 5, delete everything after the first semicolon

Page 16, delete section 7

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 47 and nays 18, as follows:

Those who voted in the affirmative were:

Carlson	Fobbe	Kubly	Prettner Solon	Skogen
Chaudhary	Frederickson	Langseth	Rest	Sparks
Clark	Gerlach	Latz	Rosen	Stumpf
Dahle	Hann	Lourey	Rummel	Tomassoni
Day	Higgins	Lynch	Saltzman	Vandever
Dibble	Ingebrigtsen	Marty	Saxhaug	Vickerman
Dille	Johnson	Michel	Scheid	Wiger
Doll	Jungbauer	Olseen	Senjem	
Erickson Ropes	Koch	Olson, G.	Sheran	
Fischbach	Koering	Olson, M.	Sieben	

Those who voted in the negative were:

Anderson	Cohen	Metzen	Pappas	Skoe
Bakk	Foley	Moua	Pariseau	Torres Ray
Berglin	Kelash	Murphy	Pogemiller	
Betzold	Limmer	Ortman	Robling	

The motion prevailed. So the amendment was adopted.

S.F. No. 1627 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 40 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pappas	Sieben
Bakk	Dibble	Lourey	Pogemiller	Skoe
Berglin	Doll	Lynch	Rest	Skogen
Betzold	Foley	Metzen	Rummel	Stumpf
Carlson	Higgins	Moua	Saltzman	Tomassoni
Chaudhary	Kelash	Murphy	Saxhaug	Torres Ray
Clark	Kubly	Olseen	Scheid	Vickerman
Cohen	Langseth	Olson, M.	Sheran	Wiger

Those who voted in the negative were:

Day	Frederickson	Jungbauer	Michel	Robling
Dille	Gerlach	Koch	Olson, G.	Rosen
Erickson Ropes	Hann	Koering	Ortman	Senjem
Fischbach	Ingebrigtsen	Limmer	Pariseau	Sparks
Fobbe	Johnson	Marty	Prettner Solon	Vandever

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

SPECIAL ORDER

S.F. No. 2081: A bill for an act relating to economic development and housing; establishing and modifying certain programs; providing for regulation of certain activities and practices; amending certain unemployment insurance provisions; providing for accounts, assessments, and fees; changing codes and licensing provisions; amending Iron Range resources provisions; regulating debt management and debt settlement services; increasing certain occupation license fees; making technical changes; providing penalties; appropriating money; amending Minnesota Statutes 2008, sections 15.75, subdivision 5; 16B.54, subdivision 2; 45.011, subdivision 1; 45.027, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 84.94, subdivision 3; 115C.08, subdivision 4; 116J.035, subdivisions 1, 6; 116J.401, subdivision 2; 116J.424; 116J.435, subdivisions 2, 3; 116J.68, subdivision 2; 116J.8731, subdivisions 2, 3; 116L.03, subdivision 5; 116L.05, subdivision 5; 116L.871, subdivision 1; 116L.96; 123A.08, subdivision 1; 124D.49, subdivision 3; 129D.13, subdivisions 1, 2, 3; 129D.14, subdivisions 4, 5, 6; 129D.155; 154.44, subdivision 1; 160.16, by adding a subdivision; 160.276, subdivision 8; 241.27, subdivision 1; 248.061, subdivision 3; 248.07, subdivisions 7, 8; 256J.626, subdivision 4; 256J.66, subdivision 1; 268.031; 268.035, subdivisions 2, 17, by adding subdivisions; 268.042, subdivision 3; 268.043; 268.044, subdivision 2; 268.047, subdivisions 1, 2; 268.051, subdivisions 1, 4; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivisions 4, 5; 268.0625, subdivision 1; 268.066; 268.067; 268.069, subdivision 1; 268.07, subdivisions 1, 2, 3, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 15; 268.095, subdivisions 1, 2, 4, 10, 11; 268.101, subdivisions 1, 2; 268.103, subdivision 1, by adding a subdivision; 268.105, subdivisions 1, 2, 3a, 4; 268.115, subdivision 5; 268.125, subdivision 5; 268.135, subdivision 4; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 4a; 268.186; 268.196, subdivisions 1, 2; 268.199; 268.211; 268A.06, subdivision 1; 270.97; 298.22, subdivisions 2, 5a, 6, 7, 8, 10, 11; 298.221; 298.2211, subdivision 3; 298.2213, subdivision 4; 298.2214, by adding a subdivision; 298.223; 298.227; 298.28, subdivision 9d; 298.292, subdivision 2; 298.294; 298.296, subdivision 2; 298.2961; 325E.115, subdivision 1; 325E.1151, subdivisions 1, 3, 4; 325E.311, subdivision 6; 326B.33, subdivisions 13, 19; 326B.46, subdivision 4; 326B.475, subdivisions 4, 7; 326B.49, subdivision 1; 326B.56, subdivision 4; 326B.58; 326B.815, subdivision 1; 326B.821, subdivision 2; 326B.86, subdivision 1; 326B.885, subdivision 2; 326B.89, subdivisions 3, 16; 326B.94, subdivision 4; 326B.972; 326B.986, subdivisions 2, 5, 8; 327B.04, subdivisions 7, 8, by adding a subdivision; 327C.03, by adding a subdivision; 327C.095, subdivision 12; 332A.02, subdivisions 5, 8, 9, 10, 13, by adding subdivisions; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; 469.169, subdivision 3; Laws 1998, chapter 404, section 23, subdivision 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 1; 116J; 137; 161; 268; 298; 326B; proposing coding for new law as Minnesota Statutes, chapter 332B; repealing Minnesota Statutes 2008, sections 116J.402; 116J.413; 116J.58, subdivision 1; 116J.59; 116J.61; 116J.656; 116L.16; 116L.88; 116U.65; 129D.13, subdivision 4; 176.135, subdivision 1b; 268.085, subdivision 14; 268.086; Minnesota Rules, part 1350.8300.

Senator Vandever moved to amend S.F. No. 2081 as follows:

Page 145, delete section 35

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 45, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Jungbauer	Michel	Robling
Dille	Hann	Koch	Olson, G.	Rosen
Fischbach	Ingebrigtsen	Koering	Ortman	Stumpf
Frederickson	Johnson	Limmer	Pariseau	Vanderveer

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Sheran
Bakk	Doll	Lourey	Pogemiller	Sieben
Berglin	Erickson Ropes	Lynch	Prettner Solon	Skoe
Betzold	Fobbe	Marty	Rest	Skogen
Carlson	Foley	Metzen	Rummel	Sparks
Chaudhary	Higgins	Moua	Saltzman	Tomassoni
Clark	Kelash	Murphy	Saxhaug	Torres Ray
Cohen	Kubly	Olseen	Scheid	Vickerman
Dahle	Langseth	Olson, M.	Senjem	Wiger

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

Senator Rosen moved to amend S.F. No. 2081 as follows:

Page 159, after line 24, insert:

"ARTICLE 9

MINIMUM WAGE

Section 1. Minnesota Statutes 2008, section 177.24, subdivision 1, is amended to read:

Subdivision 1. **Amount.** (a) For purposes of this subdivision, the terms defined in this paragraph have the meanings given them.

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$625,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than \$625,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least \$5.15 an hour beginning September 1, 1997, and at a rate of at least \$6.15 an hour beginning August 1, 2005. Every small employer must pay each employee at a rate of at least \$4.90 an hour beginning January 1, 1998, and at a rate of at least \$5.25 an hour beginning August 1, 2005.

(c) Notwithstanding paragraph (b), during the first 90 consecutive days of employment, an employer may pay an employee under the age of 20 years a wage of \$4.90 an hour. No employer may take any action to displace any employee, including a partial displacement through a reduction in hours, wages, or employment benefits, in order to hire an employee at the wage authorized in this paragraph.

(d) Notwithstanding paragraph (b) and subdivision 2, every large employer must pay a tipped

employee at a rate of the greater of: (1) at least \$6.55 per hour; or (2) at least \$7.25 an hour if the tipped employee does not earn sufficient tips during the employee's pay period so that the sum of \$6.55 per hour and tips received is at least \$12 per hour for the pay period. This paragraph expires July 24, 2011.

EFFECTIVE DATE. This section is effective July 24, 2009."

Amend the title accordingly

Senator Tomassoni questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Limmer appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 42 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Pappas	Skogen
Bakk	Doll	Lourey	Pogemiller	Stumpf
Berglin	Erickson Ropes	Lynch	Prettner Solon	Tomassoni
Betzold	Foley	Marty	Rest	Torres Ray
Carlson	Frederickson	Metzen	Rummel	Vickerman
Chaudhary	Higgins	Moua	Saxhaug	Wiger
Clark	Kelash	Murphy	Scheid	
Cohen	Koering	Olseen	Sieben	
Dahle	Kubly	Olson, M.	Skoe	

Those who voted in the negative were:

Day	Hann	Limmer	Robling	Sparks
Dille	Ingebrigtsen	Michel	Rosen	Vandever
Fischbach	Johnson	Olson, G.	Saltzman	
Fobbe	Jungbauer	Ortman	Senjem	
Gerlach	Koch	Pariseau	Sheran	

So the decision of the President was sustained.

Senator Robling moved to amend S.F. No. 2081 as follows:

Page 155, delete section 49

Page 159, delete sections 51 and 53

Renumber the sections in sequence and correct internal references

Amend the title accordingly

Senator Pappas requested division of the Robling amendment as follows:

First portion:

Page 155, delete section 49

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Berglin	Fischbach	Johnson	Michel	Senjem
Dahle	Fobbe	Jungbauer	Ortman	Vanderveer
Day	Frederickson	Koch	Pariseau	
Dille	Gerlach	Koering	Pogemiller	
Doll	Hann	Limmer	Rest	
Erickson Ropes	Ingebrigtsen	Marty	Robling	

Those who voted in the negative were:

Anderson	Foley	Metzen	Rummel	Sparks
Bakk	Higgins	Moua	Saltzman	Stumpf
Betzold	Kelash	Murphy	Saxhaug	Tomassoni
Carlson	Kubly	Olseen	Scheid	Torres Ray
Chaudhary	Langseth	Olson, G.	Sheran	Vickerman
Clark	Latz	Olson, M.	Sieben	Wiger
Cohen	Lourey	Pappas	Skoe	
Dibble	Lynch	Prettner Solon	Skogen	

The motion did not prevail. So the first portion of the amendment was not adopted.

Second portion:

Page 159, delete sections 51 and 53

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koch	Olseen	Senjem
Berglin	Fischbach	Koering	Olson, G.	Sheran
Betzold	Foley	Kubly	Olson, M.	Sieben
Carlson	Frederickson	Langseth	Ortman	Skoe
Clark	Gerlach	Latz	Pappas	Skogen
Cohen	Hann	Limmer	Pariseau	Sparks
Dahle	Higgins	Lourey	Prettner Solon	Stumpf
Day	Ingebrigtsen	Lynch	Rest	Torres Ray
Dibble	Johnson	Marty	Robling	Vanderveer
Dille	Jungbauer	Michel	Rummel	Vickerman
Doll	Kelash	Murphy	Saltzman	Wiger

Those who voted in the negative were:

Bakk	Fobbe	Moua	Scheid
Chaudhary	Metzen	Saxhaug	Tomassoni

The motion prevailed. So the second portion of the amendment was adopted.

S.F. No. 2081 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 49 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Latz	Pariseau	Skoe
Bakk	Erickson Ropes	Lourey	Pogemiller	Skogen
Berglin	Fobbe	Lynch	Prettner Solon	Sparks
Betzold	Foley	Metzen	Rummel	Stumpf
Carlson	Frederickson	Moua	Saltzman	Tomassoni
Chaudhary	Higgins	Murphy	Saxhaug	Torres Ray
Clark	Kelash	Olseen	Scheid	Vandever
Cohen	Koch	Olson, G.	Senjem	Vickerman
Dahle	Kubly	Olson, M.	Sheran	Wiger
Dibble	Langseth	Pappas	Sieben	

Those who voted in the negative were:

Day	Gerlach	Johnson	Limmer	Ortman
Doll	Hann	Jungbauer	Marty	Rest
Fischbach	Ingebrigtsen	Koering	Michel	Robling

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 978: A bill for an act relating to human services; changing the requirements for shaken baby syndrome training in licensed child care and child foster care programs; amending Minnesota Statutes 2008, sections 245A.144; 245A.1444; 245A.40, subdivision 5; 245A.50, subdivision 5.

Senate File No. 978 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 20, 2009

CONCURRENCE AND REPASSAGE

Senator Erickson Ropes moved that the Senate concur in the amendments by the House to S.F. No. 978 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 978 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koering	Olson, G.	Senjem
Bakk	Fischbach	Kubly	Olson, M.	Sheran
Berglin	Fobbe	Langseth	Ortman	Sieben
Betzold	Foley	Latz	Pappas	Skoe
Carlson	Frederickson	Limmer	Pariseau	Skogen
Chaudhary	Gerlach	Lourey	Pogemiller	Sparks
Clark	Hann	Lynch	Prettner Solon	Stumpf
Cohen	Higgins	Marty	Rest	Tomassoni
Dahle	Ingebrigtsen	Metzen	Robling	Torres Ray
Day	Johnson	Michel	Rummel	Vandever
Dibble	Jungbauer	Moua	Saltzman	Vickerman
Dille	Kelash	Murphy	Saxhaug	Wiger
Doll	Koch	Olseen	Scheid	

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

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2099: A bill for an act relating to state government; appropriating money for environment, natural resources, and energy; establishing fees; providing for disposition of certain fees; establishing certain programs; requiring identification of certain harmful chemicals in products; modifying composting requirements; providing for a greenhouse gas emissions registry; requiring reports; modifying and establishing assessments for certain regulatory expenses; amending Minnesota Statutes 2008, sections 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 84D.15, subdivision 2; 85.015, subdivisions 1b, 13; 92.685; 93.481, subdivisions 1, 3, 5, 7; 94.342, subdivision 3; 97A.061, subdivision 1; 97A.075, subdivision 1; 103G.271, subdivision 6; 103G.301, subdivisions 2, 3; 115A.1314, subdivision 2; 115A.557, subdivision 1; 115A.931; 116.0711; 116C.779, subdivision 2; 216B.62, subdivisions 3, 4, 5, by adding a subdivision; 216C.41, subdivision 5a; 477A.12, subdivision 1; 477A.14, subdivision 1; Laws 2005, chapter 156, article 2, section 45, as amended; proposing coding for new law in Minnesota Statutes, chapters 86A; 93; 115A; 116; 116J; 216C; 216H; 325E; 383B; repealing Laws 2008, chapter 363, article 5, section 30.

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

Page 1, line 25, delete "111,988,000" and insert "110,460,000" and delete "111,713,000" and insert "110,185,000" and delete "223,701,000" and insert "220,645,000"

Page 1, line 28, delete "61,452,000" and insert "62,980,000" and delete "61,327,000" and insert "62,855,000" and delete "122,779,000" and insert "125,835,000"

Page 2, line 22, delete "10,821,000" and insert "9,293,000" and delete "10,821,000" and insert "9,293,000"

Page 2, line 25, delete "61,452,000" and insert "62,980,000" and delete "61,327,000" and insert "62,855,000"

Page 6, line 19, delete "1,914,000" and insert "386,000" and delete "1,914,000" and insert "386,000"

Page 6, line 20, delete "25,416,000" and insert "26,944,000" and delete "25,080,000" and insert "26,608,000"

Page 6, after line 20, insert:

"The general fund base for Environmental Assistance and Cross-Media for fiscal year 2012 and later shall be \$360,000."

Page 7, line 9, delete "1" and insert "15"

Page 12, line 12, delete "November" and insert "January"

Page 12, line 14, after "chairs" insert "and ranking minority members"

Page 18, delete lines 18 to 22

Page 19, line 13, delete "\$325,000" and insert "\$510,000" and delete "\$325,000" and insert "\$510,000"

Page 19, line 19, delete "\$313,000" and insert "\$498,000"

Page 34, delete section 26

Page 41, strike lines 23 to 30

Page 41, line 31, strike "(e)" and insert "(c)"

Pages 48 to 50, delete sections 45 and 46

Page 52, line 26, delete "December 15, 2009" and insert "January 15, 2010"

Page 60, delete subdivision 7

Renumber the sections in sequence

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 2099 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate

reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

S.F. No. 1276: A bill for an act relating to transportation appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; reducing appropriation for bridge collapse and other highway construction projects for fiscal year 2009; making technical and clarifying changes; amending Laws 2008, chapter 152, article 1, section 5.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
<u>General</u>	\$	<u>98,385,000</u>	\$	<u>90,825,000</u>	\$	<u>189,210,000</u>
<u>Airports</u>		<u>21,909,000</u>		<u>19,659,000</u>		<u>41,568,000</u>
<u>C.S.A.H.</u>		<u>496,786,000</u>		<u>524,478,000</u>		<u>1,021,264,000</u>
<u>M.S.A.S.</u>		<u>134,003,000</u>		<u>141,400,000</u>		<u>275,403,000</u>
<u>Special Revenue</u>		<u>49,038,000</u>		<u>49,038,000</u>		<u>98,076,000</u>
<u>Highway User</u>		<u>9,538,000</u>		<u>9,838,000</u>		<u>19,376,000</u>
<u>Trunk Highway</u>		<u>1,263,803,000</u>		<u>1,371,695,000</u>		<u>2,635,498,000</u>
<u>Total</u>	\$	<u>2,073,462,000</u>	\$	<u>2,206,933,000</u>	\$	<u>4,280,395,000</u>

Sec. 2. TRANSPORTATION APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations

for the fiscal year ending June 30, 2009, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

Sec. 3. **TRANSPORTATION**

Subdivision 1. **Total Appropriation** \$ **1,847,370,000** \$ **1,980,741,000**

The appropriations in this section are from the trunk highway fund, except when another fund is named.

	<u>Appropriations by Fund</u>	
	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>17,787,000</u>	<u>10,227,000</u>
<u>Airports</u>	<u>21,859,000</u>	<u>19,609,000</u>
<u>C.S.A.H.</u>	<u>496,786,000</u>	<u>524,478,000</u>
<u>M.S.A.S.</u>	<u>134,003,000</u>	<u>141,400,000</u>
<u>Trunk Highway</u>	<u>1,176,935,000</u>	<u>1,285,027,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Multimodal Systems**

(a) **Aeronautics**

(1) **Airport Development and Assistance** 16,548,000 14,298,000

This appropriation is from the state airports fund and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, this appropriation is available for five years after appropriation. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(2) Aviation Support and Services

	<u>Appropriations by Fund</u>	
<u>Airports</u>	<u>5,286,000</u>	<u>5,286,000</u>
<u>Trunk Highway</u>	<u>837,000</u>	<u>837,000</u>

\$65,000 the first year and \$65,000 the second year from the state airports fund are for the Civil Air Patrol.

(b) Transit

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>17,357,000</u>	<u>9,797,000</u>
<u>Trunk Highway</u>	<u>775,000</u>	<u>775,000</u>

The base appropriation from the general fund for fiscal year 2012 is \$17,357,000.

Of these appropriations from the general fund, \$19,300 in each year is for the administrative expenses of the Minnesota Council on Transportation Access, and for other costs relating to the preparation of required reports, including the costs of hiring a consultant, if the council is created.

(c) Freight

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>365,000</u>	<u>365,000</u>
<u>Trunk Highway</u>	<u>4,897,000</u>	<u>4,897,000</u>

The commissioner of transportation shall enter into an agreement to either forgive any money due (approximately \$2,851,118) on loan agreements 65572 and 67106 or convert the loans to grants. The loans were made to the Buffalo Ridge Regional Railroad Authority, which was established by Rock and Nobles Counties, to enable the counties to purchase and rehabilitate 41.4 miles of rail line providing transportation service to the counties. The agreement must ensure that all terms, provisions, and conditions of

the loan agreements are deemed to be fully satisfied and performed on the part of the railroad authority and counties. If the railroad authority sells all or any part of the rail line that has been rehabilitated with either of the loans, the railroad authority must pay the net proceeds to the commissioner, up to the amount loaned.

Subd. 3. State Roads

(a) Infrastructure Investment and Planning

(1) Infrastructure Investment Support

205,988,000

205,988,000

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available (1) to regional development commissions and (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

(2) State Road Construction

541,300,000

578,700,000

The base for this appropriation for fiscal year 2012 is \$635,000,000.

It is estimated that these appropriations will be funded as follows:

<u>Appropriations by Fund</u>		
<u>Federal Highway Aid</u>	<u>301,100,000</u>	<u>388,500,000</u>
<u>Highway User Taxes</u>	<u>240,200,000</u>	<u>190,200,000</u>

The commissioner shall expend up to one-half of one percent of the federal appropriations under this paragraph as grants to opportunity industrialization centers and other nonprofit job training centers for job training programs related to highway construction.

The commissioner of transportation shall notify the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Division of the house of representatives of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(3) Highway Debt Service

100,884,000

171,576,000

\$86,231,000 the first year and \$155,480,000 the second year are for transfer to the state bond fund. If this appropriation is insufficient

to make all transfers required in the year for which it is made, the commissioner of finance shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

<u>(b) Infrastructure Operations and Maintenance</u>	<u>254,895,000</u>	<u>254,895,000</u>
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(c) Electronic Communications

Appropriations by Fund

<u>General</u>	<u>9,000</u>	<u>9,000</u>
<u>Trunk Highway</u>	<u>5,168,000</u>	<u>5,168,000</u>

The general fund appropriation is to equip and operate the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Subd. 4. Local Roads

<u>(a) County State Aids</u>	<u>496,786,000</u>	<u>524,478,000</u>
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This appropriation is from the county state-aid highway fund and is available until spent.

<u>(b) Municipal State Aids</u>	<u>134,003,000</u>	<u>141,400,000</u>
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This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chair of the Transportation Finance Division of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is

appropriated for the purposes of county state aids or municipal state aids, as appropriate.

If the appropriation for either county state aids or municipal state aids does exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance shall notify the chair of the Transportation Finance Division of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount by which the appropriation exceeds the balance and shall then reduce that amount from the appropriation.

Subd. 5. General Support and Services

(a) Department Support

	<u>Appropriations by Fund</u>	
<u>Airports</u>	<u>25,000</u>	<u>25,000</u>
<u>Trunk Highway</u>	<u>44,407,000</u>	<u>44,407,000</u>

(b) Buildings

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>56,000</u>	<u>56,000</u>
<u>Trunk Highway</u>	<u>17,784,000</u>	<u>17,784,000</u>

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 6. Transfers

(a) With the approval of the commissioner of finance, the commissioner of transportation may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made between funds. Transfers between

programs must be reported immediately to the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Division of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$8,440,000 the first year and \$1,550,000 the second year to the municipal turnback account in the municipal state-aid street fund; and the remainder in each year to the county turnback account in the county state-aid highway fund.

Subd. 7. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2010 is available to the commissioner during fiscal years 2010 and 2011 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated. The commissioner of transportation shall report to the commissioner of finance by August 1, 2009, and August 1, 2010, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 8. Contingent Appropriation

The commissioner of transportation, with the approval of the governor and the written approval of at least five members of a group consisting of: (1) the members of the Legislative Advisory Commission under Minnesota Statutes, section 3.30; and (2) the ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design,

construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund or to take advantage of federal advanced construction funding, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. Nothing in this subdivision authorizes the commissioner to increase the use of federal advanced construction funding beyond amounts specifically authorized. Any transfer as a result of the use of federal advanced construction funding must include an analysis of the effects on the long-term trunk highway fund balance. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Subd. 9. Use of Trunk Highway Fund

No transfer or expenditure of trunk highway funds may be made for the purpose of paying personnel costs incurred on behalf of the Governor's Office.

Subd. 10. Disadvantaged Business Enterprise Program

The commissioner shall, in utilizing these appropriations, comply in all respects with Minnesota Statutes, section 174.03, subdivision 11, regarding the disadvantaged business enterprise program, including, but not limited to, the setting of disadvantaged business enterprise project goals and inclusion of sanctions in each contract for failure to meet established goals.

Sec. 4. METROPOLITAN COUNCIL

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>72,639,000</u>	<u>\$</u>	<u>72,639,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. Bus Transit</u>		<u>67,346,000</u>		<u>67,346,000</u>
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This appropriation is for bus system operations.

Of this amount, \$80,700 in each year is for the administrative expenses of the Minnesota Council on Transportation Access, and for other costs relating to the preparation of required reports, including the costs of hiring a consultant, if the council is created.

Subd. 3. Rail Operations 5,293,000 5,293,000

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total Appropriation \$ 152,478,000 \$ 152,578,000

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>7,959,000</u>	<u>7,959,000</u>
<u>Trunk Highway</u>	<u>86,068,000</u>	<u>85,868,000</u>
<u>Highway User</u>	<u>9,413,000</u>	<u>9,713,000</u>
<u>Special Revenue</u>	<u>49,038,000</u>	<u>49,038,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Administration and Related Services

(a) Office of Communications

Appropriations by Fund

<u>General</u>	<u>41,000</u>	<u>41,000</u>
<u>Trunk Highway</u>	<u>393,000</u>	<u>393,000</u>

(b) Public Safety Support

Appropriations by Fund

<u>General</u>	<u>3,296,000</u>	<u>3,296,000</u>
<u>Trunk Highway</u>	<u>3,506,000</u>	<u>3,506,000</u>
<u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

\$380,000 the first year and \$380,000 the second year are for payment of public

safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$1,367,000 the first year and \$1,367,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$792,000 the first year and \$792,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2009, and December 31, 2010, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2009, and December 31, 2010, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on December 31, 2009, and December 31, 2010, respectively, in order to reimburse the general fund for expenses not

related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) Technical Support Services

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>1,472,000</u>	<u>1,472,000</u>
<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
<u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

Subd. 3. State Patrol

(a) Patrolling Highways

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>37,000</u>	<u>37,000</u>
<u>Trunk Highway</u>	<u>71,393,000</u>	<u>71,393,000</u>
<u>Highway User</u>	<u>92,000</u>	<u>92,000</u>

(b) Commercial Vehicle Enforcement 7,996,000 7,796,000

This appropriation is from the trunk highway fund. \$800,000 the first year and \$600,000 the second year are for the Office of Pupil Transportation Safety.

(c) Capitol Security 3,113,000 3,113,000

The commissioner may not: (1) spend any money from the trunk highway fund for Capitol security; or (2) permanently transfer any state trooper from the patrolling of highway activity to Capitol security. The commissioner may not transfer any money: (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to Capitol security; or (2) from Capitol security.

Subd. 4. Driver and Vehicle Services

(a) Vehicle Services

Appropriations by Fund

<u>Highway User</u>	<u>7,936,000</u>	<u>8,236,000</u>
<u>Special Revenue</u>	<u>18,973,000</u>	<u>18,973,000</u>

The special revenue fund appropriation is from the vehicle services operating account.

(b) Driver ServicesAppropriations by Fund

<u>Special Revenue</u>	<u>28,711,000</u>	<u>28,711,000</u>
<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>

The special revenue fund appropriation is from the driver services operating account.

Subd. 5. Traffic Safety 435,000 435,000

This appropriation is from the trunk highway fund.

The commissioner of public safety shall spend 50 percent of the money available to the state under Public Law 105-206, section 164, and the remaining 50 percent must be transferred to the commissioner of transportation for hazard elimination activities under United States Code, title 23, section 152.

Subd. 6. Pipeline Safety 1,354,000 1,354,000

This appropriation is from the pipeline safety account in the special revenue fund.

Subd. 7. Use of Trunk Highway Fund

No transfer or expenditure of trunk highway funds may be made for the purpose of paying personnel costs incurred on behalf of the Governor's Office.

Sec. 6. GENERAL CONTINGENT ACCOUNTS \$ 375,000 \$ 375,000

Appropriations by Fund

<u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
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<u>Highway User</u>	<u>125,000</u>	<u>125,000</u>
<u>Airports</u>	<u>50,000</u>	<u>50,000</u>

The appropriations in this section may only be spent with the approval of the governor and the written approval of at least five members of a group consisting of (1) the members of the Legislative Advisory Commission under Minnesota Statutes, section 3.30, and (2) the ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. <u>TORT CLAIMS</u>	<u>\$</u>	<u>600,000</u>	<u>\$</u>	<u>600,000</u>
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To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 8. Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended by Laws 2008, chapter 363, article 11, section 10, is amended to read:

Subd. 2. Multimodal Systems

(a) Aeronautics

(1) Airport Development and Assistance	20,298,000	5,298,000
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This appropriation is from the state airports fund and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

\$6,000,000 the first year is a onetime appropriation and does not add to the base appropriations. The base for this appropriation for fiscal year 2010 is \$14,298,000.

Of this appropriation \$200,000 the first year is

to the Legislative Coordinating Commission for the administrative expenses of the Airport Funding Advisory Task Force and for other costs relating to the preparation of the task force report, including the costs of hiring a consultant, if needed. Any remaining amount of this appropriation shall revert to the state airports fund.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, this appropriation is available for five years after appropriation.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(2) Aviation Support and Services

Appropriations by Fund		
Airports	5,184,000	5,286,000
Trunk Highway	852,000	866,000

\$65,000 the first year and \$65,000 the second year from the state airports fund are for the Civil Air Patrol.

(b) Transit

Appropriations by Fund		
		18,816,000
General	18,813,000	<u>26,376,000</u>
Trunk Highway	740,000	761,000

Of the appropriation in fiscal year 2009, \$7,560,000 may be expended for financial assistance under Minnesota Statutes, section 174.24, notwithstanding the payment schedule under Minnesota Statutes, section 174.24, subdivision 5.

(c) Freight

Appropriations by Fund		
General	357,000	367,000
Trunk Highway	5,028,000	5,158,000

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

Sec. 9. Laws 2008, chapter 152, article 1, section 5, is amended to read:

Sec. 5. APPROPRIATION; TRANSPORTATION EMERGENCY RELIEF.

\$55,000,000 in fiscal year 2008 and ~~\$77,000,000~~ \$33,000,000 in fiscal year 2009 are appropriated to the commissioner of transportation from the trunk highway fund for the purposes specified in the federal grants and aids related to the I-35W bridge collapse on marked Interstate Highway I-35W in Minneapolis. The appropriation in fiscal year 2009 is available for other trunk highway construction projects. This appropriation is in addition to appropriations under Laws 2007, chapter 143, article 1, section 3, and Laws 2007, First Special Session chapter 2, article 2, section 2.

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

Sec. 10. METROPOLITAN LIVABLE COMMUNITIES FUND; TRANSFERS.

Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, or any other law, the Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and 2011 money that is not committed to grant or loan awards made by the council as follows:

(1) up to 50 percent of the revenues and amounts credited, transferred, or distributed to the tax base revitalization account in 2009, 2010, and 2011, pursuant to Minnesota Statutes, section 473.252;

(2) up to 50 percent of the revenues and amounts credited, transferred, or distributed to the metropolitan livable communities demonstration account in 2009, 2010, and 2011 pursuant to Minnesota Statutes, section 473.253; and

(3) balances in the metropolitan livable communities fund accounts in 2009, 2010, and 2011.

The council shall use the amounts transferred to cover operating deficits for the transit, paratransit, and light rail and commuter rail services provided or assisted by the council under Minnesota Statutes, sections 473.371 to 473.449. If the council transfers funds pursuant to this section, the council shall amend the annual distribution plan described in Minnesota Statutes, section 473.25, paragraph (d), and include information about the transfer in the annual report required under Minnesota Statutes, section 473.25, paragraph (e).

Sec. 11. RIGHT-OF-WAY LOAN ACQUISITION FUND; TRANSFERS.

Notwithstanding Minnesota Statutes, section 473.167, or any other law, the Metropolitan Council may transfer to its transit operating budget in 2009, 2010, and 2011 up to 50 percent of the amounts levied and collected in 2009, 2010, and 2011 under Minnesota Statutes, section 473.167, subdivision 3. The council shall use the amounts transferred to cover operating deficits for the transit, paratransit, and light rail and commuter rail services provided or assisted by the council under Minnesota Statutes, sections 473.371 to 473.449.

Sec. 12. TAX LEVY; METROPOLITAN TRANSIT OPERATIONS.

Of the revenue collected by Metropolitan Council under Minnesota Statutes, section 473.249, \$2,500,000 in fiscal year 2010 and \$2,500,000 in fiscal year 2011 must be used for metropolitan bus

transit operations.

Sec. 13. **METROPOLITAN TRANSIT OPERATIONS DEFICIENCY.**

(a) The Metropolitan Council shall use the maximum feasible and allowable amount of federal funds available under the American Recovery and Reinvestment Act of 2009 for metropolitan transit preventive maintenance and capital cost of contracting, providing that this provision does not violate any guidelines of the American Recovery and Reinvestment Act of 2009.

(b) The Metropolitan Council shall seek to maximize administrative efficiencies in transit operations and apply any related monetary savings to bus transit operations in fiscal years 2010 and 2011.

(c) The Metropolitan Council shall use the maximum feasible amount of its reserve funds for bus transit operations in fiscal years 2010 and 2011.

(d) The Metropolitan Council shall equitably reduce assistance to other regional transit systems within the metropolitan area in an amount that reflects any decline in motor vehicle sales tax revenue deposited in the metropolitan area transit account.

ARTICLE 2

TRUNK HIGHWAY BONDS

Section 1. **HIGHWAY APPROPRIATION AND BOND SALE.**

Subdivision 1. **Appropriation.** \$20,000,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of transportation for construction of interchanges involving a trunk highway, where the interchange will promote economic development, increase employment, relieve growing traffic congestion, and promote traffic safety. The amount under this paragraph must be allocated 50 percent to the department's metropolitan district, and 50 percent to districts in greater Minnesota. This amount is in addition to existing appropriations for this purpose.

Subd. 2. **Bond sale.** To provide the money appropriated in subdivision 1 from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$20,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

Sec. 2. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 3

TRANSPORTATION FINANCE

Section 1. Minnesota Statutes 2008, section 161.20, subdivision 3, is amended to read:

Subd. 3. Trunk highway fund appropriations. The commissioner may expend trunk highway funds only for trunk highway purposes. Payment of expenses related to Bureau of Criminal

Apprehension laboratory, Explore Minnesota Tourism kiosks, Minnesota Safety Council, tort claims, driver education programs, Emergency Medical Services Board, and Mississippi River Parkway Commission, and personnel costs incurred on behalf of the Governor's Office do not further a highway purpose and do not aid in the construction, improvement, or maintenance of the highway system.

Sec. 2. Minnesota Statutes 2008, section 162.12, subdivision 2, is amended to read:

Subd. 2. **Administrative costs.** A sum of ~~1-1/2~~ two percent shall be deducted from the total available in the municipal state-aid street fund, set aside in a separate account, and used for administration costs incurred by the state Transportation Department in carrying out the provisions relating to the municipal state-aid street system.

Sec. 3. Minnesota Statutes 2008, section 168.017, subdivision 5, is amended to read:

Subd. 5. **Registration period extension for leased vehicle.** (a) Notwithstanding subdivisions 3 and 4, a person leasing for at least one year a vehicle registered under this section may obtain an extension of the motor vehicle's registration period for the unexpired portion of the lease period, for a period not to exceed 11 months beyond the expiration of the registration period.

(b) In order to obtain an extension under this subdivision a lessee must

(1) apply to the registrar on a form the registrar prescribes;

(2) submit to the registrar a copy of the lease;

(3) pay an administrative fee of \$5; and

(4) pay a tax of 1/12 of the tax for the registration period being extended for each month of the extension.

(c) On an applicant's compliance with paragraph (b) the registrar shall issue the applicant a license plate tab or sticker designating the new month of expiration of the registration. The extended registration expires on the tenth day of the month following the month designated on the tab or sticker.

(d) All fees collected under paragraph (b), clause (3), must be deposited in the vehicle services operating account under section 299A.705, subdivision 1. Taxes collected under paragraph (b), clause (4), must be deposited in the highway user tax distribution fund.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 4. Minnesota Statutes 2008, section 168.021, subdivision 4, is amended to read:

Subd. 4. **Fees; disposition.** All fees collected from the sale of disability plates under this section must be deposited in the state treasury to the credit of the highway user tax distribution fund vehicle services operating account under section 299A.705, subdivision 1.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 5. Minnesota Statutes 2008, section 168.10, subdivision 1i, is amended to read:

Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another vehicle owned or jointly owned by the person to whom the special plates were issued or the plate may be assigned to another owner. In addition to the transfer fee a new owner must pay the \$25 tax and any fee required by section 168.12, subdivision 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax distribution fund vehicle services operating account under section 299A.705, subdivision 1. License plates issued under this section may not be transferred to a vehicle not eligible for the collector's vehicle license plates.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 6. Minnesota Statutes 2008, section 168.29, is amended to read:

168.29 REPLACEMENT PLATES.

(a) In the event of the defacement, loss or destruction of any number plates or validation stickers, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates or validation stickers, together with any defaced plates or stickers and the payment of a fee calculated to cover the cost of replacement, shall issue a new set of plates or stickers.

(b) The registrar shall then note on the registrar's records the issue of new number plates and shall proceed in such manner as the registrar may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle.

(c) Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a \$1 fee. Fees collected under this section must be paid into the state treasury and credited to the highway user tax distribution fund vehicle services operating account under section 299A.705, subdivision 1.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 7. Minnesota Statutes 2008, section 168.62, subdivision 3, is amended to read:

Subd. 3. **Special plates or certificate; fee; proceeds to highway user fund.** At the same time that an owner or operator of intercity buses registers them in Minnesota and obtains number plates therefor, the owner or operator shall apply for special identification plates or certificates for the remainder of that fleet of intercity buses. The registrar of motor vehicles shall design an appropriate plate or identification certificate for this purpose which shall be issued upon the payment of a fee of \$10 covering each intercity bus so identified. The proceeds of such fees shall be deposited to the credit of the highway user tax distribution fund vehicle services operating account under section 299A.705, subdivision 1. No intercity bus shall at any time be operated in the state of Minnesota without either Minnesota number plates or special identification plates or certificates issued as herein provided.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2005, for fees collected on or after that date.

Sec. 8. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver and passengers of a passenger vehicle or, commercial motor vehicle, commuter van, as defined in section 168.126, a type III school bus, a type III Head Start bus, and a vehicle with a gross vehicle weight rating less than 10,000 pounds that is a pickup truck or van;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

(b) Except as provided in section 169.685, a person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for each violation of paragraph (a), clause (2) or (3), by the driver or by a child of the driver passenger under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 9. Minnesota Statutes 2008, section 169.686, is amended by adding a subdivision to read:

Subd. 1a. **Definitions.** For the purposes of this section:

(a) "Pickup truck" means any truck regardless of manufacturer's nominal rated carrying capacity and commonly known as a pickup truck.

(b) "Van" means any vehicle of a box-like design with no barrier or separation between the operator's area and the remainder of the cargo-carrying area, or designed to carry 15 or fewer passengers, including the driver, regardless of the manufacturer's nominal rated carrying capacity.

EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 10. Minnesota Statutes 2008, section 169.686, subdivision 2, is amended to read:

Subd. 2. **Seat belt exemptions.** This section shall not apply to:

(1) a person driving a passenger vehicle in reverse;

(2) a person riding in a seat vehicle in which all the seating positions equipped with safety belts are occupied by other persons in safety belts;

(3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;

(4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

(5) a rural mail carrier of the United States Postal Service or a newspaper delivery person while in the performance of duties;

(6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and

(7) a person driving or riding in a pickup truck, as defined in section 168.002, subdivision 26, while engaged in normal farming work or activity.

EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 11. Minnesota Statutes 2008, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

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

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

~~(d)~~ The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

~~(e)~~ (d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 12. Minnesota Statutes 2008, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) ~~A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system~~

~~properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.~~

~~(b)~~ A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

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

~~(d)~~ (c) For the first six months of provisional licensure, a provisional license holder may not operate a motor vehicle carrying more than one passenger under the age of 20 years who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under the age of 20 years and who are not members of the holder's immediate family. This paragraph does not apply if the provisional license holder is accompanied by a parent or guardian.

~~(e)~~(d) For the first six months of provisional licensure, a provisional license holder may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license holder is:

- (1) driving between the license holder's home and place of employment;
- (2) driving between the license holder's home and a school event for which the school has not provided transportation;
- (3) driving for employment purposes; or
- (4) accompanied by a licensed driver at least 25 years of age.

EFFECTIVE DATE. This section is effective June 9, 2009, and applies to acts committed on or after that date.

Sec. 13. Minnesota Statutes 2008, section 174.03, subdivision 1b, is amended to read:

Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner shall develop a comprehensive statewide freight and passenger rail plan to be included and revised as a part of the statewide transportation plan.

(b) The plan must include a study of an extension of the high-speed rail line connecting Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub in downtown St. Paul. The extension may connect the Union Depot Concourse Multimodal Transit Hub in downtown St. Paul with downtown Minneapolis. The analysis must consider

previous rail studies providing passenger service in this corridor.

(c) Before the initial version of the plan is adopted, the commissioner shall provide a copy for review and comment to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision of the statewide transportation plan, scheduled to be completed in calendar year 2009, prior to completion of the initial version of the comprehensive statewide freight and passenger rail plan.

Sec. 14. **[174.638] DESIGN-BUILD CONTRACTING.**

The commissioner may utilize the design-build method of contracting, under sections 161.3410 to 161.3428, in connection with the planning, design, development, and construction of a high-speed passenger rail line connecting Chicago, La Crescent, Winona, Red Wing, and the Twin Cities.

Sec. 15. Minnesota Statutes 2008, section 473.254, subdivision 5, is amended to read:

Subd. 5. **Sources of funds.** (a) The council shall credit to the local housing incentives account any revenues derived from municipalities under subdivision 4, paragraph (b), clause (1).

(b) The council shall credit \$1,000,000 of the proceeds of solid waste bonds issued by the council under Minnesota Statutes, section 473.831, before its repeal, to the local housing incentives account in the metropolitan livable communities fund. In 1998 and each year thereafter through 2009, the council shall credit \$1,000,000 of the revenues generated by the levy authorized in section 473.249 to the local housing incentives account.

(c) In 1997, and each year thereafter through 2009, the council shall transfer \$500,000 from the livable communities demonstration account to the local housing incentives account. In 2010, and each year thereafter, the council shall transfer \$1,500,000 from the livable communities demonstration account to the local housing incentives account.

Sec. 16. Minnesota Statutes 2008, section 473.446, subdivision 1, is amended to read:

Subdivision 1. **Metropolitan area transit tax.** (a) For purposes of sections 473.405 to 473.449, and the metropolitan transit system, except as otherwise provided in this subdivision, the council may levy for taxes payable in 2010 through 2013 upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of an amount that must be used for payment of the expenses of operating transit and paratransit service. The property tax levied by the council under this paragraph must not exceed the following amount for the years specified:

(1) for taxes payable in 2010, the council's property tax levy limitation for transit and paratransit purposes is equal to \$9,000,000;

(2) for taxes payable in 2011 through 2013, the product of: (i) the council's property tax levy limitation for transit and paratransit purposes for the previous year determined under this subdivision, multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous taxes payable year.

(b) For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except

as otherwise provided in this subdivision, the council shall levy each year upon all taxable property within the metropolitan area, defined in section 473.121, subdivision 2, a transit tax consisting of:

(1) an amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause; ~~and~~

(2) an additional amount necessary to provide full and timely payment of certificates of indebtedness issued by the council, after consultation with the commissioner of finance, if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness is issued increase over those revenues in the previous fiscal year by a percentage less than the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor; and

(3) an additional amount necessary to provide operating assistance for transit. Any amount levied under this clause (i) may not exceed the amount of unused obligation authority granted to the council in section 473.39, and (ii) reduces, by the amount levied for transit operating assistance, the amount of remaining available obligation authority.

~~(b)~~ (c) Indebtedness to which property taxes have been pledged under paragraph ~~(a)~~ (b), clause (2), that is incurred in any fiscal year may not exceed the amount necessary to make up the difference between (1) the amount that the council received or expects to receive in that fiscal year from the metropolitan area transit fund and (2) the amount the council received from that fund in the previous fiscal year multiplied by the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

EFFECTIVE DATE. Paragraph (a) is effective for taxes levied in 2009 through 2012, payable in 2010 through 2013 only. Paragraph (b) is effective for taxes levied in 2009 and 2010, payable in 2010 and 2011 only.

Sec. 17. Laws 2008, chapter 152, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Multimodal Systems

(a) Transit	0	1,700,000
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This appropriation is from the general fund.
This is a onetime appropriation.

(b) Rail	0	250,000
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This appropriation is from the general fund for a grant to the Northstar Corridor Development Authority to fund advanced preliminary engineering, updated environmental documentation, property appraisals, park and ride lots, and negotiations with the railroad to extend commuter rail

service on the Burlington Northern Santa Fe rail line between Big Lake and Rice. This is a onetime appropriation and is available until spent.

(c) **Port Development Assistance** 0 500,000

This appropriation is from the general fund for grants under Minnesota Statutes, chapter 457A. Any improvements made with the proceeds of these grants must be publicly owned. This is a onetime appropriation.

Sec. 18. METROPOLITAN COUNCIL TRANSIT.

(a) Before July 1, 2011, the Metropolitan Council may not increase fares for regular-route or metro mobility service over fares charged on December 1, 2008. The council may not eliminate or substantially reduce regular-route or metro mobility service that it provided as of December 1, 2008.

(b) Notwithstanding paragraph (a), the Metropolitan Council may, on or after July 1, 2010, increase fares for regular-route or metro mobility service, or eliminate or reduce service, if the council: has levied the maximum allowable amount under Minnesota Statutes, section 473.446, subdivision 1; and projects an operating deficit for metropolitan transit for fiscal year 2011.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on June 30, 2011.

Sec. 19. BUS PURCHASES.

The Metropolitan Council, in preparing bid specifications for bus purchases, shall ensure that the specifications conform, to the greatest extent practicable, with products that are manufactured in this state.

Sec. 20. ST. CLOUD BRIDGE SITE.

The commissioner of transportation shall ensure that the economic impact on existing area communities is evaluated and considered in analyzing potential alternative sites and selecting potential and preferred sites for a Mississippi River crossing near St. Cloud metropolitan area.

Sec. 21. CONVEYANCE OF LAND AND BUILDINGS.

Notwithstanding Minnesota Statutes, section 16A.695, subdivision 3, or any other law to the contrary, the Metropolitan Council shall convey the Apple Valley Transit Station and the real property on which it is situated, located in Dakota County, to the Minnesota Valley Transit Authority for nominal consideration, in order to carry out the governmental program and public purpose for which the Apple Valley Transit Station was constructed. Any subsequent conveyance of this property by the Minnesota Valley Transit Authority is subject to Minnesota Statutes, section 16A.695, subdivision 3.

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

Sec. 22. DISCOUNT TRANSIT PASSES PILOT PROGRAM.

(a) The Metropolitan Council shall establish a pilot program and policies to sell transit fare media at a 50 percent discount to eligible charitable organizations for use by homeless individuals. For the purposes of this section, "eligible charitable organization" means a charitable organization described in section 501(c)(3) of the Internal Revenue Code that provides services for homeless individuals, and "homeless individuals" means homeless individuals or persons as defined in Minnesota Statutes, section 116L.361, subdivision 5. There is no limit on the number of passes that an eligible charitable organization participating in the pilot program may purchase under this section. The pilot program shall be limited to no more than 20 charitable organizations and must include: (1) an organization located in Minneapolis that provides a homeless shelter, a homeless street outreach program, and sober housing to American Indian women recovering from chemical dependency; and (2) an organization located in Minneapolis that provides transitional apartments for homeless families as well as walk-in services for single adults, including meals and a food shelf. The pilot program shall terminate March 15, 2010.

(b) By January 15, 2010, the chair of the Metropolitan Council shall prepare and submit a report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over transportation. The chair shall prepare and submit the report with existing agency staff and resources. The report must be made electronically and available in print only upon request. The report on the pilot program must include a list of sales made under this subdivision, including organization name and the volume of fare media purchased, and costs of providing the discounted service and revenue impacts in the council's transit system. The report must be prepared in consultation with representatives from the charitable organizations participating in the pilot program.

(c) Paragraphs (a) and (b) apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

EFFECTIVE DATE. This section is effective September 1, 2009.

Sec. 23. ADJUSTMENT OF TRANSFER AND LEVY AUTHORITY.

Subdivision 1. **Property tax levy adjustment.** If, based on the November 2009 state budget forecast, motor vehicle sales tax revenues estimated to be available for metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed \$270,000,000 for the fiscal year 2010 and 2011 biennium, the levy amount authorized under section 16, paragraph (a), is reduced by the amount that the estimated motor vehicle sales tax biennial revenues exceed \$270,000,000, provided that the maximum levy amount cannot be less than zero.

Subd. 2. **Transfer authority adjustment.** If, based on the November 2009 state budget forecast, motor vehicle sales tax revenues estimated to be available for metropolitan transit operations under Minnesota Statutes, section 297B.09, exceed \$279,000,000 for the fiscal year 2010 and 2011 biennium, the maximum amount that may be transferred from the metropolitan livable communities fund accounts under article 1, section 10, is reduced by an amount by which the estimated motor vehicle sales tax biennial revenues exceed \$279,000,000.

Sec. 24. SEAT BELT.

Sections 8 to 12 may be cited as the "Kathryn Swanson Seat Belt Safety Act."

Sec. 25. APPLICATION.

Section 16 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to transportation; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; clarifying appropriate uses of trunk highway fund; increasing set-aside from municipal state-aid fund for administrative costs; depositing fees in vehicle services operating account; modifying fine and surcharge provisions relating to seat belt violations and providing for primary enforcement; authorizing use of design-build contracting for high-speed rail; allowing use of Metropolitan Council transit tax levy for transit operations; requiring study of extension of high-speed rail line; prohibiting transit fare increase and service cuts; establishing discount transit passes pilot program; authorizing Metropolitan Council to convey certain real property including the Apple Valley Transit Station; amending Minnesota Statutes 2008, sections 161.20, subdivision 3; 162.12, subdivision 2; 168.017, subdivision 5; 168.021, subdivision 4; 168.10, subdivision 1i; 168.29; 168.62, subdivision 3; 169.686, subdivisions 1, 2, by adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 174.03, subdivision 1b; 473.254, subdivision 5; 473.446, subdivision 1; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, sections 3, subdivision 2; 5; proposing coding for new law in Minnesota Statutes, chapter 174."

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

MEMBERS EXCUSED

Senators Bonoff and Gimse were excused from the Session of today. Senator Rosen was excused from the Session of today at 3:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 3:00 p.m., Wednesday, April 22, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

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