

NINETY-SECOND DAY

St. Paul, Minnesota, Monday, April 26, 2010

The Senate met at 2:00 p.m. 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, Sister Catherine Steffens.

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

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

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

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, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2511: A bill for an act relating to state government; establishing a collaborative

governance council; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 6.

Senate File No. 2511 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 21, 2010

Senator Rest moved that the Senate do not concur in the amendments by the House to S.F. No. 2511, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2848, 2801 and 3589.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 21, 2010

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2848: A bill for an act relating to public safety; modifying allocation of certain state fines and forfeitures; amending Minnesota Statutes 2009 Supplement, section 299D.03, subdivision 5.

Referred to the Committee on Finance.

H.F. No. 2801: A bill for an act relating to establishing complete streets program and requiring reports; amending Minnesota Statutes 2008, sections 162.02, subdivision 3a; 162.09, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2461, now on General Orders.

H.F. No. 3589: A bill for an act relating to state government; reducing the reporting threshold for contracts for professional or technical services; amending Minnesota Statutes 2008, section 16C.08, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3084, now on the Calendar.

REPORTS OF COMMITTEES**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

S.F. No. 3152: A bill for an act relating to judicial selection; requiring merit selection for all justices and judges; modifying certain requirements related to the Commission on Judicial Selection; amending Minnesota Statutes 2008, section 480B.01, subdivisions 1, 2, 3, 4, 11.

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

Page 2, line 32, delete the second "the" and insert "an" and after "authority" insert "other than the Governor"

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Rest introduced—

S.F. No. 3383: A bill for an act relating to elections; eliminating the requirement that ballots designate certain judicial candidates as incumbents; repealing Minnesota Statutes 2008, section 204B.36, subdivision 5.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Moua introduced—

S.F. No. 3384: A bill for an act relating to data practices; establishing operating principles for criminal intelligence databases; classifying data; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senators Erickson Ropes and Berglin introduced—

S.F. No. 3385: A bill for an act relating to public health; providing regulation of commercial breeders to protect public health and animal welfare; requiring registration; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Agriculture and Veterans.

MOTIONS AND RESOLUTIONS

Senator Rest moved that the name of Senator Clark be added as a co-author to S.F. No. 3152. The motion prevailed.

Senator Fischbach introduced –

Senate Resolution No. 182: A Senate resolution congratulating Kenzie Meagher for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

Senator Fischbach introduced –

Senate Resolution No. 183: A Senate resolution congratulating Keely Meagher for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

Senator Erickson Ropes introduced –

Senate Resolution No. 184: A Senate resolution honoring Dr. John Collins, a devoted educator, upon his retirement from Winona State University.

Referred to the Committee on Rules and Administration.

Senator Berglin moved that S.F. No. 3030 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Finance. The motion prevailed.

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

CALENDAR

S.F. No. 3046: A bill for an act relating to energy; providing for large solar energy electric generation demonstration conservation improvement project; amending Minnesota Statutes 2008, section 216B.241, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bakk	Clark	Erickson Ropes	Gimse	Kelash
Berglin	Cohen	Fischbach	Hann	Koch
Betzold	Dahle	Fobbe	Higgins	Koering
Bonoff	Dibble	Foley	Ingebrigtsen	Kubly
Carlson	Dille	Frederickson	Johnson	Langseth
Chaudhary	Doll	Gerlach	Jungbauer	Latz

Limmer	Murphy	Parry	Saltzman	Skogen
Lourey	Olseen	Pogemiller	Saxhaug	Sparks
Lynch	Olson, G.	Prettner Solon	Scheid	Stumpf
Marty	Olson, M.	Rest	Senjem	Tomassoni
Metzen	Ortman	Robling	Sheran	Vandever
Michel	Pappas	Rosen	Sieben	Vickerman
Moua	Pariseau	Rummel	Skoe	Wiger

So the bill passed and its title was agreed to.

H.F. No. 1182: A bill for an act relating to eminent domain; clarifying use of eminent domain authority by public service corporations; amending Minnesota Statutes 2008, sections 117.225; 216E.03, subdivision 7; Minnesota Statutes 2009 Supplement, section 117.189.

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 59 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Johnson	Jungbauer	Koering	Rosen
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So the bill passed and its title was agreed to.

H.F. No. 3386: A bill for an act relating to real property; requiring performance guidelines for certain residential contracts; modifying statutory warranties; requiring notice and opportunity to repair; providing for dispute resolution procedures; requiring a report; amending Minnesota Statutes 2008, sections 302A.781, subdivision 4; 326B.809; 327A.01, by adding a subdivision; 327A.02, subdivision 4, by adding subdivisions; 327A.03; proposing coding for new law in Minnesota Statutes, chapter 327A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Bakk	Chaudhary	Dille	Foley	Higgins
Berglin	Clark	Doll	Frederickson	Ingebrigtsen
Betzold	Cohen	Erickson Ropes	Gerlach	Johnson
Bonoff	Dahle	Fischbach	Gimse	Jungbauer
Carlson	Dibble	Fobbe	Hann	Kelash

Koch	Metzen	Pappas	Rummel	Skogen
Kubly	Michel	Pariseau	Saltzman	Sparks
Langseth	Moua	Parry	Saxhaug	Stumpf
Latz	Murphy	Pogemiller	Scheid	Tomassoni
Limmer	Olseen	Prettner Solon	Senjem	Vickerman
Lourey	Olson, G.	Rest	Sheran	Wiger
Lynch	Olson, M.	Robling	Sieben	
Marty	Ortman	Rosen	Skoe	

Those who voted in the negative were:

Koering Vandever

So the bill passed and its title was agreed to.

S.F. No. 3325: A bill for an act relating to local government; authorizing chairs and ranking minority members of the Committees on Finance and Ways and Means to request local impact notes; amending Minnesota Statutes 2008, section 3.987, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2629: A bill for an act relating to elections; appropriating money for grants to counties for voting equipment and vote-counting equipment; specifying grant terms and procedures; repealing Laws 2005, chapter 162, section 34, subdivision 2, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Cohen	Fobbe	Ingebrigtsen	Langseth
Berglin	Dahle	Foley	Johnson	Latz
Betzold	Dibble	Frederickson	Jungbauer	Limmer
Bonoff	Dille	Gerlach	Kelash	Lourey
Carlson	Doll	Gimse	Koch	Lynch
Chaudhary	Erickson Ropes	Hann	Koering	Marty
Clark	Fischbach	Higgins	Kubly	Metzen

Michel	Ortman	Robling	Senjem	Stumpf
Moua	Pappas	Rosen	Sheran	Tomassoni
Murphy	Pariseau	Rummel	Sieben	Vandever
Olseen	Pogemiller	Saltzman	Skoe	Vickerman
Olson, G.	Prettner Solon	Saxhaug	Skogen	Wiger
Olson, M.	Rest	Scheid	Sparks	

Those who voted in the negative were:

Parry

So the bill passed and its title was agreed to.

S.F. No. 2541: A bill for an act relating to natural resources; exempting watercraft, off-highway vehicles, and snowmobiles that are owned by Indian tribal governments from registration or licensing; amending Minnesota Statutes 2008, sections 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivision 6; 84.8205, subdivision 1; 86B.301, subdivision 2; Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a.

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 50 and nays 15, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Hann	Jungbauer	Michel	Rosen
Gerlach	Ingebrigtsen	Koch	Ortman	Senjem
Gimse	Johnson	Koering	Parry	Vandever

So the bill passed and its title was agreed to.

S.F. No. 3131: A bill for an act relating to early childhood education; modifying the duties of the State Advisory Council on Early Childhood Education and Care; amending Minnesota Statutes 2008, section 124D.141, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 13, as follows:

Those who voted in the affirmative were:

Bakk	Bonoff	Clark	Dibble	Erickson Ropes
Berglin	Carlson	Cohen	Dille	Fischbach
Betzold	Chaudhary	Dahle	Doll	Fobbe

Foley	Lourey	Olson, G.	Rummel	Sparks
Frederickson	Lynch	Olson, M.	Saltzman	Stumpf
Gimse	Marty	Pappas	Saxhaug	Tomassoni
Higgins	Metzen	Pogemiller	Scheid	Vickerman
Kelash	Michel	Prettner Solon	Sheran	Wiger
Kubly	Moua	Rest	Sieben	
Langseth	Murphy	Robling	Skoe	
Latz	Olseen	Rosen	Skogen	

Those who voted in the negative were:

Gerlach	Johnson	Koering	Pariseau	Vandev eer
Hann	Jungbauer	Limmer	Parry	
Ingebrigtsen	Koch	Ortman	Senjem	

So the bill passed and its title was agreed to.

S.F. No. 345: A bill for an act relating to drivers' licenses; creating enhanced driver's license and enhanced identification card; providing for selective service system registration; providing for fees, eligibility requirements, employment use, application requirements, issuance, security, and appearance relating to drivers' licenses and identification cards; directing commissioner of public safety to seek approval of card by Homeland Security secretary for proof of identity and citizenship and for use in entering United States; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding subdivisions; 171.06, subdivisions 1, 2, 6; 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision; 171.12, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 171.06, subdivision 3.

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 51 and nays 14, as follows:

Those who voted in the affirmative were:

Bakk	Fobbe	Lynch	Prettner Solon	Skoe
Berglin	Foley	Marty	Rest	Skogen
Betzold	Frederickson	Metzen	Robling	Sparks
Bonoff	Gimse	Michel	Rosen	Stumpf
Chaudhary	Higgins	Murphy	Rummel	Tomassoni
Clark	Ingebrigtsen	Olseen	Saltzman	Vickerman
Cohen	Kelash	Olson, G.	Saxhaug	Wiger
Dahle	Kubly	Olson, M.	Scheid	
Dille	Langseth	Pappas	Senjem	
Erickson Ropes	Latz	Pariseau	Sheran	
Fischbach	Lourey	Pogemiller	Sieben	

Those who voted in the negative were:

Carlson	Gerlach	Jungbauer	Limmer	Parry
Dibble	Hann	Koch	Moua	Vandev eer
Doll	Johnson	Koering	Ortman	

So the bill passed and its title was agreed to.

S.F. No. 3251: A bill for an act relating to human services; modifying certain provisions regarding persons with sexual psychopathic personalities; amending Minnesota Statutes 2008, sections 253B.05, subdivision 1; 253B.10, subdivision 5; 253B.15, subdivision 1; 253B.18, subdivision 5a; 253B.185; 253B.19, subdivision 2; Minnesota Statutes 2009 Supplement, section

253B.14.

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 48 and nays 17, as follows:

Those who voted in the affirmative were:

Bakk	Dille	Kubly	Olson, G.	Sheran
Berglin	Doll	Langseth	Olson, M.	Sieben
Betzold	Erickson Ropes	Latz	Pappas	Skoe
Bonoff	Fischbach	Lourey	Pogemiller	Skogen
Carlson	Fobbe	Lynch	Prettner Solon	Sparks
Chaudhary	Foley	Marty	Rest	Stumpf
Clark	Frederickson	Metzen	Rummel	Tomassoni
Cohen	Higgins	Moua	Saltzman	Vickerman
Dahle	Kelash	Murphy	Saxhaug	
Dibble	Koering	Olseen	Scheid	

Those who voted in the negative were:

Gerlach	Johnson	Michel	Robling	Wiger
Gimse	Jungbauer	Ortman	Rosen	
Hann	Koch	Pariseau	Senjem	
Ingebrigtsen	Limmer	Parry	Vandever	

So the bill passed and its title was agreed to.

S.F. No. 2510: A bill for an act relating to economic development; amending the definition of green economy to include the concept of green chemistry; creating a fast-action economic response team; expanding the Minnesota investment fund; removing a grant program restriction; expanding loan program to veteran-owned small businesses; creating the Minnesota Science and Technology Authority; providing for a comparative study of state laws affecting small business start-ups; modifying certain unemployment insurance administrative, benefit, and tax provisions; protecting customers from injuries resulting from use of inflatable play equipment; modifying labor and industry licensing and certain license fee provisions; modifying enforcement requirements of the State Building Code; modifying the requirements of the Manufactured Home Building Code; allowing expedited rulemaking; providing for licensing and regulation of individuals engaged in mortgage loan origination or mortgage loan business; providing for licensing and regulation of appraisal management companies; providing for property acquisition from petroleum tank fund proceeds; clarifying requirements for granting additional cable franchises; regulating cadmium in children's jewelry; regulating the sale and termination of portable electronics insurance; authorizing amendments to a municipal comprehensive plan for affordable housing; amending Iron Range resources provisions; requiring certain reports; appropriating money; amending Minnesota Statutes 2008, sections 58.04, subdivision 1; 58.08, by adding a subdivision; 58.09; 58.10, subdivision 1; 58.11; 60K.36, subdivision 2; 60K.38, subdivision 1; 82B.05, subdivision 5, by adding a subdivision; 82B.06; 115C.08, subdivision 1; 116J.437, subdivision 1; 116J.8731, subdivisions 1, 4; 116J.996; 181.723, subdivision 5; 238.08, subdivision 1; 268.035, subdivision 20; 268.046, subdivision 1; 268.051, subdivisions 2, 5, 7; 268.07, as amended; 268.085, subdivision 9; 326B.106, subdivision 9; 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.16; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended if enacted; 326B.56, as amended; 326B.805, subdivision 6; 326B.83,

subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327.31, subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding subdivisions; 327B.04, subdivision 2; 462.355, subdivision 3; Minnesota Statutes 2009 Supplement, sections 58.06, subdivision 2; 60K.55, subdivision 2; 82B.05, subdivision 1; 115C.08, subdivision 4; 116J.8731, subdivision 3; 116L.20, subdivision 1; 268.035, subdivision 19a; 268.052, subdivision 2; 268.053, subdivision 1; 268.085, subdivision 1; 268.136, subdivision 1; 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; Laws 2009, chapter 78, article 1, section 3, subdivision 2; Laws 2010, chapter 216, section 58; proposing coding for new law in Minnesota Statutes, chapters 60K; 116J; 184B; 325E; 326B; proposing coding for new law as Minnesota Statutes, chapters 58A; 82C; 116W; repealing Minnesota Statutes 2008, sections 116J.657; 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; 327.32, subdivision 4; 327C.07, subdivisions 3, 3a, 8; Minnesota Statutes 2009 Supplement, sections 58.126; 326B.56, subdivision 4; Laws 2010, chapter 215, article 9, section 3; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bonoff	Hann	Koering	Pariseau	Vandev eer
Dille	Ingebrigtsen	Limmer	Parry	
Fobbe	Johnson	Michel	Robling	
Gerlach	Jungbauer	Olson, G.	Rosen	
Gimse	Koch	Ortman	Senjem	

So the bill passed and its title was agreed to.

S.F. No. 184: A bill for an act relating to higher education; authorizing data matching; modifying institution eligibility; establishing award procedures; establishing scholarship priorities; establishing powers and duties; modifying security requirements; regulating the use of certain revenues; providing for refunds; defining terms; making technical corrections; amending Minnesota Statutes 2008, sections 136A.101, subdivision 10; 136A.126, subdivision 1, by adding a subdivision; 136A.127, subdivision 6, by adding subdivisions; 136A.15, subdivision 6; 136A.16, subdivision 14; 136A.62, subdivision 3; 136A.645; 136A.646; 136A.65, by adding a subdivision; 136F.581, by adding a subdivision; 141.25, subdivisions 7, 13, by adding a subdivision; 141.251, subdivision 2; 141.28, subdivision 2; Minnesota Statutes 2009 Supplement, sections 136A.01,

subdivision 2; 136A.101, subdivision 4; 136A.127, subdivisions 2, 4; 299A.45, subdivision 1; 340A.404, subdivision 4a; Laws 2009, chapter 95, article 2, section 40; Laws 2010, chapter 215, article 2, sections 4, subdivision 3; 6; proposing coding for new law in Minnesota Statutes, chapters 136A; 137.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koch	Ortman	Scheid	Tomassoni	Vandev eer
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So the bill passed and its title was agreed to.

S.F. No. 1060: A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivision 1a; 174.03, subdivision 1a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167.

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 55 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach
Johnson
Jungbauer

Koch
Koering
Limmer

Olson, G.
Ortman
Pariseau

Parry
Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 3134: A bill for an act relating to government operations; describing how to fold the state flag; defining certain powers of the Council on Black Minnesotans; requiring fiscal notes to include information about job creation; limiting requirements for approval by individual legislators in the disposal process for certain state-owned buildings; increasing threshold requirements for deposit of agency receipts; imposing requirements on agencies for contracts over a certain amount; requiring state chief information officer to develop standards for enhanced public access to state electronic records; clarifying use of fees in the combined charities campaign; transferring membership in the Workers' Compensation Reinsurance Association from the commissioner of management and budget to the commissioner of administration; eliminating and modifying fees for certain filings with the secretary of state; authorizing grants to counties for voting equipment and vote-counting equipment; establishing the Commission on Service Innovation; allowing contiguous counties to establish a home rule charter commission; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 1.141, by adding subdivisions; 3.9225, subdivision 5; 3.98, subdivision 2; 16A.275; 16B.24, subdivision 3; 16E.04, subdivision 2; 16E.05, by adding a subdivision; 43A.50, subdivision 2; 79.34, subdivision 1; 318.02, subdivision 1; 557.01; proposing coding for new law in Minnesota Statutes, chapters 3; 16C; proposing coding for new law as Minnesota Statutes, chapter 372A; repealing Laws 2005, chapter 162, section 34, subdivision 2, as amended.

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 52 and nays 14, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Johnson	Limmer	Ortman	Senjem
Hann	Jungbauer	Michel	Parry	Vandev eer
Ingebrigtsen	Koch	Olson, G.	Rosen	

So the bill passed and its title was agreed to.

S.F. No. 2756: A bill for an act relating to transportation; allowing escort drivers of overdimensional loads to control traffic; directing commissioner of public safety to establish escort driver training and certification program; amending Minnesota Statutes 2008, sections 169.06,

subdivision 4; 169.86, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299D.

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 47 and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Ingebrigtsen	Koering	Pariseau	Senjem
Frederickson	Johnson	Limmer	Parry	Sparks
Gerlach	Jungbauer	Michel	Robling	Vandevveer
Hann	Koch	Ortman	Rosen	

So the bill passed and its title was agreed to.

S.F. No. 3105: A bill for an act relating to transportation; establishing requirements governing capital requests and legislative reporting for projects to establish fixed guideway transit and rail lines; amending Minnesota Statutes 2008, section 16A.11, subdivision 3a; Minnesota Statutes 2009 Supplement, section 16A.86, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 174.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer

Parry

So the bill passed and its title was agreed to.

H.F. No. 1320: A bill for an act relating to health; clarifying adoption of rules for the substitution of drugs used for the treatment of epilepsy or seizures; amending Minnesota Statutes 2008, section 151.06, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1905: A bill for an act relating to insurance; establishing a small group market working group; requiring a report.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ortman	Pariseau	Robling	Vandever
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So the bill passed and its title was agreed to.

S.F. No. 1761: A bill for an act relating to insurance; requiring health plans to limit out-of-pocket costs for oral anticancer medication; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Jungbauer	Parry	Senjem
Hann	Ortman	Robling	Vandever

So the bill passed and its title was agreed to.

S.F. No. 2471: A bill for an act relating to commerce; regulating certain filings with the secretary of state; amending Minnesota Statutes 2008, sections 318.02, subdivision 1; 557.01.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2493: A bill for an act relating to crime; including use of scanning device and reencoder to acquire information from payment cards as identity theft; amending Minnesota Statutes 2008,

section 609.527, subdivisions 1, 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 388.23, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2880: A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

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 50 and nays 16, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Jungbauer	Metzen	Pariseau
Hann	Koch	Michel	Parry
Ingebrigtsen	Koering	Olson, G.	Senjem
Johnson	Limmer	Ortman	Vandever

So the bill passed and its title was agreed to.

S.F. No. 2874: A bill for an act relating to state government operations; streamlining state

government; abolishing the Department of Employment and Economic Development and the Department of Labor and Industry; establishing a process to reorganize delivery of their services and performance of their functions; requiring establishment of an employee participation committee before agency restructuring; requiring reports.

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 40 and nays 25, as follows:

Those who voted in the affirmative were:

Berglin	Dibble	Koering	Olson, M.	Scheid
Betzold	Doll	Kubly	Pappas	Sheran
Bonoff	Erickson Ropes	Langseth	Pogemiller	Skoe
Carlson	Fischbach	Latz	Prettner Solon	Skogen
Chaudhary	Fobbe	Lourey	Rest	Torres Ray
Clark	Foley	Marty	Rummel	Vandever
Cohen	Higgins	Moua	Saltzman	Vickerman
Dahle	Kelash	Olseen	Saxhaug	Wiger

Those who voted in the negative were:

Bakk	Hann	Lynch	Ortman	Senjem
Dille	Ingebrigtsen	Metzen	Pariseau	Sieben
Frederickson	Johnson	Michel	Parry	Sparks
Gerlach	Jungbauer	Murphy	Robling	Stumpf
Gimse	Koch	Olson, G.	Rosen	Tomassoni

So the bill passed and its title was agreed to.

S.F. No. 560: A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2008, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

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 51 and nays 15, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fischbach	Hann	Jungbauer	Michel	Parry
Gerlach	Ingebrigtsen	Koch	Olson, G.	Senjem
Gimse	Johnson	Limmer	Pariseau	Vandevveer

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. Nos. 2429, 3073 and H.F. No. 1209, which the committee recommends to pass.

S.F. No. 2540, which the committee recommends to pass, subject to the following motions:

Senator Murphy moved to amend S.F. No. 2540 as follows:

Page 9, line 26, delete "be inscribed"

Page 9, line 27, delete "with" and insert "bear an appropriate inscription that includes" and delete everything after "medal"

Page 9, line 28, delete everything before the period

Page 10, line 3, delete "MEDAL"

Page 22, line 2, delete "section 3" and insert "section 4"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2540 as follows:

Page 32, after line 18, insert:

"\$200,000 the second year is for grants to nonprofit job training centers for: (1) job training programs related to highway construction; and (2) business training for companies that are certified disadvantaged business enterprises."

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2540 as follows:

Page 1, after line 25, insert:

"Section 1. Minnesota Statutes 2008, section 65B.43, subdivision 2, is amended to read:

Subd. 2. **Motor vehicle.** "Motor vehicle" means every vehicle, other than a motorcycle or other vehicle with fewer than four wheels, which (a) is required to be registered pursuant to chapter 168, and (b) is designed to be self-propelled by an engine or motor for use primarily upon public roads, highways or streets in the transportation of persons or property, and includes a trailer with one or more wheels, when the trailer is connected to or being towed by a motor vehicle, in which case the combination of the single self-propelled vehicle and one or more trailers or semitrailers is considered a single motor vehicle for purposes of this definition."

Page 14, after line 16, insert:

"Sec. 18. Minnesota Statutes 2008, section 169.09, subdivision 5a, is amended to read:

Subd. 5a. **Driver deemed agent of owner.** ~~Whenever any~~ If a motor vehicle shall be is operated within this state, ~~by any~~ by a person other than the owner, with the express or implied consent of the owner, express or implied, the operator thereof shall, in case of accident, be is deemed the agent of the owner of such the motor vehicle in the its operation thereof. For a single self-propelled vehicle connected to or towing one or more trailers or semitrailers, the operator of the motor vehicle is deemed to be an agent of the owner of the self-propelled portion of the motor vehicle combination, and not an agent of the owner of the trailer portion of the motor vehicle combination."

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. 2540 as follows:

Page 4, after line 2, insert:

"Sec. 7. Minnesota Statutes 2009 Supplement, section 162.06, subdivision 5, is amended to read:

Subd. 5. **State park road account.** After deducting for administrative costs and for the disaster account and research account from the amount available as provided in this section, the commissioner shall deduct a sum equal to the three-quarters of one percent of the remainder. The sum so deducted shall be set aside in a separate account and shall be used for (1) the establishment, location, relocation, construction, reconstruction, and improvement of those roads included in the county state-aid highway system under Minnesota Statutes 1961, section 162.02, subdivision 6, which border and provide substantial access to an outdoor recreation unit as defined in section 86A.04 or which provide access to the headquarters of or the principal parking lot located within such a unit, and (2) the reconstruction, improvement, repair, and maintenance of county roads, city streets, roadways located within the outdoor recreation system as defined in section 86A.04, and town roads that provide access to public lakes, rivers, state parks, and state campgrounds, and (3) the reconstruction of public trails integral to the roads identified in this subdivision where the relocation, construction or reconstruction of the trail is required for public safety or natural resource preservation. Roads described in ~~clause~~ clauses (2) and (3) are not required to meet county state-aid highway standards. At the request of the commissioner of natural resources the

counties wherein such roads are located shall do such work as requested in the same manner as on any county state-aid highway and shall be reimbursed for such construction, reconstruction, or improvements from the amount set aside by this subdivision. Before requesting a county to do work on a county state-aid highway as provided in this subdivision, the commissioner of natural resources must obtain approval for the project from the County State-Aid Screening Board. The screening board, before giving its approval, must obtain a written comment on the project from the county engineer of the county requested to undertake the project. Before requesting a county to do work on a county road, city street, roadway in the outdoor recreation system, or a town road that provides access to a public lake, a river, a state park, or a state campground, the commissioner of natural resources shall obtain a written comment on the project from the county engineer of the county requested to undertake the project. Any balance of the amount so set aside, at the end of each year must be transferred to the county state-aid highway fund."

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. 2540 as follows:

Page 22, after line 6, insert:

"Sec. 26. Minnesota Statutes 2009 Supplement, section 174.66, is amended to read:

174.66 CONTINUATION OF CARRIER RULES.

(a) Orders and directives in force, issued, or promulgated under authority of chapters 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the commissioner of transportation. To the extent allowed under federal law or regulation, rules adopted under authority of the following sections are transferred to the commissioner of transportation and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the commissioner:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1; and

~~(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and~~

~~(6)~~ (5) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections 221.121 and 221.151.

(b) The commissioner shall review the transferred rules, orders, and directives and, when

appropriate, develop and adopt new rules, orders, or directives."

Page 24, after line 13, insert:

"Sec. 31. Minnesota Statutes 2008, section 221.0252, subdivision 7, is amended to read:

Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor carriers of passengers are exempt from sections 221.121; 221.122; 221.123; and 221.151; ~~221.161; and 221.171.~~"

Page 26, after line 14, insert:

"Sec. 33. Minnesota Statutes 2009 Supplement, section 221.026, subdivision 2, is amended to read:

Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; 221.121; 221.122; 221.123; 221.131; 221.132; 221.151; ~~221.161;~~ 221.172, subdivision 3; and 221.185, except as provided in subdivision 4. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

Sec. 34. Minnesota Statutes 2009 Supplement, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, rules, filings.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall (1) ~~require holders of household goods mover permits to file schedules of rates and charges,~~ (2) regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and ~~(3)~~ (2) prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) The commissioner shall enforce sections 169.781 to 169.783.

Sec. 35. Minnesota Statutes 2008, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4) ~~section 221.171;~~ (5) section 221.141;

~~(6)~~ (5) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or ~~(7)~~ (6) rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or ~~tariffs and~~ accounting. An order must be issued as provided in this section.

Sec. 36. Minnesota Statutes 2008, section 221.036, subdivision 3, is amended to read:

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141; ~~or 221.151; or~~ 221.171, or rules of the commissioner relating to motor carrier operations, insurance, or ~~tariffs and~~ accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty in accordance with Code of Federal Regulations, title 49, section 383.53, against:

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Sec. 37. Minnesota Statutes 2009 Supplement, section 221.122, subdivision 1, is amended to read:

Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order issued by the commissioner which grants a certificate or permit must contain a service date.

(b) The person to whom the order granting the certificate or permit is issued shall do the following within 45 days from the service date of the order:

(1) register vehicles which will be used to provide transportation under the permit or certificate

with the commissioner and pay the vehicle registration fees required by law; and

(2) file and maintain insurance or bond as required by section 221.141 and rules of the commissioner; ~~and~~.

~~(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.~~

Sec. 38. Minnesota Statutes 2008, section 221.221, subdivision 3, is amended to read:

Subd. 3. **Delegated powers.** Representatives of the department to whom authority has been delegated by the commissioner for the purpose of enforcing sections 169.781 to 169.783 ~~and 221.171~~ and the rules, orders, or directives of the commissioner adopted or issued under those sections, and for no other purpose, shall have the powers conferred by law upon police officers. The representatives of the department have the power to inspect records, logs, freight bills, bills of lading, or other documents which may provide evidence to determine compliance with sections 169.781 to 169.783 ~~and 221.171~~.

Sec. 39. Minnesota Statutes 2008, section 221.251, subdivision 1, is amended to read:

Subdivision 1. **Refund within 90 days.** Charges for freight, baggage, or express collected by a motor carrier over what the carrier is entitled to receive ~~under the lawful tariff or classification~~ must be refunded by the carrier within 90 days after a claim is filed, provided that a claim is filed as provided in this section."

Page 38, delete section 47 and insert:

"Sec. 57. **REPEALER.**

(a) Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

(b) Minnesota Statutes 2008, sections 221.161, subdivisions 2 and 3; and 221.291, subdivision 5, are repealed.

(c) Minnesota Statutes 2009 Supplement, sections 221.161, subdivisions 1 and 4; and 221.171, are repealed.

(d) Minnesota Rules, parts 7805.0300; and 7805.0400, are repealed."

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. 2540 as follows:

Page 4, after line 2, insert:

"Sec. 7. Minnesota Statutes 2008, section 161.3426, subdivision 3, is amended to read:

Subd. 3. **Stipulated fee.** The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. When the request for proposals specifies a maximum price, the stipend shall be awarded if the proposal is responsive in

all other aspects but comes in above the maximum price. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Sec. 8. Minnesota Statutes 2008, section 161.3426, is amended by adding a subdivision to read:

Subd. 6. **Reissue of request for proposals.** If the commissioner rejects all bids or does not execute the contract, the commissioner may reissue the request for proposals and allow only short-listed teams to resubmit proposals. The commissioner shall then pay a reasonable stipulated fee to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal in response to the reissued request for proposals. When the reissued request for proposals specifies a maximum price, the stipend shall be awarded if the proposal is responsive in all other aspects but comes in above the maximum price."

Page 11, after line 26, insert:

"Sec. 16. Minnesota Statutes 2008, section 168B.04, subdivision 2, is amended to read:

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately;

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

(c) A peace officer may take into custody and impound any vehicle when the driver of the vehicle is arrested or taken into custody and another means of safely dealing with the vehicle is not immediately available."

Page 15, after line 4, insert:

"Sec. 21. Minnesota Statutes 2008, section 169.26, is amended by adding a subdivision to read:

Subd. 4. **Pedestrians; penalty.** (a) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

(b) A pedestrian shall not enter, remain upon, or traverse over a railroad track, grade crossing, or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational and warning of the presence, approach, passage, or departure of a railroad train.

(c) A person who violates this subdivision is subject to a fine of up to \$100."

Page 17, after line 19, insert:

"Sec. 26. Minnesota Statutes 2009 Supplement, section 171.02, subdivision 2b, is amended to read:

Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under the conditions in paragraphs (b) through (o).

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

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

(1) safe operation of a type III vehicle;

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

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

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

(5) handling emergency situations;

(6) proper use of seat belts and child safety restraints;

(7) performance of pretrip vehicle inspections;

(8) safe loading and unloading of students, including, but not limited to:

(i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location; ~~and~~

(iv) placing the type III vehicle in "park" during loading and unloading; and

(v) escorting a pupil across the road under clause (iii) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

(9) compliance with paragraph (k), concerning reporting certain convictions to the employer within ten days of the date of conviction.

(d) 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 school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a ~~type A or~~ type III vehicle under this subdivision.

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

(f) The operator's employer requires preemployment drug ~~and alcohol~~ testing of applicants for operator positions. Current operators must comply with the employer's policy under section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a breathalyzer or similar device to fulfill random alcohol testing requirements.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus type III vehicle as required under section 171.321, subdivision 5.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.

(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 type III vehicle under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.

(k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction.

(l) Students riding the type III vehicle must have training required under section 123B.90, subdivision 2.

(m) Documentation of meeting the requirements listed in this subdivision must be maintained under separate file at the business location for each type III vehicle operator. The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the type III vehicle operating under this subdivision is responsible for maintaining these files for inspection.

(n) The type III vehicle must bear a current certificate of inspection issued under section 169.451.

(o) An employee of a school or of a school district, who is not employed for the sole purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 27. Minnesota Statutes 2008, section 171.321, subdivision 2, is amended to read:

Subd. 2. **Rules.** (a) The commissioner of public safety shall prescribe rules governing (1) the physical qualifications of school bus drivers and tests required to obtain a school bus endorsement, and (2) the physical qualifications of type III vehicle drivers.

(b) The rules under paragraph (a) must provide that an applicant for a school bus endorsement or renewal is exempt from the physical qualifications and medical examination required to operate a school bus upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part 391, subpart E, or rules of the commissioner of transportation incorporating those federal regulations. The commissioner shall accept physical examinations for school bus drivers conducted by medical examiners authorized as provided by Code of Federal Regulations, title 49, chapter 3, part 391, subpart E.

~~(b)~~ (c) The commissioner of public safety, in conjunction with the commissioner of education, shall adopt rules prescribing a training program for Head Start bus drivers. The program must provide for initial classroom and behind-the-wheel training, and annual in-service training. The program must provide training in defensive driving, human relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use of safety equipment. The program must provide that the training will be conducted by the contract operator for a Head Start agency, the Head Start grantee, a licensed driver training school, or by another person or entity approved by both commissioners.

(d) The commissioner may exempt a type III vehicle driver from the physical qualifications

required to operate a type III vehicle upon receiving evidence of the driver having been medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle as provided for applicants for a school bus endorsement under paragraph (b)."

Page 37, after line 31, insert:

"Sec. 53. **RULEMAKING EXCEPTION.**

The actions of the commissioner of public safety in establishing physical qualifications for type III vehicle drivers are not rulemaking for purposes of Minnesota Statutes, chapter 14, are not subject to the Administrative Procedure Act contained in Minnesota Statutes, chapter 14, and are not subject to Minnesota Statutes, section 14.386."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Olseen moved to amend S.F. No. 2540 as follows:

Page 17, after line 19, insert:

"Sec. 22. Minnesota Statutes 2008, section 169.92, subdivision 4, is amended to read:

Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court. If the commissioner does not receive notice of the appearance in the appropriate court or payment of the fine within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license shall remain suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, ~~specifying the section of the traffic law, ordinance or rule violated;~~ and indicates the location and date of the offense; ~~and describes the vehicle involved and its registration number.~~

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 Higgins moved to amend S.F. No. 2540 as follows:

Page 19, after line 17, insert:

"Sec. 25. **[174.186] DISADVANTAGED BUSINESS ENTERPRISE COLLABORATIVE.**

Subdivision 1. **Establishment; purpose.** (a) The commissioner of transportation shall convene regular meetings of the disadvantaged business enterprise program and workforce inclusion collaborative, as constituted by the commissioner as of January 1, 2010.

(b) The collaborative shall review and evaluate the commissioner's implementation of the disadvantaged business enterprise program, under Code of Federal Regulations, title 49, and recommend changes, including possible legislation, to improve the effectiveness of the program in this state. At a minimum, the collaborative shall review, evaluate, and recommend program changes where necessary in the following areas:

- (1) an on-the-job training program to increase the diversity of the workforce on projects;
- (2) on-the-job trainee tracking and retention;
- (3) a mentor and protégé program for small, disadvantaged business entrepreneurs;
- (4) requirements for participation of disadvantaged business enterprises at the time of letting bids for contracts;
- (5) a coordinated access point to recruit disadvantaged business enterprises and a diverse workforce;
- (6) objective measures for good-faith efforts to recruit disadvantaged business enterprises;
- (7) a working capital fund for small disadvantaged business enterprises;
- (8) increased transparency for results in the on-the-job training and disadvantaged business enterprise programs;
- (9) civil rights program training;
- (10) a targeted group business program for state-funded projects; and
- (11) coding systems and dual goals for women and people of color.

(c) The commissioner shall provide staff and administrative support for the collaborative and shall establish policies and procedures for the collaborative, including quorum requirements and majority decision making.

(d) The representatives of the Department of Transportation with responsibility for civil rights and contracting shall participate in collaborative meetings and deliberations.

(e) Members of the collaborative do not receive compensation or reimbursement of expenses.

Subd. 2. **Powers and duties; report.** (a) The collaborative shall develop recommendations to the commissioner and to the legislature as provided in paragraph (b) designed to implement fully the

federal Disadvantaged Business Enterprise program in this state and to improve the effectiveness of the program. These recommendations, including any draft legislation if the collaborative decides to recommend legislation, may include, but are not limited to, strategies, policies, and actions focused on:

(1) requiring bid proposals to include information on disadvantaged business enterprise participation;

(2) defining and implementing appropriate accountability measures when disadvantaged business enterprise contract goals are not met in accordance with Code of Federal Regulations, title 49;

(3) sponsoring disadvantaged business enterprise training and development workshops; and

(4) strengthening the content and frequency of department reporting requirements relating to the disadvantaged business enterprise program.

(b) The collaborative shall report its findings and legislative recommendations, including draft legislation if the collaborative decides to recommend legislation, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over transportation policy and finance by February 1, 2011. The report must be made available electronically and available in print upon request.

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 Doll moved to amend S.F. No. 2540 as follows:

Page 27, after line 17, insert:

"Sec. 33. **[383D.75] NEW LOCATION FOR DEPUTY REGISTRAR.**

Notwithstanding section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall permit the deputy registrar of motor vehicles agent number 128 and driver's license agent number 726 for Dakota County to move from the existing deputy registrar location in Burnsville to the Dakota County Burnhaven Library in Burnsville, with full authority to function as a registration and motor vehicle tax collection and driver's license bureau, at the Dakota County Burnhaven Library. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles and driver's license agent under sections 168.33 and 171.061, and Minnesota Rules, chapter 7406, not inconsistent with this section, apply to the office.

EFFECTIVE DATE; LOCAL APPROVAL. This section is effective the day after the governing body of the county of Dakota and its chief clerical officer timely complete their compliance with section 645.021, subdivisions 2 and 3."

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. 2540 as follows:

Page 36, after line 26, insert:

"Sec. 43. **NORTHSTAR COMMUTER RAIL INFILL STATION IN CITY OF RAMSEY.**

The Metropolitan Council shall designate a Northstar commuter rail station at the city of Ramsey in the vicinity of the city of Ramsey Municipal Center as the next infill station to be constructed on the Northstar commuter rail line and shall identify the station as a regional priority in the council's capital improvement program."

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. 2540 as follows:

Page 36, after line 26, insert:

"Sec. 42. **ROUNDABOUTS DESIGN.**

(a) The commissioner of transportation shall, as part of the next regular update of appropriate design and highway construction manuals, develop specifications or standards on the design of roundabouts. The specifications or standards must include consideration of the suitability of roundabout designs for commercial motor vehicles, as defined in Minnesota Statutes, section 169.011, subdivision 16.

(b) In developing the specifications or standards, the commissioner shall consult with:

(1) the Minnesota Trucking Association; and

(2) representatives, as identified by the commissioner, of persons who regularly obtain oversize or overweight permits under Minnesota Statutes, chapter 169, and are reasonably likely to travel on routes that would include a roundabout.

(c) The commissioner shall distribute the specifications or standards, or a similar advisory guidance document, to local road authorities.

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 Jungbauer moved to amend S.F. No. 2540 as follows:

Page 31, delete section 38

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 29 and nays 37, as follows:

Those who voted in the affirmative were:

Dille	Gimse	Koering	Olson, M.	Saltzman
Doll	Hann	Limmer	Ortman	Senjem
Fischbach	Ingebrigtsen	Lynch	Pariseau	Sheran
Fobbe	Johnson	Michel	Parry	Sparks
Frederickson	Jungbauer	Olseen	Robling	Vandever
Gerlach	Koch	Olson, G.	Rosen	

Those who voted in the negative were:

Bakk	Dahle	Latz	Prettner Solon	Stumpf
Berglin	Dibble	Lourey	Rest	Tomassoni
Betzold	Erickson Ropes	Marty	Rummel	Torres Ray
Bonoff	Foley	Metzen	Saxhaug	Vickerman
Carlson	Higgins	Moua	Scheid	Wiger
Chaudhary	Kelash	Murphy	Sieben	
Clark	Kubly	Pappas	Skoe	
Cohen	Langseth	Pogemiller	Skogen	

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

Senator Murphy moved to amend S.F. No. 2540 as follows:

Page 30, delete section 37 and insert:

"Sec. 37. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. SUMMARY OF APPROPRIATIONS.

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

	2010	2011	Total
General	\$ 98,385,000	\$ 95,885,000	\$ 194,270,000
Airports	21,909,000	19,659,000	41,568,000
C.S.A.H.	496,786,000	524,478,000	1,021,264,000
M.S.A.S.	134,003,000	141,400,000	275,403,000
		49,038,000	98,076,000
Special Revenue	49,038,000	49,088,000	98,126,000
H.U.T.D.	9,538,000	9,838,000	19,376,000
Trunk Highway	1,264,921,000	1,372,687,000	2,637,608,000
		2,212,985,000	4,287,565,000
Total	\$ 2,074,580,000	\$ 2,213,035,000	\$ 4,287,615,000

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 34, delete sections 39 and 40 and insert:

"Sec. 39. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

	\$	152,478,000	\$	<u>152,578,000</u>
Subdivision 1. Total Appropriation				<u>152,628,000</u>

Appropriations by Fund

	2010	2011	
General	7,959,000	7,959,000	
		<u>49,038,000</u>	
Special Revenue	49,038,000	<u>49,088,000</u>	
H.U.T.D.	9,413,000	9,713,000	
Trunk Highway	86,068,000	85,868,000	

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

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 40. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

Subd. 3. State Patrol

				<u>71,522,000</u>
(a) Patrolling Highways		71,522,000		<u>71,331,000</u>

Appropriations by Fund

General	37,000	37,000	
H.U.T.D.	92,000	92,000	
		<u>71,393,000</u>	
Trunk Highway	71,393,000	<u>71,202,000</u>	

The base appropriation for this program from the trunk highway fund is \$71,393,000 in fiscal year 2012 and fiscal year 2013.

				7,796,000
(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
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This appropriation is from the general fund.

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 highways 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.

(d) Vehicle Crimes Unit		<u>191,000</u>
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This appropriation is to investigate (1) registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed; and (2) illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles. This initiative is expected to result in new revenues for the biennium as follows:

(1) \$114,000 for the highway user tax distribution fund;

(2) \$76,000 for the transit assistance fund; and

(3) \$13,000 for the general fund.

The base appropriation for this program from the trunk highway fund is \$693,000 in fiscal year 2012 and \$693,000 in fiscal year 2013.

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 36, before line 12, insert:

"Sec. 41. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

Subd. 4. **Driver and Vehicle Services**

(a) Vehicle Services	26,909,000	<u>27,209,000</u> <u>27,259,000</u>
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Appropriations by Fund

		18,973,000
Special Revenue	18,973,000	<u>19,023,000</u>
H.U.T.D.	7,936,000	8,236,000

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

Of the appropriation for fiscal year 2011 from the special revenue fund, \$50,000 is for assistance to the Vehicle Crimes Unit in investigations as provided under subdivision 3, paragraph (d).

(b) **Driver Services** 28,712,000 28,712,000

Appropriations by Fund

Special Revenue	28,711,000	28,711,000
Trunk Highway	1,000	1,000

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

EFFECTIVE DATE. This section is effective July 1, 2010."

Renumber 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. 2540 as follows:

Page 7, after line 11, insert:

"Sec. 11. **[168.121] SPECIAL PLATES REMEMBERING VICTIMS OF IMPAIRED DRIVERS.**

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue special plates remembering victims of impaired drivers to an applicant who:

(1) is a registered owner of a passenger automobile;

(2) pays a fee of \$10 for each set of license plates applied for; and

(3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** The commissioner shall design the special plate emblem so that it bears an inscription "Remembering Victims of Impaired Drivers" and displays an image of a broken heart.

Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile registered to the individual to whom the special plates were issued.

Subd. 4. **Record.** The commissioner shall maintain a record of the number of special plates issued under this section.

Subd. 5. **Fees credited.** Fees collected under this section must be credited to the vehicle services operating account in the special revenue fund.

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

Page 10, after line 3, insert:

"Sec. 14. Minnesota Statutes 2008, section 168.1291, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section "special plates" means plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129.

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

Sec. 15. Minnesota Statutes 2008, section 168.1291, subdivision 2, is amended to read:

Subd. 2. **Uniform design of special plates.** (a) The commissioner shall design a single special plate that will contain a unique number and a space for a unique emblem for plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129. The commissioner shall design a unique emblem related to the purpose of each special plate.

(b) Any provision of sections 168.12, subdivisions 2b to 2e; 168.121; 168.123; and 168.129, that requires the placement of a specified letter or letters on a special plate applies to those plates only to the extent that the commissioner includes the letter or letters in the design.

(c) If a law authorizing a special plate contains a specific requirement for graphic design of that plate, that requirement applies to the appropriate unique emblem.

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 Stumpf moved to amend S.F. No. 2540 as follows:

Page 4, after line 2, insert:

"Sec. 7. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 67. **Veterans Memorial Highway.** Marked Trunk Highway 59 from the city of Karlstad to the border with Canada is designated as the "Veterans Memorial Highway." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Cohen moved to amend S.F. No. 2540 as follows:

Page 10, after line 3, insert:

"Sec. 13. [168.1295] AMERICAN RED CROSS SPECIAL PLATES.

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue American Red Cross plates or a single motorcycle plate to an applicant who:

(1) is a registered owner of a passenger automobile, one-ton pickup truck, motorcycle, or recreational vehicle;

(2) pays a fee of \$10 for each set of plates;

(3) contributes a minimum of \$25 to the American Red Cross disaster preparedness and relief account; and

(4) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** After consultation with the Minnesota chapters of the American Red Cross, the commissioner shall design the special plate.

Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile registered to the individual to whom the special plates were issued.

Subd. 4. **Fees.** Fees collected under subdivision 1, clause (2), are credited to the vehicle services operating account in the special revenue fund.

Subd. 5. **Contributions.** Contributions collected under subdivision 1, clause (3), are credited to the American Red Cross disaster preparedness and relief account, which is established in the special revenue fund. Money in the account is appropriated to the commissioner of public safety for a grant to the Minnesota chapters of the American Red Cross to be used for disaster preparedness, education, and disaster response.

EFFECTIVE DATE. This section is effective August 1, 2013."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Olseen moved to amend S.F. No. 2540 as follows:

Page 5, after line 24, insert:

"Sec. 9. Minnesota Statutes 2009 Supplement, section 168.012, subdivision 1, is amended to

read:

Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for charitable, religious, or educational purposes;

(5) vehicles owned by nonprofit charities and used exclusively for disaster response and related activities;

(6) vehicles owned by ambulance services licensed under section 144E.10 that are equipped and specifically intended for emergency response or providing ambulance services; and

(7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Provided the general appearance of the vehicle is unmistakable, the following vehicles are not required to register or display number plates:

(1) vehicles owned by the federal government, ~~municipal~~;

(2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the state or a political subdivision;

(3) police patrols, owned or leased by the state or a political subdivision; and

(4) ambulances, ~~the general appearance of which is unmistakable, are not required to register or display number plates~~ owned or leased by the state or a political subdivision.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit,

in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) Unmarked vehicles used in general investigation, surveillance, supervision, and monitoring by the staff of the Department of Human Services Office of Special Investigations and the executive director of the Minnesota sex offender program must be registered and must display passenger vehicle classification license number plates, furnished by the registrar at cost. Original and renewal applications for passenger vehicle license plates must be accompanied by a certification signed by the commissioner of human services. The certification must be on a form prescribed by the commissioner and state that the vehicles must be used exclusively for the official duties of the Office of Special Investigations and the executive director of the Minnesota sex offender program.

(h) Each state hospital and institution for persons who are mentally ill and developmentally disabled may have one vehicle without the required identification on the sides of the vehicle. The vehicle must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the hospital administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the state hospital or institution.

(i) Each county social service agency may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. The vehicles must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the agency administrator. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the social service agency.

(j) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display

tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, licensed commercial driving school, or other qualifying organization or entity, plainly displayed on both sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 2540 as follows:

Page 10, after line 3, insert:

"Sec. 13. Minnesota Statutes 2008, section 168.1255, subdivision 1, is amended to read:

Subdivision 1. **General requirements and procedures.** The commissioner shall issue special veteran contribution plates or a single motorcycle plate to an applicant who:

- (1) is a veteran, as defined in section 197.447;
- (2) is a registered owner of a passenger automobile, recreational vehicle, one-ton pickup truck, or motorcycle;
- (3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (4) pays the registration tax required under section 168.013;
- (5) pays the fees required under this chapter;
- (6) pays an additional onetime World War II memorial contribution of \$30, which the department shall retain until all start-up costs associated with the development and issuing of the plates have been recovered, after which the commissioner shall deposit contributions in the World War II donation match account; and
- (7) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

EFFECTIVE DATE. This section is effective August 1, 2010."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend S.F. No. 2540 as follows:

Page 4, after line 2, insert:

"Sec. 7. Minnesota Statutes 2008, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. **Variances from rules and engineering standards.** (a) Subject to section 174.75, subdivision 5, the commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that highway.

(b) The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

(c) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 8. Minnesota Statutes 2008, section 162.09, subdivision 3a, is amended to read:

Subd. 3a. **Variances from rules and engineering standards.** (a) Subject to section 174.75, subdivision 5, the commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street.

(b) The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing.

(c) For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority."

Page 22, after line 6, insert:

"Sec. 28. **[174.75] COMPLETE STREETS.**

Subdivision 1. **Definition.** "Complete streets" is the planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.

Subd. 2. **Implementation.** The commissioner shall implement a complete streets policy after consultation with stakeholders, state and regional agencies, local governments, and road authorities.

The commissioner, after such consultation, shall address relevant protocols, guidance, standards, requirements, and training, and shall integrate related principles of context-sensitive solutions.

Subd. 3. **Report.** Beginning in 2011, the commissioner shall report on the implementation of the complete streets policy in the agency's biennial budget submission under section 174.02.

Subd. 4. **Local road authorities.** Local road authorities are encouraged, but not required, to create and adopt complete streets policies for their roads that reflect local context and goals. Nothing in this section may be construed to prohibit a local road authority from adopting a complete streets policy that incorporates or exceeds statutory complete streets principles.

Subd. 5. **Variances from engineering standards.** (a) When evaluating a request for a variance from the engineering standards for state-aid projects under chapter 162 in which the variance request is related to complete streets, the commissioner shall consider the latest edition of:

(1) A Policy on Geometric Design of Highways and Streets, from the American Association of State Highway and Transportation Officials; and

(2) for projects in urban areas, the Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities, from the Institute of Transportation Engineers.

(b) If the commissioner denies a variance request related to complete streets, the commissioner shall provide written reasons for the denial to the political subdivision that submitted the request."

Page 37, after line 2, insert:

"Sec. 46. **COMPLETE STREETS REPORTS.**

The commissioner of transportation shall submit to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation policy and finance reports that:

(1) by January 15, 2011, summarize the department's complete streets initiatives, summarize steps taken to expedite and improve the transparency of the state-aid variance process related to complete streets, outline plans to develop and implement a complete streets policy, and identify any statutory barriers to complete streets implementation;

(2) by January 15, 2012, summarize the results of the collaboration under Minnesota Statutes, section 174.75, subdivision 3; identify modifications made to or recommended for protocols, guidance, standards, or other requirements to facilitate complete streets implementation; report status of development of complete streets performance indicators; outline other work planned related to the complete streets policy; and identify statutory recommendations to facilitate complete streets policy implementation; and

(3) by January 15, 2014, overview the department's implementation of complete streets policy; note updates to protocols, guidance, standards, or requirements; identify any recommendations for supporting local complete streets implementation under the state-aid standards variance process; and identify statutory recommendations to facilitate complete streets policy implementation.

The reports in clauses (1), (2), and (3) must be made available electronically and made available in print only upon request."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Koering moved to amend S.F. No. 2540 as follows:

Page 16, after line 19, insert:

"Sec. 20. Minnesota Statutes 2008, section 169.79, subdivision 3, is amended to read:

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, hearse, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally with the identifying numbers and letters facing outward from the vehicle and must be mounted in the upright position on the rear of the vehicle."

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 the seventh Murphy amendment to S.F. No. 2540, adopted April 26, 2010, as follows:

Page 1, delete lines 2 to 35 and insert:

"Page 30, delete section 37 and insert:

"Sec. 37. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. **SUMMARY OF APPROPRIATIONS.**

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

	2010	2011	Total
General	\$ 98,385,000	\$ <u>95,885,000</u>	<u>194,270,000</u>
Airports	21,909,000	19,659,000	41,568,000
C.S.A.H.	496,786,000	524,478,000	1,021,264,000
M.S.A.S.	134,003,000	141,400,000	275,403,000
Special Revenue	49,038,000	<u>49,038,000</u>	<u>98,076,000</u>
H.U.T.D.	9,538,000	<u>9,088,000</u>	<u>19,376,000</u>
Trunk Highway	1,264,921,000	<u>1,372,687,000</u>	<u>2,637,608,000</u>
		<u>1,372,496,000</u>	<u>2,637,417,000</u>

<u>Transit Assistance</u>	-0-	<u>72,000</u>	<u>72,000</u>
Total	\$ 2,074,580,000	\$ <u>2,212,985,000</u>	<u>4,287,565,000</u>
		\$ <u>2,213,035,000</u>	<u>4,287,615,000</u>

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 34, delete sections 39 and 40 and insert:

"Sec. 39. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation	\$ 152,478,000	\$ <u>152,628,000</u>	<u>152,578,000</u>
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Appropriations by Fund

	2010	2011
General	7,959,000	<u>7,959,000</u> <u>7,971,000</u>
Special Revenue	49,038,000	<u>49,038,000</u> <u>49,088,000</u>
H.U.T.D.	9,413,000	<u>9,713,000</u> <u>9,820,000</u>
Trunk Highway	86,068,000	<u>85,868,000</u> <u>85,677,000</u>
<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>

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

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 40. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

Subd. 3. **State Patrol**

(a) Patrolling Highways	71,522,000	<u>71,522,000</u> <u>71,331,000</u>
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Appropriations by Fund

General	37,000	37,000
H.U.T.D.	92,000	92,000
Trunk Highway	71,393,000	<u>71,393,000</u> <u>71,202,000</u>

The base appropriation from the trunk

highway fund in fiscal years 2012 and 2013 is \$71,393,000 for each fiscal year.

(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

This appropriation is from the general fund.

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 highways 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.

(d) Vehicle Crimes Unit -0- 191,000

Appropriations by Fund

<u>General</u>	<u>-0-</u>	<u>12,000</u>
<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>
<u>H.U.T.D.</u>	<u>-0-</u>	<u>107,000</u>

This appropriation is to investigate: (1) registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed; and (2) illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles. This initiative is expected to result in new revenues for the biennium as follows:

(1) \$114,000 for the highway user tax distribution fund;

(2) \$75,000 for the transit assistance fund; and

(3) \$13,000 for the general fund.

The general fund appropriation for fiscal year 2011 is a onetime appropriation.

Notwithstanding the appropriation under section 16A.88, subdivision 2, \$65,000 of the amount appropriated in fiscal year 2011 is from the metropolitan area transit account in the transit assistance fund. The base appropriation from the metropolitan area transit account in fiscal years 2012 and 2013 is \$250,000 for each fiscal year.

Notwithstanding the appropriation under section 16A.88, subdivision 1a, \$7,000 of the amount appropriated in fiscal year 2011 is from the greater Minnesota transit account in the transit assistance fund. The base appropriation from the greater Minnesota transit account in fiscal years 2012 and 2013 is \$27,000 for each fiscal year.

The base appropriation from the highway user tax distribution fund in fiscal years 2012 and 2013 is \$416,000 for each fiscal year.

By February 1, 2015, the commissioner shall submit a report to the house of representatives and senate committees having jurisdiction over transportation finance on the revenues generated by the Vehicle Crimes Unit. This report must be made available electronically and made available in print only upon request.

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 36, before line 12, insert:

"Sec. 41. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

Subd. 4. Driver and Vehicle Services

(a) Vehicle Services	26,909,000	<u>27,209,000</u>
		<u>27,259,000</u>

Appropriations by Fund

92ND DAY]

MONDAY, APRIL 26, 2010

10029

		<u>18,973,000</u>
Special Revenue	18,973,000	<u>19,023,000</u>
H.U.T.D.	7,936,000	8,236,000

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

Of the appropriation for fiscal year 2011 from the special revenue fund, \$50,000 is for assistance to the Vehicle Crimes Unit in investigations as provided under subdivision 3, paragraph (d).

(b) Driver Services	28,712,000	28,712,000
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Appropriations by Fund

Special Revenue	28,711,000	28,711,000
Trunk Highway	1,000	1,000

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

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 2, delete lines 1 to 33

Page 3, delete lines 1 to 31

Page 4, delete lines 1 to 6

The motion prevailed. So the amendment was adopted.

Senator Parry moved to amend S.F. No. 2540 as follows:

Page 16, after line 19, insert:

"Sec. 20. Minnesota Statutes 2008, section 169.826, subdivision 1a, is amended to read:

Subd. 1a. **Harvest season increase amount; permit.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, sweet corn, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. A permit issued under section 169.86, subdivision 1, paragraph (a), is required. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state."

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 22 and nays 43, as follows:

Those who voted in the affirmative were:

Dille	Hann	Limmer	Pariseau	Sparks
Fischbach	Ingebrigtsen	Lynch	Parry	Vandever
Frederickson	Johnson	Michel	Robling	
Gerlach	Jungbauer	Olson, G.	Rosen	
Gimse	Koch	Ortman	Senjem	

Those who voted in the negative were:

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

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

Senator Vandever moved to amend S.F. No. 2540 as follows:

Page 5, after line 24, insert:

"Sec. 9. Minnesota Statutes 2008, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner may issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as defined in section 168.126; or a recreational vehicle;

(2) pays a onetime fee of \$100 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates

and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

(i) A personalized vertical motorcycle plate may be issued upon payment of an additional payment of \$100. The vertical plate must have not more than four identification characters, cannot be a duplication of any current or reserved license plate, and must meet the requirements in paragraph (d)."

Page 7, after line 11, insert:

"Sec. 12. Minnesota Statutes 2009 Supplement, section 168.12, subdivision 5, is amended to read:

Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any vehicle, the payment of which is required as a condition to the issuance of any plate or plates, the commissioner shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate or plates, except for plates issued to disabled veterans as defined in section 168.031 and plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. The commissioner shall issue graphic design plates only for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

License Plate	Single	Double
Regular and Disability	\$ 4.50	\$ 6.00
Special	\$ 8.50	\$ 10.00
Personalized (Replacement)	\$ 10.00	\$ 14.00
Collector Category	\$ 13.50	\$ 15.00
Emergency Vehicle Display	\$ 3.00	\$ 6.00
Utility Trailer Self-Adhesive	\$ 2.50	
<u>Vertical Motorcycle Plate</u>	<u>\$ 100.00</u>	<u>NA</u>
Stickers		
Duplicate year	\$ 1.00	\$ 1.00
International Fuel Tax Agreement	\$ 2.50	

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total."

Page 16, after line 19, insert:

"Sec. 22. Minnesota Statutes 2008, section 169.79, subdivision 3, is amended to read:

Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one license plate must be displayed horizontally or vertically, for a motorcycle issued vertical license plates under section 168.12, subdivision 2a, with the identifying numbers and letters facing outward from the vehicle and must be mounted ~~in the upright position~~ on the rear of the vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend S.F. No. 2540 as follows:

Page 10, after line 3, insert:

"(k) For a veteran who is a recipient of the Bronze Star medal, the plates must bear the inscription "BRONZE STAR VET" and have a facsimile or an emblem of the official Bronze Star medal.

(l) For a veteran who is a recipient of the Silver Star medal, the plates must bear the inscription "SILVER STAR VET" and have a facsimile or an emblem of the official Silver Star medal."

The motion prevailed. So the amendment was adopted.

Senator Clark moved to amend S.F. No. 2540 as follows:

Page 31, line 5, strike "95,885,000" and insert "95,921,000" and strike "194,270,000" and insert "194,306,000"

Page 31, line 14, delete "2,213,185,000" and insert "2,213,221,000" and delete "4,287,765,000" and insert "4,287,801,000"

Page 31, after line 15, insert:

"Sec. 38. Laws 2009, chapter 36, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Multimodal Systems

(a) Aeronautics

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

Notwithstanding Minnesota Statutes, section 360.305, subdivision 4, paragraph (c), of the appropriation in fiscal year 2010, the commissioner may provide a local contribution for aeronautics project elements if:

(1) federal funds are made available for the project in federal fiscal year 2009 by the United States Department of Transportation, Federal Aviation Administration from the airport improvement program under United States Code, title 49, section 47101, et seq.;

(2) the project requires a five percent match from nonfederal sources; and

(3) the airport is not classified as a key system airport, as provided in Minnesota Statutes, section 360.305, subdivision 3.

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.

If the appropriation for either year does not exhaust the balance in the state airports

fund, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purpose of airport development and assistance and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

(2) Aviation Support and Services	6,123,000	6,123,000
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Appropriations by Fund

Airports	5,286,000	5,286,000
Trunk Highway	837,000	837,000

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

(b) Transit	18,036,000	15,536,000
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Appropriations by Fund

General	17,261,000	14,761,000 <u>14,797,000</u>
Trunk Highway	775,000	775,000

The base appropriation from the general fund for fiscal years 2012 and 2013 is \$17,261,000 for each year.

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.

Of these appropriations from the general fund, \$36,000 in the second year is for a grant to the city of St. Cloud for transit service for disabled veterans under Minnesota Statutes, section 473.408, subdivision 10.

(c) **Commuter and Passenger Rail** 500,000 500,000

This appropriation is from the general fund for (1) development of the comprehensive statewide freight and passenger rail plan under Minnesota Statutes, section 174.03, subdivision 1b, and (2) passenger rail system planning, alternatives analysis, environmental analysis, design, preliminary engineering, and land acquisition under Minnesota Statutes, sections 174.632 to 174.636.

(d) **Freight** 5,262,000 5,262,000

Appropriations by Fund

General	365,000	365,000
Trunk Highway	4,897,000	4,897,000

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."

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 2540 as follows:

Page 1, after line 25, insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 123B.92, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them.

(a) "Actual expenditure per pupil transported in the regular and excess transportation categories" means the quotient obtained by dividing:

(1) the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 15 percent per year for districts operating a program under section 124D.128 for grades 1 to 12 for all students in the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on the district's type III vehicles, as defined in section 169.011, subdivision 71, which must be used a majority of the time for pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses by:

(2) the number of pupils eligible for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

(b) "Transportation category" means a category of transportation service provided to pupils as follows:

(1) Regular transportation is:

(i) transportation to and from school during the regular school year for resident elementary pupils residing one mile or more from the public or nonpublic school they attend, and resident secondary pupils residing two miles or more from the public or nonpublic school they attend, excluding desegregation transportation and noon kindergarten transportation; but with respect to transportation of pupils to and from nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent and that pupil's child between the pupil's home and the child care provider and between the provider and the school, if the home and provider are within the attendance area of the school;

(iv) transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; and

(v) transportation to and from school during the regular school year required under subdivision

3 for nonresident elementary pupils when the distance from the attendance area border to the public school is one mile or more, and for nonresident secondary pupils when the distance from the attendance area border to the public school is two miles or more, excluding desegregation transportation and noon kindergarten transportation.

For the purposes of this paragraph, a district may designate a licensed day care facility, school day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the pupil's parent or guardian, or an after school program for children operated by a political subdivision of the state, as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence, or program is within the attendance area of the school the pupil attends.

(2) Excess transportation is:

(i) transportation to and from school during the regular school year for resident secondary pupils residing at least one mile but less than two miles from the public or nonpublic school they attend, and transportation to and from school for resident pupils residing less than one mile from school who are transported because of extraordinary traffic, drug, or crime hazards; and

(ii) transportation to and from school during the regular school year required under subdivision 3 for nonresident secondary pupils when the distance from the attendance area border to the school is at least one mile but less than two miles from the public school they attend, and for nonresident pupils when the distance from the attendance area border to the school is less than one mile from the school and who are transported because of extraordinary traffic, drug, or crime hazards.

(3) Desegregation transportation is transportation within and outside of the district during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the commissioner or under court order.

(4) "Transportation services for pupils with disabilities" is:

(i) transportation of pupils with disabilities who cannot be transported on a regular school bus between home or a respite care facility and school;

(ii) necessary transportation of pupils with disabilities from home or from school to other buildings, including centers such as developmental achievement centers, hospitals, and treatment centers where special instruction or services required by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district where services are provided;

(iii) necessary transportation for resident pupils with disabilities required by sections 125A.12, and 125A.26 to 125A.48;

(iv) board and lodging for pupils with disabilities in a district maintaining special classes;

(v) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, and necessary transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities who are provided special instruction and services on a shared-time basis or if resident pupils are not transported, the costs of necessary travel between public and private schools or neutral instructional sites by essential personnel employed by the district's program for children with a disability;

(vi) transportation for resident pupils with disabilities to and from board and lodging facilities when the pupil is boarded and lodged for educational purposes; and

(vii) services described in clauses (i) to (vi), when provided for pupils with disabilities in conjunction with a summer instructional program that relates to the pupil's individual education plan or in conjunction with a learning year program established under section 124D.128.

For purposes of computing special education initial aid under section 125A.76, subdivision 2, the cost of providing transportation for children with disabilities includes (A) the additional cost of transporting a homeless student from a temporary nonshelter home in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin but only through the end of the academic year; and (B) depreciation on district-owned school buses purchased after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled transportation category must be excluded in calculating the actual expenditure per pupil transported in the regular and excess transportation categories according to paragraph (a).

(5) "Nonpublic nonregular transportation" is:

(i) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, excluding transportation for nonpublic pupils with disabilities under clause (4);

(ii) transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123B.44; and

(iii) late transportation home from school or between schools within a district for nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services, and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123B.41, subdivision 13.

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.

S.F. No. 2540 was then recommended to pass.

H.F. No. 2855, which the committee recommends to pass, subject to the following motion:

Senator Murphy moved that the amendment made to H.F. No. 2855 by the Committee on Rules and Administration in the report adopted March 24, 2010, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 3003, which the committee recommends to pass with the following amendment offered

by Senator Saltzman:

Page 2, line 22, after the period, insert "The modifications to the financial assurance rules specified in this paragraph must require that a solid waste disposal facility subject to them maintain financial assurance so long as the facility poses a potential environmental risk to human health, wildlife, or the environment, as determined by the agency following an empirical assessment."

Page 4, line 18, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 2642, which the committee recommends to pass with the following amendment offered by Senator Chaudhary:

Page 69, after line 5, insert:

"Sec. 85. Laws 2009, chapter 172, article 1, section 2, subdivision 5, is amended to read:

Subd. 5. Fish, Game, and Wildlife Habitat	13,903,000	-0-
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(a) Outdoor Heritage Conservation Partners Grant Program

\$4,000,000 in fiscal year 2010 is to the commissioner of natural resources for a pilot program to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. Up to 6-1/2 percent of this appropriation may be used for administering the grant. The funds may be advanced in three equal sums, on or after November 1, 2009, February 1, 2010, and April 1, 2010. Grantees may protect land through acquisition of land or interests in land. Easements must be permanent. Land acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by state law. The commissioner of natural resources must agree to each proposed acquisition of land or interest in land. The program shall require a match of at least \$1 nonstate funds to \$10 state funds. The nonstate dollars match may be in-kind. The criteria for evaluating grant applications must include amount of habitat restored, enhanced, or protected; local support; degree of collaboration; urgency;

multiple benefits; habitat benefits provided; consistency with sound conservation science; adjacency to protected lands; full funding of the project; supplementing existing funding; public access for hunting and fishing during the open season; sustainability; and use of native plant materials. All projects must conform to the Minnesota statewide conservation and preservation plan. Wildlife habitat projects must also conform to the state wildlife action plan. Priority may be given to projects acquiring land or easements associated with existing wildlife management areas. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership. To the extent possible, a person conducting prairie restorations with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination. Subdivision 10 applies to grants awarded under this paragraph. This appropriation is available until June 30, 2013, at which time all grant projects must be completed and final products delivered, unless an earlier date is specified in the grant agreement. No less than 15 percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report in the form prescribed by and satisfactory to the Lessard Outdoor Heritage Council.

As a condition of proceeding with this appropriation, the commissioner shall report on the feasibility, process, and timeline for creation of a Minnesota fish and wildlife foundation, to be modeled after the National Fish and Wildlife Foundation, and on the possibility of allowing for the administration by this entity of the conservation partners grant program.

The legislative guide created in this act

shall consider whether this program should be administered by the National Fish and Wildlife Foundation, the commissioner of natural resources, or some neutral third party.

(b) Aquatic Management Area Acquisition

\$5,748,000 in fiscal year 2010 is to the commissioner of natural resources to acquire land in fee title and easement to be added to the state aquatic management area system. Acquired land must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan.

(c) Cold Water River and Stream Restoration, Protection, and Enhancement

\$2,050,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Trout Unlimited or successor to restore, enhance, and protect cold water river and stream habitats in Minnesota. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations and enhancements, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition, restoration, and enhancement.

(d) Dakota County Habitat Protection

\$1,000,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with Dakota County for acquisition of permanent easements. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(e) Lake Rebecca Water Quality Improvement Project

\$450,000 in fiscal year 2010 is to the

commissioner of natural resources for an agreement with the Three Rivers Park District to improve the water quality in Lake Rebecca in Lake Rebecca Park Reserve in Hennepin County. A description of the activities to enhance fish habitat in Lake Rebecca must be provided as part of the required accomplishment plan.

(f) **Fountain Lake Fish Barriers**

\$655,000 in fiscal year 2010 is to the commissioner of natural resources for an agreement with the Shell Rock River Watershed District to construct fish barriers at three locations on Fountain Lake. Land acquisition necessary for fish barrier construction is permitted. A list of proposed projects, describing the types and locations of barriers, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed barrier.

Sec. 86. **EMERALD ASH BORER FUNDS.**

All funds appropriated in Laws 2009, chapter 172, for Emerald Ash Borer must be in accordance with the same criteria for all other projects funded in article 1 of that law."

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. 2899, which the committee recommends to pass with the following amendment offered by Senator Rest:

Page 3, line 12, delete everything after the period

Page 3, delete line 13

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2974, which the committee recommends to pass, subject to the following motion:

Senator Koch moved to amend S.F. No. 2974 as follows:

Page 17, after line 34, insert:

"Sec. 9. [145.4161] ABORTION; MEDICAL RECORDS.

Subdivision 1. **Retention.** (a) An abortion facility shall retain all medical records, reports, or other documents related to each patient on whom an abortion was performed in the files of the facility for a period of 15 years.

(b) The facility shall inform the patient that all medical records, reports, and other documents related to the abortion will be retained at the facility for 15 years and available to the patient. The facility shall have the patient sign an acknowledgment that she has received this information.

Subd. 2. **Records.** The medical record of each patient on whom an abortion was performed shall contain:

- (1) identification data which includes the patient's name, address, and date of birth;
- (2) medical history;
- (3) a physical examination report;
- (4) a copy of the ultrasound;
- (5) a report of the abortion procedure, including the anesthetic agent administered, the technical procedure used, and any complications that occurred as a result of the procedure;
- (6) procedures used to remedy complications, if complications occurred;
- (7) the approximate gestational age of the unborn child or children;
- (8) the sex of the unborn child or children;
- (9) the number of births terminated as a result of the abortion procedure;
- (10) a completed copy of the report of induced abortion that is submitted to the Department of Health; and
- (11) a copy of the acknowledgment from the patient that the patient is aware the medical records will be retained by the facility for 15 years from the date of the abortion."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Koch appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Bakk
Betzold

Bonoff
Carlson

Chaudhary
Clark

Cohen
Dahle

Dibble
Doll

Erickson Ropes	Lynch	Olseen	Rest	Sieben
Foley	Marty	Olson, M.	Rummel	Skoe
Higgins	Metzen	Pappas	Saltzman	Tomassoni
Latz	Moua	Pogemiller	Saxhaug	Torres Ray
Lourey	Murphy	Prettner Solon	Sheran	Wiger

Those who voted in the negative were:

Dille	Gimse	Koch	Ortman	Senjem
Fischbach	Hann	Koering	Pariseau	Skogen
Fobbe	Ingebrigtsen	Kubly	Parry	Stumpf
Frederickson	Johnson	Langseth	Robling	Vandever
Gerlach	Jungbauer	Limmer	Rosen	Vickerman

So the decision of the Chair was sustained.

S.F. No. 2974 was then recommended to pass.

S.F. No. 2716, which the committee recommends to pass with the following amendment offered by Senator Saltzman:

Page 21, line 20, after "aid" insert "for an education site"

Page 35, line 34, delete "immediately" and insert "the day following final enactment"

Page 36, delete lines 3 to 5 and insert:

"\$258,000 in fiscal year 2012 and \$608,000 in fiscal year 2013 is appropriated from the general fund to the Department of Management and Budget to initially capitalize the charter school facilities credit enhancement account under Minnesota Statutes, section 124D.11, subdivision 4d. The commissioner of the Department of Management and Budget shall credit the amounts appropriated in this section to the charter school facilities credit enhancement account."

Page 36, before line 6, insert:

"Sec. 31. **EDUCATION SITE CALCULATION.**

For a charter school with one or more education sites qualifying for building lease aid for fiscal year 2011 under Minnesota Statutes, section 124D.11, subdivision 4, and one or more sites qualifying for building lease transition aid for fiscal year 2011 under Minnesota Statutes, section 124D.11, subdivision 4d, the commissioner shall determine the fiscal year 2010 building lease aid per pupil unit served at each site by apportioning the total building lease aid among sites based on the approved lease cost for each site, and dividing the apportioned lease aid for each site by the pupil units served at that site."

Page 37, line 11, delete "immediately" and insert "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.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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 Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 364: A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2008, sections 103B.101, by adding a subdivision; 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Hansen, Eken and Gunther.

Senate File No. 364 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 26, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 653:

H.F. No. 653: A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements; amending Minnesota Statutes 2008, sections 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions 1, 2.

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

Kahn, Winkler and Holberg have been appointed as such committee on the part of the House.

House File No. 653 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 26, 2010

Senator Pappas moved that the Senate accede to the request of the House for a Conference

Committee on H.F. No. 653, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 655:

H.F. No. 655: A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

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

Kahn, Slawik and Holberg have been appointed as such committee on the part of the House.

House File No. 655 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 26, 2010

Senator Pappas moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 655, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 655: Senators Pappas, Sieben and Gerlach.

S.F. No. 2511: Senators Rest, Robling and Rummel.

H.F. No. 653: Senators Pappas, Sieben and Gerlach.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Anderson was excused from the Session of today. Senator Marty was excused from the Session of today from 3:30 to 3:50 p.m. Senator Kelash was excused from the Session of today at 4:05 p.m. Senators Berglin and Scheid were excused from the Session of today at 4:30 p.m. Senator Sparks was excused from the Session of today at 5:00 p.m. Senators Michel and Olson, G. were excused from the Session of today at 5:10 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 27, 2010. The motion prevailed.

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

