

SEVENTIETH DAY

St. Paul, Minnesota, Wednesday, February 8, 2012

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Carl M. Nielsen, III.

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	Gazelka	Koch	Nelson	Sieben
Benson	Gerlach	Kruse	Newman	Skoe
Bonoff	Gimse	Kubly	Nienow	Sparks
Brown	Goodwin	Langseth	Olson	Stumpf
Carlson	Hall	Latz	Ortman	Thompson
Chamberlain	Hann	Lillie	Pappas	Tomassoni
Cohen	Harrington	Limmer	Parry	Torres Ray
Dahms	Hayden	Lourey	Pederson	Vandever
Daley	Higgins	Magnus	Reinert	Wiger
DeKruif	Hoffman	Marty	Rest	Wolf
Dibble	Howe	McGuire	Robling	
Dziedzic	Ingebrigtsen	Metzen	Saxhaug	
Eaton	Jungbauer	Michel	Senjem	
Fischbach	Kelash	Miller	Sheran	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

February 3, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

The enclosed Notaries Public for 2011 are hereby respectfully submitted to the Senate for confirmation as required by Article V, Section 3 of the Minnesota Constitution.

Sincerely,
Mark Dayton, Governor

Senator Senjem moved that the Notaries Public be laid on the table. The motion prevailed.

February 8, 2012

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committees and placed on the Confirmation Calendar:

From the Committee on Commerce and Consumer Protection, to which was referred the following appointment as reported in the Journal for January 27, 2011:

COMMISSIONER OF COMMERCE
Michael J. Rothman

From the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for January 31, 2011:

COMMISSIONER OF HEALTH
Dr. Edward P. Ehlinger

From the Committee on Taxes, to which was referred the following appointment as reported in the Journal for January 31, 2011:

COMMISSIONER OF REVENUE
Myron L. Frans

Sincerely,
Cal R. Ludeman
Secretary of the Senate

MESSAGES FROM THE HOUSE

Madam 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. 149: A bill for an act relating to civil actions; modifying remedies related to certain unlawful or deceptive trade practice actions; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 540.

Senate File No. 149 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 1, 2012

CONCURRENCE AND REPASSAGE

Senator Ortman moved that the Senate concur in the amendments by the House to S.F. No. 149 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Jungbauer	Nelson	Senjem
Brown	Gerlach	Koch	Newman	Thompson
Carlson	Gimse	Kruse	Nienow	Vandever
Chamberlain	Hall	Lillie	Olson	Wolf
Dahms	Hann	Limmer	Ortman	
Daley	Hoffman	Magnus	Parry	
DeKruif	Howe	Michel	Pederson	
Fischbach	Ingebrigtsen	Miller	Robling	

Those who voted in the negative were:

Bakk	Goodwin	Langseth	Pappas	Skoe
Bonoff	Harrington	Latz	Reinert	Sparks
Cohen	Hayden	Lourey	Rest	Stumpf
Dibble	Higgins	Marty	Saxhaug	Tomassoni
Dziedzic	Kelash	McGuire	Sheran	Torres Ray
Eaton	Kubly	Metzen	Sieben	Wiger

The motion prevailed.

S.F. No. 149: A bill for an act relating to civil actions; regulating certain conciliation court claims; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 491A.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 540.

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

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

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Jungbauer	Nelson	Senjem
Brown	Gerlach	Koch	Newman	Thompson
Carlson	Gimse	Kruse	Nienow	Vanderveer
Chamberlain	Hall	Lillie	Olson	Wolf
Dahms	Hann	Limmer	Ortman	
Daley	Hoffman	Magnus	Parry	
DeKruif	Howe	Michel	Pederson	
Fischbach	Ingebrigtsen	Miller	Robling	

Those who voted in the negative were:

Bakk	Goodwin	Langseth	Pappas	Skoe
Bonoff	Harrington	Latz	Reinert	Sparks
Cohen	Hayden	Lourey	Rest	Stumpf
Dibble	Higgins	Marty	Saxhaug	Tomassoni
Dziedzic	Kelash	McGuire	Sheran	Torres Ray
Eaton	Kubly	Metzen	Sieben	Wiger

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam 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. 373: A bill for an act relating to civil actions; reducing the limitation period for bringing certain actions; amending Minnesota Statutes 2010, sections 325D.64; 541.05, subdivision 1.

Senate File No. 373 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 1, 2012

CONCURRENCE AND REPASSAGE

Senator Ortman moved that the Senate concur in the amendments by the House to S.F. No. 373 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 46 and nays 20, as follows:

Those who voted in the affirmative were:

Benson	Fischbach	Ingebrigtsen	Metzen	Parry
Bonoff	Gazelka	Jungbauer	Michel	Pederson
Brown	Gerlach	Koch	Miller	Reinert
Carlson	Gimse	Kruse	Nelson	Rest
Chamberlain	Hall	Langseth	Newman	Robling
Dahms	Hann	Lillie	Nienow	Saxhaug
Daley	Hoffman	Limmer	Olson	Senjem
DeKruif	Howe	Magnus	Ortman	Sheran

Sparks
Stumpf

Thompson
Vandever

Wiger
Wolf

Those who voted in the negative were:

Bakk
Cohen
Dibble
Dziedzic

Eaton
Goodwin
Harrington
Hayden

Higgins
Kelash
Kubly
Latz

Lourey
Marty
McGuire
Pappas

Sieben
Skoe
Tomassoni
Torres Ray

The motion prevailed.

S. F. No. 373: A bill for an act relating to civil actions; reducing the limitation period for bringing certain actions; amending Minnesota Statutes 2010, section 541.05, subdivision 1.

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

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

The roll was called, and there were yeas 46 and nays 20, as follows:

Those who voted in the affirmative were:

Benson
Bonoff
Brown
Carlson
Chamberlain
Dahms
Daley
DeKruif
Fischbach
Gazelka

Gerlach
Gimse
Hall
Hann
Hoffman
Howe
Ingebrigtsen
Jungbauer
Koch
Kruse

Langseth
Lillie
Limmer
Magnus
Metzen
Michel
Miller
Nelson
Newman
Nienow

Olson
Ortman
Parry
Pederson
Reinert
Rest
Robling
Saxhaug
Senjem
Sheran

Sparks
Stumpf
Thompson
Vandever
Wiger
Wolf

Those who voted in the negative were:

Bakk
Cohen
Dibble
Dziedzic

Eaton
Goodwin
Harrington
Hayden

Higgins
Kelash
Kubly
Latz

Lourey
Marty
McGuire
Pappas

Sieben
Skoe
Tomassoni
Torres Ray

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam 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. 429: A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

Senate File No. 429 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 1, 2012

CONCURRENCE AND REPASSAGE

Senator Newman moved that the Senate concur in the amendments by the House to S.F. No. 429 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 43 and nays 23, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Nelson	Senjem
Bonoff	Gerlach	Kruse	Newman	Sheran
Brown	Gimse	Langseth	Nienow	Sparks
Carlson	Hall	Lillie	Olson	Thompson
Chamberlain	Hann	Limmer	Ortman	Vandever
Dahms	Hoffman	Magnus	Parry	Wiger
Daley	Howe	Metzen	Pederson	Wolf
DeKruif	Ingebrigtsen	Michel	Robling	
Fischbach	Jungbauer	Miller	Saxhaug	

Those who voted in the negative were:

Bakk	Goodwin	Kubly	Pappas	Stumpf
Cohen	Harrington	Latz	Reinert	Tomassoni
Dibble	Hayden	Lourey	Rest	Torres Ray
Dziedzic	Higgins	Marty	Sieben	
Eaton	Kelash	McGuire	Skoe	

The motion prevailed.

S.F. No. 429 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 24, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Nelson	Senjem
Bonoff	Gerlach	Kruse	Newman	Sparks
Brown	Gimse	Langseth	Nienow	Thompson
Carlson	Hall	Lillie	Olson	Vandever
Chamberlain	Hann	Limmer	Ortman	Wiger
Dahms	Hoffman	Magnus	Parry	Wolf
Daley	Howe	Metzen	Pederson	
DeKruif	Ingebrigtsen	Michel	Robling	
Fischbach	Jungbauer	Miller	Saxhaug	

Those who voted in the negative were:

Bakk	Goodwin	Kubly	Pappas	Skoe
Cohen	Harrington	Latz	Reinert	Stumpf
Dibble	Hayden	Lourey	Rest	Tomassoni
Dziedzic	Higgins	Marty	Sheran	Torres Ray
Eaton	Kelash	McGuire	Sieben	

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam 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. 530: A bill for an act relating to civil actions; regulating interest on verdicts, awards, and judgments; amending Minnesota Statutes 2010, section 549.09, subdivisions 1, 2.

Senate File No. 530 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 1, 2012

CONCURRENCE AND REPASSAGE

Senator Ortman moved that the Senate concur in the amendments by the House to S.F. No. 530 and that the bill be placed on its repassage as amended.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Benson	Gazelka	Jungbauer	Michel	Rest
Bonoff	Gerlach	Koch	Miller	Robling
Brown	Gimse	Kruse	Nelson	Senjem
Carlson	Hall	Kubly	Newman	Sparks
Chamberlain	Hann	Langseth	Nienow	Stumpf
Dahms	Harrington	Lillie	Olson	Thompson
Daley	Hoffman	Limmer	Ortman	Vanderveer
DeKruif	Howe	Magnus	Parry	Wiger
Fischbach	Ingebrigtsen	Metzen	Pederson	Wolf

Those who voted in the negative were:

Bakk	Goodwin	Latz	Pappas	Sieben
Dibble	Hayden	Lourey	Reinert	Skoe
Dziedzic	Higgins	Marty	Saxhaug	Tomassoni
Eaton	Kelash	McGuire	Sheran	Torres Ray

The motion prevailed.

S.F. No. 530 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 44 and nays 21, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Koch	Miller	Robling
Bonoff	Gerlach	Kruse	Nelson	Senjem
Brown	Gimse	Kubly	Newman	Sparks
Carlson	Hall	Langseth	Nienow	Stumpf
Chamberlain	Hann	Lillie	Olson	Thompson
Dahms	Hoffman	Limmer	Ortman	Vanderveer
Daley	Howe	Magnus	Parry	Wiger
DeKruif	Ingebrigtsen	Metzen	Pederson	Wolf
Fischbach	Jungbauer	Michel	Rest	

Those who voted in the negative were:

Bakk	Harrington	Lourey	Saxhaug	Torres Ray
Dibble	Hayden	Marty	Sheran	
Dziedzic	Higgins	McGuire	Sieben	
Eaton	Kelash	Pappas	Skoe	
Goodwin	Latz	Reinert	Tomassoni	

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

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 56.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 1, 2012

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 56: A bill for an act relating to veterans; providing a waiver of immunity for veterans to sue the state of Minnesota as an employer in federal or other courts for violation of the Uniformed Services Employment and Reemployment Rights Act; amending Minnesota Statutes 2010, section 1.05, by adding a subdivision.

Referred to the Committee on State Government Innovation and Veterans.

REPORTS OF COMMITTEES

Senator Senjem moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

Senator Michel from the Committee on Jobs and Economic Growth, to which was referred

S.F. No. 1614: A bill for an act relating to job creation; creating a small business regulatory review board; providing legislative appointments; proposing coding for new law in Minnesota

Statutes, chapter 14.

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

Delete everything after the enacting clause and insert:

"Section 1. [14.129] CITATION.

Sections 14.1291 to 14.1295 shall be cited as the "Small Business Regulatory Relief Act."

Sec. 2. [14.1291] CREATION AND PURPOSE.

The Small Business Regulatory Review Board is created in the legislative branch to:

(1) review proposed rules or revisions to existing rules to determine the impact of the proposal or revision on small businesses; and

(2) examine existing rules that impact small businesses and recommend any changes that would make existing rules more efficient and cost-effective for small businesses.

Sec. 3. [14.1292] SMALL BUSINESS REGULATORY REVIEW BOARD.

Subdivision 1. Definitions. For purposes of sections 14.1291 to 14.1295, "small business" has the meaning given in section 645.445.

Subd. 2. Membership. (a) The Small Business Regulatory Review Board consists of 14 members, including:

(1) two public members appointed by the speaker of the house of representatives;

(2) two public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(3) two public members appointed by the governor;

(4) four members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and

(5) four members of the house of representatives appointed by the speaker of the house of representatives.

(b) Legislative members appointed to the board shall include the chairs of the legislative committees with jurisdiction over jobs and economic development or their designees, one member from the majority party of the senate, two members from the minority party of the senate, one member from the majority party of the house of representatives, and two members from the minority party of the house of representatives.

(c) Public members shall be representatives of small businesses, as either an owner of a small business or as a member of a small business trade organization. At least two public members must reside outside of the seven-county metropolitan area as defined in section 473.121.

(d) The first meeting of the board shall be convened by the chair of the Legislative Coordinating Commission no later than December 1, 2012. Members shall elect a chair. The chair may convene meetings as necessary to conduct the duties prescribed by sections 14.1291 to 14.1295.

Subd. 3. **Terms, compensation, removal, and vacancies.** The terms, compensation, and removal of board members, and filling of vacancies on the board are governed by section 15.0575.

Subd. 4. **Consultation with state agencies.** The board shall consult with a commissioner of a state agency or a commissioner's designee to find creative, innovative, or flexible solutions to make an agency's proposed or existing rule less burdensome on small businesses.

Sec. 4. **[14.1293] BOARD REVIEW; REPORT AND RECOMMENDATIONS.**

Subdivision 1. **Board review.** (a) The board shall review all rules submitted to the board as required under section 14.1294, and reports submitted under section 14.1295 to determine whether a proposed rule or existing statute, law, or rule creates an unnecessary burden on small businesses by, including, but not limited to, the following:

- (1) creating a barrier to the formation, operation, or expansion of small businesses;
- (2) increasing the cost of conducting business; or
- (3) requiring additional compliance or reporting requirements.

(b) If the board determines that a proposed rule or existing statute, law, or rule places an unnecessary burden on small businesses, it shall issue a report and recommendations to:

- (1) the agency with jurisdictional authority of the proposed rule or existing statute, law, or rule;
- (2) the chairs of the house of representatives and senate committees having jurisdiction over the agency; and
- (3) the Legislative Coordinating Commission, as necessary, to carry out the provisions of section 3.842.

Subd. 2. **Rule adoption.** The standing committees of the house of representatives and senate with jurisdiction over the subject matter of a proposed rule may follow the procedures in section 14.126 when, upon review of the report and recommendations from the board, the committees vote that a proposed rule should not be adopted as proposed.

Sec. 5. **[14.1294] IMPACT ON SMALL BUSINESSES.**

(a) An agency proposing a new rule, or an amendment to an existing rule, affecting small businesses shall:

(1) consider methods for reducing the impact of the rule on small businesses, including, but not limited to, less stringent reporting requirements, reduced fees, simplification of compliance, or exemption for small businesses from any or all requirements of the rule; and

(2) submit a proposed rule having an economic impact on small businesses to the board on the same day the proposed rule is submitted for publication in the State Register.

(b) An agency submitting a rule to the board shall include, along with the rule, a statement detailing the considerations made for lessening the impact of the rule on small businesses.

Sec. 6. **[14.1295] ANNUAL REVIEW; REPORT.**

Beginning in fiscal year 2012, each agency shall annually review the current statutes, laws,

and rules of the agency and shall consider methods of reducing their impact on small businesses as provided under section 14.1294. If a method appears feasible, the agency shall propose an amendment to the statute, law, or rule, and submit the proposal to the board for consideration. By December 31 each year, each agency shall submit a report to the board, including any proposal and confirmation that a review has been conducted.

Sec. 7. **SUNSET.**

This act expires on June 30, 2016.

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "appointments" insert "; requiring an annual review and report"

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 1236: A bill for an act relating to civil law; limiting successor corporation asbestos-related liabilities; proposing coding for new law in Minnesota Statutes, chapter 604A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Gimse from the Committee on Transportation, to which was referred

S.F. No. 1072: A bill for an act relating to railroads; exempting train crews from requirement for driver's license; amending Minnesota Statutes 2010, section 171.03.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 85.015, is amended by adding a subdivision to read:

Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under this section for which bicycle use is permitted, provided that the commissioner determines that operation of the electric-assisted bicycle is consistent with safe use and enjoyment of the trail.

Sec. 2. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

Subd. 2. **Authority of local government.** (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April

1 of any year; and

(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

(d) A local unit of government may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under this section designated for bicycle use or nonmotorized use that includes bicycles, provided that the local unit of government determines the operation of the electric-assisted bicycle is consistent with safe use and enjoyment of the trail.

Sec. 3. Minnesota Statutes 2010, section 85.018, subdivision 4, is amended to read:

Subd. 4. **Nonmotorized use trails.** No motorized vehicle shall be operated on a trail designated for nonmotorized use. This subdivision does not apply to: (1) motorized wheelchairs or other motorized devices operated by an individual who is physically disabled; and (2) electric-assisted bicycles, as defined in section 169.011, subdivision 27.

Sec. 4. Minnesota Statutes 2010, section 160.263, subdivision 2, is amended to read:

Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political subdivision may by ordinance or resolution:

(1) designate any roadway or shoulder or portion thereof under its jurisdiction as a bicycle lane or bicycle route;

(2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path provided that the designation does not destroy a pedestrian way or pedestrian access;

(3) develop and designate bicycle paths;

(4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

(b) A governing body may not prohibit operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder, provided that the governing body determines that operation of the electric-assisted bicycle is consistent with safe use and enjoyment of the trail.

Sec. 5. [160.266] MISSISSIPPI RIVER TRAIL.

Subdivision 1. Definitions. For the purposes of this section:

(1) "bicycle path" has the meaning given in section 169.011, subdivision 6; and

(2) "bikeway" has the meaning given in section 169.011, subdivision 9.

Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall identify a bikeway that originates at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminates. Where opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

Subd. 3. **Cooperation with other entities.** The commissioner may contract and enter into agreements with federal agencies, other state agencies, and local governments to establish, develop, maintain, and operate the bikeway and to interpret associated natural and cultural resources.

Subd. 4. **Funding.** Bicycle paths included within the bikeway and not administered by the commissioner of natural resources are eligible for funding from the environment and natural resources trust fund under chapter 116P, from the parks and trails grant program under section 85.535, from the local recreation grants program under section 85.019, subdivision 4b, and from other sources.

Sec. 6. Minnesota Statutes 2010, section 160.845, is amended to read:

160.845 RESTRICTIONS ON TOLL FACILITY.

(a) A road authority, including the governing body of a city, or a private operator may not convert, transfer, or utilize any portion of a highway to impose tolls or for use as a toll facility. A road authority, including the governing body of a city, or a private operator may not limit operation of a commercial motor vehicle, as defined in section 169.011, subdivision 16, to a toll facility or otherwise require that a commercial motor vehicle use the tolled portion of a highway.

(b) This section does not apply to (1) any toll facility or high-occupancy vehicle lane constructed, converted, or established before September 1, 2007, (2) any additional lane, including a priced dynamic shoulder lane, high-occupancy vehicle lane, or high-occupancy toll lane, added to a highway after September 1, 2007, and (3) any other general purpose lane that adds capacity, (4) an additional lane on each side of that segment of Interstate Highway 35E between its intersection with Interstate Highway 94 and its intersection with Interstate Highway 694.

Sec. 7. Minnesota Statutes 2010, section 160.93, subdivision 1, is amended to read:

Subdivision 1. **Fees authorized.** To improve efficiency and provide more options to individuals traveling in a trunk highway corridor, the commissioner of transportation may charge user fees to owners or operators of single-occupant vehicles using dynamic shoulder lanes as designated by the commissioner and, any designated high-occupancy vehicle lanes, and any other high-occupancy toll lanes. The fees may be collected using electronic or other toll-collection methods and may vary in amount with the time of day and level of traffic congestion within the corridor. The commissioner shall consult with the Metropolitan Council and obtain necessary federal authorizations before implementing user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under

this section are not subject to section 16A.1283.

Sec. 8. Minnesota Statutes 2010, section 160.93, subdivision 2, is amended to read:

Subd. 2. **Deposit of revenues; appropriation.** ~~(a) Except as provided in subdivision 2a, Money collected from fees authorized under subdivision 1 must be deposited in a high-occupancy vehicle lane user fee account in the special revenue fund. A separate account must be established for each trunk highway corridor. Money in the account is appropriated to the commissioner.~~

~~(b) From this appropriation the commissioner shall first repay the trunk highway fund and any other fund source for money spent to install, equip, or modify the corridor for the purposes of subdivision 1, and then shall pay all the costs of implementing and for administering and operating the fee collection system for that corridor, including payments for operating the fee collection system, and for maintaining and operating tolling and related equipment.~~

~~(c) The commissioner shall spend remaining money in the account as follows:~~

~~(1) one-half must be spent for transportation capital improvements within the corridor, and MnPASS system, including the replacement of tolling and related equipment.~~

~~(2) one-half must be transferred to the Metropolitan Council for expansion and improvement of bus transit services within the corridor beyond the level of service provided on the date of implementation of subdivision 1.~~

Sec. 9. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

Subd. 66. **Veterans Memorial Highway.** ~~Legislative Route No. 31, signed as Trunk Highway marked 200 as of July 1, 2010, from the border with North Dakota to the city of Mahnommen, 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.~~

Sec. 10. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision to read:

Subd. 70. **Arianna Celeste Macnamara Memorial Bridge.** The pedestrian bridge over Route No. 7, signed as Trunk Highway 14 on the effective date of this section, located in the city of Rochester west of Route No. 20, signed as U.S. Highway 52 on the effective date of this section, is designated as "Arianna Celeste Macnamara Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable marking design to memorialize the bridge and shall erect the appropriate signs as close as practicable to the bridge.

Sec. 11. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision to read:

Subd. 71. **Deputy John W. Liebenstein Memorial Highway.** That segment of Route No. 390, signed as Interstate Highway 35 on the effective date of this section and located in Rice County, is designated as "Deputy John W. Liebenstein Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs at a rest area or rest areas along Interstate Highway 35 after consulting with the local community and sponsors.

Sec. 12. Minnesota Statutes 2010, section 162.081, subdivision 4, is amended to read:

Subd. 4. **Formula for distribution to towns; purposes.** (a) Money apportioned to a county from

the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to each town treasurer must be made by March 1, annually, or within 30 days after receipt of payment from the commissioner. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. ~~A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied for taxes payable in the previous year for road and bridge purposes at least 0.04835 percent of taxable market value. For purposes of this eligibility requirement, taxable market value means taxable market value for taxes payable two years prior to the aid distribution year.~~

(b) Money distributed to a town under this subdivision may be expended by the town only for the construction, reconstruction, and gravel maintenance of town roads within the town.

Sec. 13. Minnesota Statutes 2010, 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;

(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 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, or by conservation officers of the Division of Enforcement and Field Service of the Department of Natural Resources, 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 or by conservation officers 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.

Sec. 14. Minnesota Statutes 2010, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent
surtax provided for in subdivision 14

	TOTAL GROSS WEIGHT IN POUNDS			TAX
A	0	-	1,500	\$ 15
B	1,501	-	3,000	20
C	3,001	-	4,500	25
D	4,501	-	6,000	35
E	6,001	-	10,000	45
F	10,001	-	12,000	70

G	12,001	-	15,000	105
H	15,001	-	18,000	145
I	18,001	-	21,000	190
J	21,001	-	26,000	270
K	26,001	-	33,000	360
L	33,001	-	39,000	475
M	39,001	-	45,000	595
N	45,001	-	51,000	715
O	51,001	-	57,000	865
P	57,001	-	63,000	1015
Q	63,001	-	69,000	1185
R	69,001	-	73,280	1325
S	73,281	-	78,000	1595
T	78,001	-	80,000	1760

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

(c) For each vehicle with a gross weight in excess of 80,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 80,000 pounds, subject to subdivision 12 or section 169.86, subdivision 5a, as applicable.

(d) For purposes of registration identification, for vehicles registered in the "O" category, the owner must declare at the time of registration whether the vehicle will carry a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive weight sticker must be issued and the owner is restricted to a gross vehicle weight of less than 55,000 pounds.

(e) Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

(f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are operated by an interstate carrier registered under section 221.60, or by a carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

(g) The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor penalty, the registrar shall revoke the registration of the vehicle as a commercial zone vehicle and shall require that the vehicle be registered at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax may be refunded during the balance of the registration year.

(h) On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life is 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax is 50 percent of the Minnesota base rate schedule.

(i) On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those commercial zone vehicles specifically provided for in this subdivision, the tax for each of the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota base rate prescribed by this subdivision.

(j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination are semitrailers.

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 15. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry on it, the sum of which constitutes the gross weight upon which the license tax must be paid. However, the declared gross weight upon which the tax is paid must not be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011, subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) Except as provided by special permit issued under section 169.86, the gross weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products on a highway, other than a highway that is part of the system of interstate and defense highways, unless a federal exemption is granted, in accordance with paragraph (d)(3):

(1) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent; and

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

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in

subdivision 12 or section 169.86, subdivision 5a, as applicable, and the plate or plates must be kept clean and clearly visible at all times.

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

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for the misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying. The increase is computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of registration on the vehicle operated and demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

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

50 miles of the place of production or on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of final processing or manufacture located within 200 miles of the place of production.

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

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 16. Minnesota Statutes 2010, section 168.013, subdivision 12, is amended to read:

Subd. 12. **Additional tax for excessive gross weight.** (a) Whenever an owner has registered a vehicle and paid the tax as provided in subdivisions 1 to 1g, on the basis of a selected gross weight of the vehicle and thereafter such owner desires to operate such vehicle with a greater gross weight than that for which the tax has been paid, such owner shall be permitted to reregister such vehicle by paying the additional tax due thereon for the remainder of the calendar year for which such vehicle has been reregistered, the additional tax computed pro rata by the month, 1/12 of the annual tax due for each month of the year remaining in the calendar year, beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight. In computing the additional tax as aforesaid, the owner shall be given credit for the unused portion of the tax previously paid computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining in the calendar year beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight. An owner will be permitted one reduction of gross weight or change of registration per year, which will result in a refund. This refund will be prorated monthly beginning with the first day of the month after such owner applies to amend the registration. The application for amendment shall be accompanied by a fee of \$3, and all fees shall be deposited in the highway user tax distribution fund. Provided, however, the owner of a vehicle may reregister the vehicle for a weight of more than 81,000 pounds for one or more 30-day periods. For each 30-day period, the additional tax shall be equal to 1/12 of the difference between the annual tax for the weight at which the vehicle is registered and reregistered. ~~When a vehicle is reregistered in accordance with this provision, a distinctive windshield sticker provided by the commissioner of public safety shall be permanently displayed.~~

(b) This subdivision does not apply to the owner of a vehicle who pays the additional tax for excessive gross weight under section 169.86, subdivision 5a, when buying a permit to operate with the greater gross weight.

EFFECTIVE DATE. This section is effective with the registration period beginning July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 17. Minnesota Statutes 2010, section 168B.011, subdivision 12, is amended to read:

Subd. 12. **Public impound lot.** "Public impound lot" means an impound lot owned by or

~~contracting with~~ exclusively contracted solely for public use by a unit of government under section 168B.09.

Sec. 18. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

Subd. 27. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a ~~motor vehicle~~ bicycle with two or three wheels that:

(1) has a saddle and fully operable pedals for human propulsion;

(2) meets the requirements:

(i) of federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.1 et seq.; or

(ii) for bicycles under Code of Federal Regulations, title 15, part 1512, and successor requirements; and

(3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii) is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or ceases to function when the vehicle's brakes are applied.

Sec. 19. Minnesota Statutes 2010, section 169.035, subdivision 1, is amended to read:

Subdivision 1. **Working on highway.** (a) The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the highway, except as provided in paragraphs (b) and (c).

(b) This chapter shall apply to those persons and vehicles when traveling to or from such work, except that persons operating equipment owned, rented or hired by road authorities shall be exempt from the width, height and length provisions of sections 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while performing the following actions on behalf of the state or a local governmental unit:

(1) while loading, readying, or moving the vehicles or equipment in preparation for combating anticipated slippery road conditions or removing snow or ice;

(2) while actually engaged in snow or ice removal and or combating slippery road conditions, including, but not limited to, pretreatment and anti-icing activities; or

(3) while engaged in flood control operations on behalf of the state or a local governmental unit.

(c) Chapter 169A and section 169.444 apply to persons while actually engaged in work upon the highway.

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

Sec. 20. Minnesota Statutes 2010, section 169.035, is amended by adding a subdivision to read:

Subd. 4. **Trains.** (a) For purposes of this subdivision, "railroad operator" means a person who is a locomotive engineer, conductor, member of the crew of a railroad locomotive or train, or an

operator of on-track equipment.

(b) A peace officer may not issue a citation for violation of this chapter or chapter 171 to a railroad operator involving the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails.

(c) Notwithstanding section 171.08, a railroad operator is not required to display or furnish a driver's license to a peace officer in connection with the operation of a railroad locomotive or train, or on-track equipment while being operated upon rails.

Sec. 21. Minnesota Statutes 2010, section 169.06, subdivision 5, is amended to read:

Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend. The traffic-control signal lights or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign ~~at such place~~ prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement as permitted by other indications shown at the same time. ~~Such~~ Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into the one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection controls vehicular traffic for that movement or lane.

Sec. 22. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

Subd. 7. **Flashing signal.** When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a red arrow lens is illuminated with rapid intermittent flashes drivers of vehicles with the intention of making a movement indicated by the arrow shall stop at a clearly marked stop line,

but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.

(d) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution, ~~but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard.~~

Sec. 23. Minnesota Statutes 2010, section 169.19, subdivision 5, is amended to read:

Subd. 5. **Signal to turn.** A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. A person whose vehicle is exiting a roundabout is exempt from the requirement in this subdivision.

Sec. 24. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:

- (1) when overtaking and passing another vehicle proceeding in the same direction;
- (2) when preparing for a left turn at an intersection or into a private road or driveway; or
- (3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic, except that an electric-assisted bicycle may be operated on the path or lane if authorized under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.

(d) ~~Subject to the provisions of section 160.263, subdivision 3,~~ A person may operate an

electric-assisted bicycle on a bikeway or bicycle ~~lane~~ trail. A person may operate an electric-assisted bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same direction as the adjacent vehicular traffic.

Sec. 25. Minnesota Statutes 2010, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) ~~The commissioner of transportation~~ A road authority, as defined in section 160.02, subdivision 25, is authorized to permit the use by transit buses and Metro Mobility buses the use of a shoulder, as designated by the ~~commissioner~~ road authority, of a freeway or expressway, as defined in section 160.02, in Minnesota.

(b) ~~If the commissioner~~ a road authority permits the use of a freeway or expressway shoulder by transit buses, the ~~commissioner~~ road authority shall permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012, subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

(c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main-line traffic speeds are less than 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being operated on the shoulder may not exceed the speed of main-line traffic by more than 15 miles per hour and may never exceed 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation.

(d) For the purposes of this section, the term "Metro Mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is:

(1) operated by or under contract with a public or private entity receiving financial assistance to provide transit services from the Metropolitan Council or the commissioner of transportation; and

(2) authorized by ~~the commissioner~~ a road authority to use freeway or expressway shoulders.

(e) This section does not apply to the operation of buses on dynamic shoulder lanes.

(f) The commissioner may authorize different operating conditions and maximum speeds, not to exceed the posted speed limit, based upon an engineering study and recommendation by the road authority. The engineering study must be conducted by the road authority and must conform with the manual and specifications adopted under section 169.06, subdivision 1, and applicable state and federal standards. The road authority shall consult the public transit operator before recommending operating conditions different from those authorized by law.

Sec. 26. Minnesota Statutes 2010, section 169.64, subdivision 2, is amended to read:

Subd. 2. **Colored light.** (a) Unless otherwise authorized by the commissioner of public safety,

no vehicle shall be equipped, nor shall any person drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light or any colored light other than those required or permitted in this chapter.

(b) A vehicle manufactured for use as an emergency vehicle may display and use colored lights that are not otherwise required or permitted in this chapter, provided that the vehicle is owned and operated according to section 168.10, is owned and operated solely as a collector's item and not for general transportation purposes, and is registered under section 168.10, subdivision 1a, 1b, 1c, 1d, 1g, or 1h. A person may not activate the colored lights authorized under this paragraph on streets or highways except as part of a parade or other special event.

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

Sec. 27. Minnesota Statutes 2010, section 169.685, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** (a) This section does not apply to:

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

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

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

(4) a person while operating a school bus; and that has a gross vehicle weight rating of greater than 10,000 pounds.

~~(5) a person while operating a type III vehicle described in section 169.011, subdivision 71, paragraph (h), if the vehicle meets the seating and crash protection requirements of Federal Motor Vehicle Safety Standard 222, Code of Federal Regulations, title 49, part 571.~~

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

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

Sec. 28. Minnesota Statutes 2010, section 169.685, subdivision 7, is amended to read:

Subd. 7. **Appropriation; special account; legislative report.** The Minnesota child passenger restraint and education account is created in the state treasury, consisting of fines collected under

subdivision 5 and other money appropriated or donated. The money in the account is annually appropriated to the commissioner of public safety, to be used to provide child passenger restraint systems to families in financial need ~~and~~, school districts and child care providers that provide for the transportation of pupils to and from school using type III vehicles or school buses with a gross vehicle weight rating of 10,000 pounds or less, and to provide an educational program on the need for and proper use of child passenger restraint systems. The commissioner shall report to the legislature by February 1 of each odd-numbered year on the commissioner's activities and expenditure of funds under this section.

Sec. 29. Minnesota Statutes 2010, section 169.85, subdivision 2, is amended to read:

Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or sections 169.823 to 169.829, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections 169.823 to 169.829, the weight on an axle exceeds the lawful gross weight prescribed by sections 169.823 to 169.829, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by sections 169.823 to 169.829, by 4,000 pounds or more; or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) ~~If~~ The driver is not required to unload under paragraph (b) when the gross weight of the vehicle does not exceed:

(1) the sum of the vehicle's registered gross weight ~~plus~~, the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and ~~plus~~, if applicable, the weight allowance permitted under section 169.826, then the driver is not required to unload under paragraph (b); or

(2) the weight allowed by special permit issued under section 169.86 for a vehicle that is operated in conformity with the limitations and conditions of the permit.

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 30. Minnesota Statutes 2010, section 169.86, subdivision 1, is amended to read:

Subdivision 1. **Permit authorities; restrictions.** (a) The commissioner, with respect to highways under the commissioner's jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, exceeding the gross weight for which the vehicle is registered under chapter 168, or otherwise not in conformity with the provisions of this chapter, upon any highway under the

jurisdiction of the party granting such permit and for the maintenance of which such party is responsible.

(b) Permits relating to over-width, over-length manufactured homes shall not be issued to persons other than manufactured home dealers or manufacturers for movement of new units owned by the manufactured home dealer or manufacturer, until the person has presented a statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid. Upon payment of the most recent single year delinquent personal property or current year taxes only, the county auditor or treasurer must issue a taxes paid statement to a manufactured home dealer or a financial institution desiring to relocate a manufactured home that has been repossessed. This statement must be dated within 30 days of the contemplated move. The statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid, may be made by telephone. If the statement is obtained by telephone, the permit shall contain the date and time of the telephone call and the names of the persons in the auditor's office and treasurer's office who verified that all personal and real property taxes had been paid.

(c) The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner (1) may renew a permit that was granted before April 16, 1984, for the movement of a semitrailer or trailer that exceeds the length limitation in section 169.81, subdivision 2, or (2) may grant a permit authorizing the transportation of empty trailers that exceed 28-1/2 feet when using a B-train hitching mechanism as defined in Code of Federal Regulations, title 23, section 658.5, paragraph (o), from a point of manufacture in the state to the state border.

(d) The state as to state trunk highways, a statutory or home rule charter city as to streets in the city, or a town as to roads in the town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in section 169.81, subdivisions 2a and 3, over highways, streets, or roads within its boundaries. Combinations of vehicles authorized by this paragraph may be restricted as to the use of state trunk highways by the commissioner, to the use of streets by the city road authority, and to the use of roads by the town road authority. Nothing in this paragraph or section 169.81, subdivisions 2a and 3, alters or changes the authority vested in local authorities under section 169.04.

EFFECTIVE DATE. This section is effective July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 31. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

Subd. 4. **Display and inspection of permit.** ~~Every such~~ A permit ~~shall~~ must be carried in the vehicle or combination of vehicles to which it refers and ~~shall~~ must be open to inspection by any ~~police peace~~ officer or authorized agent of any authority granting ~~such~~ the permit, ~~and~~ A permit may be carried in electronic format if it is easily read. No person shall violate any of the terms or conditions of ~~such~~ a special permit.

Sec. 32. Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All ~~such~~ fees for permits issued by the commissioner of transportation ~~shall~~ must be deposited in the state

treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees ~~shall be~~ are:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles ~~which~~ that travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

(6) noncommercial transportation of a boat by the owner or user of the boat;

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and

(8) special milk-hauling vehicles authorized under section 169.867.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry;

(5) double-deck buses;

(6) commercial boat hauling and transporting waterfront structures, including, but not limited to, portable boat docks and boat lifts;

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles ~~which~~ that have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

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

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200

90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800
<u>145,001 - 155,000</u>	<u>\$900</u>

If the gross weight of the vehicle is more than ~~145,000~~ 155,000 pounds the permit fee is determined under paragraph (e).

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

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

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

~~(1) in fiscal years 2005 through 2010:~~

~~(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;~~

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

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

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

~~(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.~~

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 33. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision to read:

Subd. 5a. **Additional tax for excessive gross weight.** When a special permit is issued under this chapter, the commissioner shall collect in addition to the permit fee an additional tax for excessive gross weight, if the weight allowed under the permit is greater than the gross weight for which the vehicle is registered under section 168.013. The tax shall be calculated as the difference between the registration tax paid under section 168.013, subdivision 1e, and the additional tax that would be

due under section 168.013, subdivision 1e, at the gross weight allowed under the permit, prorated by the number of days for which the permit is effective. Proceeds of the surcharge must be deposited in the state treasury and credited to the highway user tax distribution fund.

EFFECTIVE DATE. This section is effective with the registration period beginning July 1, 2012, and applies to all registrations that are effective on and after that date and special permits issued on and after that date.

Sec. 34. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to read:

Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in subdivision 7, the commissioner shall revoke the driver's license of a person convicted of violating section 169A.20 (driving while impaired) or an ordinance in conformity with it, as follows:

(1) not less than 30 days for an offense under section 169A.20, subdivision 1 (driving while impaired crime); ~~not less than 30 days;~~

(2) not less than 90 days for an offense under section 169A.20, subdivision 2 (refusal to submit to chemical test crime); ~~not less than 90 days;~~

(3) not less than one year for:

(i) an offense occurring within ten years of a qualified prior impaired driving incident; ~~or;~~

(ii) an offense occurring after two qualified prior impaired driving incidents; ~~not less than one year;~~ ~~or if~~

(iii) an offense occurring when a person has an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense and the person has no qualified prior impaired driving incident within ten years;

(4) not less than two years for an offense occurring under clause (3), item (i) or (ii), and the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70 (chemical use assessments);

~~(4)~~ (5) not less than three years for an offense occurring within ten years of the first of two qualified prior impaired driving incidents or occurring after three qualified prior impaired driving incidents, not less than three years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; and

~~(5)~~ (6) not less than four years for an offense occurring within ten years of the first of three qualified prior impaired driving incidents, not less than four years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; or

~~(6)~~ (7) not less than six years for an offense occurring after four or more qualified prior impaired driving incidents, not less than six years, together and with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 35. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose license has been revoked pursuant to section 169A.52 (license revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21); or

(2) a person whose driver's license has been revoked for, or who is charged with, (i) an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours, of the time of the offense; or (ii) a violation of section 169A.20 (driving while impaired) with an aggravating factor described in section 169A.03, subdivision 3, clause ~~(2)~~ or (3).

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 36. Minnesota Statutes 2010, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government.

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

(1) on active duty in the U. S. Coast Guard;

(2) on active duty in a branch of the U. S. armed forces, which includes the Army, Air Force, Navy, and Marine Corps;

(3) a member of a reserve component of the U. S. armed forces; or

(4) on active duty in the Army National Guard or Air National Guard, which includes (i) a member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U. S. armed forces reserve technician.

(c) Any person while driving or operating any farm tractor or implement of husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain vehicle, as defined in

section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.

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

(e) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

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

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

(h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state.

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

(j) A railroad operator, as defined in section 169.035, subdivision 4, paragraph (a), is exempt while operating a railroad locomotive or train, or on-track equipment while being operated upon rails. This exemption includes operation while crossing a street or highway, whether public or private.

Sec. 37. Minnesota Statutes 2011 Supplement, section 171.05, subdivision 2, is amended to read:

Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or ~~is enrolled in either:~~

(i) the applicant is enrolled in behind-the-wheel training in a public, private, or commercial driver education program that is approved by the commissioner of public safety; and

(ii) the applicant:

(A) has completed the classroom phase of instruction in a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom

~~and behind-the-wheel training; or;~~

~~(ii) an approved behind-the-wheel driver education program (B) has completed home-school driver training, when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a ~~homeschool~~ home-school diploma, the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety, and the student's parent has certified the student's homeschool and home-classroom driver training status on the form approved by the commissioner; or~~

~~(C) has completed an Internet-based theory driver education program that is approved by the commissioner of public safety; and~~

~~(2) has completed the classroom phase of instruction in the driver education program;~~

~~(3) (2) has passed a test of the applicant's eyesight;~~

~~(4) (3) has passed a department-administered test of the applicant's knowledge of traffic laws;~~

~~(5) (4) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor, (v) the foster parent or the director of the transitional living program in which the child resides or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and~~

~~(6) (5) has paid the fee required in section 171.06, subdivision 2.~~

(b) For the purposes of determining compliance with the certification of paragraph (a), clause (1), item (ii), the commissioner may request verification of a student's homeschool status from the superintendent of the school district in which the student resides and the superintendent shall provide that verification.

(c) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

(d) A provider of an Internet-based theory driver education program approved by the commissioner shall issue a certificate of completion to each person who successfully completes the program. The commissioner shall furnish numbered certificate forms to approved providers who shall pay the commissioner a fee of \$2 for each certificate. The commissioner shall deposit proceeds of the fee in the driver services operating account in the special revenue fund. Proceeds from the fee under this paragraph are annually appropriated to the commissioner from the driver services operating account for administrative costs to implement Internet driver education. The commissioner shall terminate the fee when the department has fully recovered its costs to implement Internet driver education under this section.

Sec. 38. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The statutory fees and the filing fees imposed under paragraph (a) may be paid by credit card or debit card. The driver's license agent may collect a convenience fee on the statutory fees and filing fees not greater than the cost of processing a credit card or debit card transaction. The convenience fee must be used to pay the cost of processing credit card and debit card transactions. The commissioner shall adopt rules to administer this paragraph, using the exempt procedures of section 14.386, except that section 14.386, paragraph (b), does not apply.

~~(b)~~ (c) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

~~(e)~~ (d) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

~~(d)~~ (e) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph ~~(e)~~ (d).

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

Sec. 39. **[171.0703] INTERNET-BASED DRIVER EDUCATION.**

The commissioner shall include in administrative rules on Internet-based theory driver education programs, a requirement that a program may offer no more than three hours of instruction per day to a student.

Sec. 40. Minnesota Statutes 2011 Supplement, section 171.075, subdivision 1, is amended to read:

Subdivision 1. **Anatomical gift account.** An anatomical gift account is established in the special revenue fund. The account consist of funds donated under sections ~~168.12~~ 168.013, subdivision 5 22, and 171.06, subdivision 2, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account is annually appropriated to the commissioner for (1) grants under subdivision 2, and (2) administrative expenses in implementing the donation and grant program.

EFFECTIVE DATE. This section is effective January 1, 2013.

Sec. 41. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license to the driver under the conditions in paragraph (b) in any case where a person's license has been:

- (1) suspended under section 171.18, 171.173, or 171.186;
 - (2) revoked, canceled, or denied under section:
 - (i) 169.792;
 - (ii) 169.797;
 - (iii) 169A.52:
 - (A) subdivision 3, paragraph (a), clause (1) or (2);
 - (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;
 - (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit;
 - (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;
 - (iv) 171.17; or
 - (v) 171.172; or
 - (3) revoked, canceled, or denied under section 169A.54:
 - (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;
 - (ii) subdivision 1, clause (2);
 - (iii) subdivision 1, clause ~~(4)~~, (5), ~~or (6)~~, or (7), if in compliance with section 171.306; or
 - (iv) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit.
- (b) The following conditions for a limited license under paragraph (a) include:
- (1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;
 - (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or
 - (3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.
- (c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation

of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

(e) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(f) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(g) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(i) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

(j) The commissioner shall not issue a class A, class B, or class C limited license.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 42. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification

card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3), or (4)~~, may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause ~~(4)~~, (5), ~~or (6)~~, or (7), may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.

(e) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

EFFECTIVE DATE. This section is effective July 1, 2012.

Sec. 43. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision to read:

Subd. 9. Alternative financing and investment in a pilot transportation project. (a) The commissioner may select one pilot transportation project on the trunk highway system to implement the authority granted in this subdivision. In connection with this pilot project, the commissioner may enter into agreements with governmental or nongovernmental entities, including private and nonprofit entities, to finance or invest in the transportation project, including repayment agreements. An agreement under this subdivision is subject to (1) the availability of state money or other dedicated revenue or resources; and (2) the approval of the commissioner of management and budget.

(b) The commissioner shall submit to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation policy and finance, a listing of all agreements executed under this subdivision. The listing must identify each agreement, the contracting entities, contract amount, duration, and any repayment requirements. The listing may be submitted electronically, and is subject to section 3.195, subdivision 1.

(c) The pilot project is subject to transportation planning, programming, and procurement requirements. Use of this subdivision must not result in the delay of any project programmed in the statewide transportation improvement program.

(d) This subdivision does not preempt any other statute or provide any new toll facility authority or design-build contracting authority.

(e) Any repayment agreement under this subdivision must comply with all applicable debt and other financial policies and requirements.

Sec. 44. Minnesota Statutes 2010, section 174.56, is amended to read:

174.56 REPORT ON MAJOR HIGHWAY PROJECTS AND TRUNK HIGHWAY FUND EXPENDITURES.

Subdivision 1. **Report required.** (a) The commissioner of transportation shall submit a report on ~~January 15, 2009, and on January~~ by December 15 of each year ~~thereafter~~, on (1) the status of major highway projects completed during the previous two years or under construction or planned during the year of the report and for the ensuing 15 years; and (2) trunk highway fund expenditures.

(b) For purposes of this section, a "major highway project" is a highway project that has a total cost for all segments that the commissioner estimates at the time of the report to be at least (1) ~~\$25,000,000~~ \$15,000,000 in the metropolitan highway construction district, or (2) ~~\$10,000,000~~ \$5,000,000 in any nonmetropolitan highway construction district.

Subd. 2. **Report contents; major highway projects.** For each major highway project the report must include:

(1) a description of the project sufficient to specify its scope and location;

(2) a history of the project, including, but not limited to, previous official actions by the department or the appropriate area transportation partnership, or both, the date on which the project was first included in the state transportation improvement plan, the cost of the project at that time, the planning estimate for the project, the engineer's estimate, the award price and the final cost as of six months after substantial completion, including any supplemental agreements and cost overruns or cost savings, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

(3) the project's priority listing or rank within its construction district, if any, as well as the reasons for that listing or rank, the criteria used in prioritization or rank, any changes in that prioritization or rank since the project was first included in a department work plan, and the reasons for those changes; ~~and~~

(4) past and potential future reasons for delay in letting or completing the project, details of all project cost changes that exceed \$500,000, and specific modifications to the overall program that

are made as a result of delays and project cost changes;

(5) two representative trunk highway construction projects, one each from the department's metropolitan district and from greater Minnesota, and for each project report the cost of environmental mitigation and compliance; and

(6) the annual budget for products and services for each Department of Transportation district and office with comparison to actual spending and including measures of productivity for the previous fiscal year.

Subd. 2a. **Report contents; trunk highway fund expenditures.** The commissioner shall include in the report information on the total expenditures from the trunk highway fund during the previous fiscal year, for each Department of Transportation district, in the following categories: road construction; planning; design and engineering; labor; compliance with environmental regulations; administration; acquisition of right-of-way, including costs for attorney fees and other compensation for property owners; litigation costs, including payment of claims, settlements, and judgments; maintenance; and road operations.

Subd. 3. **Department resources.** The commissioner shall prepare and submit the report with existing department staff and resources.

Sec. 45. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to read:

Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under this subdivision applies to intrastate transportation only.

(b) A person who wishes to obtain a waiver under this subdivision must give the commissioner the following information:

- (1) the applicant's name, address, and telephone number;
- (2) the name, address, and telephone number of an employer coapplicant, if any;
- (3) a description of the applicant's experience in driving the type of vehicle to be operated under the waiver;
- (4) a description of the type of driving to be done under the waiver;
- (5) a description of any modifications to the vehicle the applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;
- (6) whether the applicant has been granted another waiver under this subdivision;
- (7) a copy of the applicant's current driver's license;
- (8) a copy of a medical examiner's certificate showing that the applicant is medically unqualified to drive unless a waiver is granted;
- (9) a statement from the applicant's treating physician that includes:
 - (i) the extent to which the physician is familiar with the applicant's medical history;

- (ii) a description of the applicant's medical condition for which a waiver is necessary;
 - (iii) assurance that the applicant has the ability and willingness to follow any course of treatment prescribed by the physician, including the ability to self-monitor or manage the medical condition; and
 - (iv) the physician's professional opinion that the applicant's condition will not adversely affect the applicant's ability to operate a motor vehicle safely; and
 - (10) any other information considered necessary by the commissioner including requiring a physical examination or medical report from a physician who specializes in a particular field of medical practice.
- (c) In granting a waiver under this subdivision, the commissioner may impose conditions the commissioner considers necessary to ensure that an applicant is able to operate a motor vehicle safely and that the safety of the general public is protected.
- (d) A person who is granted a waiver under this subdivision must:
- (1) at intervals specified in the waiver, give the commissioner periodic reports from the person's treating physician, or a medical specialist if the commissioner so requires in the waiver, that contain the information described in paragraph (b), clause (9), together with a description of any episode that involved the person's loss of consciousness or loss of ability to operate a motor vehicle safely; and
 - (2) immediately report the person's involvement in an accident for which a report is required under section 169.09, subdivision 7.
- (e) The commissioner shall deny an application if, during the three years preceding the application:
- (1) the applicant's driver's license has been suspended under section 171.18, paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked under section 171.17, 171.172, or 171.174; ~~or~~
 - (2) the applicant has been convicted of a violation under section 171.24; or
 - (3) the applicant has been convicted of a disqualifying offense, as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated by reference.
- (f) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.
- (g) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Sec. 46. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

Subd. 4. **Contract.** The commissioner may negotiate and enter into contracts for the purpose

of rail service improvement and may incorporate funds available from the federal ~~rail service continuation program~~ government. The participants in these contracts shall be railroads, rail users, and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary. The commissioner may provide a portion of the money required to carry out the terms of any such contract by expenditure from the rail service improvement account.

Sec. 47. Minnesota Statutes 2010, section 222.51, is amended to read:

222.51 PARTICIPATION BY POLITICAL SUBDIVISION.

The governing body of any political subdivision of the state may with the approval of the commissioner appropriate money for rail service improvement and may participate in the state rail service improvement program and ~~the federal rail service continuation program~~ programs.

Sec. 48. Minnesota Statutes 2010, section 222.53, is amended to read:

222.53 ACCEPTANCE OF FEDERAL MONEY.

The commissioner may exercise those powers necessary for the state to qualify for, accept, and disburse any federal money ~~that may be made available pursuant to the provisions of the federal rail service continuation program~~, including the power to:

- (1) establish an adequate plan for rail service in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan;
- (2) administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources;
- (3) develop, promote, and support safe, adequate, and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation-related energy utilization and pollution;
- (4) adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of state and federal money;
- (5) do all things otherwise necessary to maximize federal assistance to the state ~~under the federal rail service continuation program~~.

Sec. 49. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

Subd. 9. **Rail bank property use; petty misdemeanors.** (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to knowingly perform any of the following activities on rail bank property:

- (1) obstruct any trail;
- (2) deposit snow or ice;
- (3) remove or place any earth, vegetation, gravel, or rock without authorization;

- (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;
- (5) erect a fence, or place or maintain any advertising, sign, or memorial, except upon authorization by the commissioner of transportation;
- (6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;
- (7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;
- (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~
- (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across, or over the limits of rail bank property;
- (10) plow, disc, or perform any other detrimental operation; or
- (11) place or maintain any permanent structure.

(b) Unless a greater penalty is provided elsewhere in statute, any violation of this subdivision is a ~~petty~~ misdemeanor.

(c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator.

Sec. 50. VARIANCE; SEAPLANE BASE.

The commissioner of transportation shall grant a variance for Elbow Lake Municipal-Pride of the Prairie Airport, airport code Y63, to be licensed as a public seaplane base on Flekkefjord Lake. The commissioner shall establish conditions or limitations as may be necessary.

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

Sec. 51. PAYNESVILLE AIRPORT.

(a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of transportation may enter into an agreement with the city of Paynesville to allow funds granted by the state to the city for land acquisition purposes for the marked Trunk Highway 23 bypass project to instead be used by June 30, 2015, as the state's share of funds for airport improvements and other aeronautical purposes at the city's airport.

(b) Funds not spent pursuant to paragraph (a) by June 30, 2015, must be paid to the commissioner of transportation and deposited in the state airports fund.

Sec. 52. 2012 AND 2013 REPORTS ON MAJOR HIGHWAY PROJECTS AND TRUNK HIGHWAY FUND EXPENDITURES.

For 2013 and 2014 reports required under Minnesota Statutes, section 174.56, the commissioner shall include the results of evaluations of management systems currently used by the Department of Transportation. The evaluations must specify the extent to which the management of data in

these systems is consistent with existing policies and the need for statewide, reliable, and verifiable information. The evaluations must be performed either by the department's office of internal audit or by an independent external auditor. The 2013 report must include the evaluation of construction management systems and the program and project management system. The 2014 report must include the evaluation of pavement management systems and bridge management systems.

Sec. 53. **REPEALER.**

(a) Minnesota Statutes 2010, sections 160.93, subdivision 2a; 161.08, subdivision 2; 168.012, subdivision 1b; and 222.48, subdivision 3a, are repealed.

(b) Minnesota Statutes 2010, section 169A.54, subdivision 5, is repealed effective July 1, 2012."

Delete the title and insert:

"A bill for an act relating to transportation; modifying reporting requirements; modifying provisions relating to electric-assisted bicycles, conservation officer vehicles and vehicle permits; establishing Mississippi River Trail bikeway; designating highways; clarifying driver's license requirement for train crews; clarifying traffic laws regarding flashing yellow lights and arrows; expanding authority for bus operation on highway shoulders; modifying vehicle equipment provisions; removing exceptions from child passenger restraint law; authorizing driver education online component; allowing city of Paynesville to retain certain funds; providing variance for seaplane base; removing obsolete language; making technical changes; appropriating money; amending Minnesota Statutes 2010, sections 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2; 160.845; 160.93, subdivisions 1, 2; 161.14, subdivision 66, by adding subdivisions; 162.081, subdivision 4; 168.012, subdivision 1; 168.013, subdivisions 1e, 3, 12; 168B.011, subdivision 12; 169.011, subdivision 27; 169.035, subdivision 1, by adding a subdivision; 169.06, subdivisions 5, 7; 169.19, subdivision 5; 169.223, subdivision 5; 169.306; 169.64, subdivision 2; 169.685, subdivisions 6, 7; 169.85, subdivision 2; 169.86, subdivisions 1, 4, by adding a subdivision; 169A.54, subdivisions 1, 6; 171.03; 171.061, subdivision 4; 171.30, subdivision 1; 171.306, subdivision 4; 174.02, by adding a subdivision; 174.56; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; 222.63, subdivision 9; Minnesota Statutes 2011 Supplement, sections 169.86, subdivision 5; 171.05, subdivision 2; 171.075, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 171; repealing Minnesota Statutes 2010, sections 160.93, subdivision 2a; 161.08, subdivision 2; 168.012, subdivision 1b; 169A.54, subdivision 5; 222.48, subdivision 3a."

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

Senator Gimse from the Committee on Transportation, to which was referred

H.F. No. 392: A bill for an act relating to education; requiring crossing control arms on school buses; amending Minnesota Statutes 2010, section 169.4503, by adding a subdivision.

(Amended pursuant to Rule 45, adopted by the Senate May 18, 2011; the text of H.F. No. 392 is identical to S.F. No. 992.)

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

Page 1, line 8, delete "2012" and insert "2013"

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

Senator Gimse from the Committee on Transportation, to which was referred

S.F. No. 1140: A bill for an act relating to public safety; clarifying placement of certain motor vehicle license plates; amending Minnesota Statutes 2010, section 169.79, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Robling from the Committee on Finance, to which was referred the following appointment:

COMMISSIONER OF MANAGEMENT AND BUDGET
James D. Schowalter

Reports the same back with the recommendation that the appointment be confirmed.

Senator Senjem moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1236 and 1140 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 392 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Thompson, Chamberlain, Gazelka, Parry and Lillie introduced—

S.F. No. 1705: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; establishing a freedom of employment.

Referred to the Committee on Jobs and Economic Growth.

Senators Ingebrigtsen and Gazelka introduced—

S.F. No. 1706: A bill for an act relating to game and fish; exempting donated venison from certain food laws; amending Minnesota Statutes 2010, section 31.01, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senator Cohen introduced—

S.F. No. 1707: A bill for an act relating to capital investment; appropriating money for design work on the Great River Passage in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Cohen introduced—

S.F. No. 1708: A bill for an act relating to public safety; traffic regulations; amending regulations governing electric-assisted bicycles; amending Minnesota Statutes 2010, sections 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2; 168.002, subdivisions 19, 20; 168.012, by adding a subdivision; 168A.03, subdivision 1; 169.011, subdivisions 4, 27, 44, 45; 169.222, subdivisions 4, 6, 7, by adding subdivisions; 169.223, subdivisions 1, 5; 171.01, subdivision 41.

Referred to the Committee on Transportation.

Senator McGuire introduced—

S.F. No. 1709: A bill for an act relating to traffic regulations; amending bicycle equipment requirements; amending Minnesota Statutes 2010, section 169.72, subdivision 1.

Referred to the Committee on Transportation.

Senators Sheran, Magnus, Kelash and Dahms introduced—

S.F. No. 1710: A bill for an act relating to taxation; individual income; expanding the charitable contribution deduction for certain food inventory; amending Minnesota Statutes 2011 Supplement, sections 290.01, subdivision 19b; 290.091, subdivision 2.

Referred to the Committee on Taxes.

Senator Latz introduced—

S.F. No. 1711: A bill for an act relating to state government; modifying false claims provisions; amending Minnesota Statutes 2010, sections 15C.01; 15C.02; 15C.05; 15C.08; 15C.12; 15C.13; proposing coding for new law in Minnesota Statutes, chapter 15C; repealing Minnesota Statutes 2010, section 15C.14.

Referred to the Committee on Judiciary and Public Safety.

Senators Hoffman, Ortman, Benson and Brown introduced—

S.F. No. 1712: A bill for an act relating to taxation; establishing a tax reform action commission; authorizing appointments to the commission; directing preparation of a report to the legislature; appropriating money.

Referred to the Committee on State Government Innovation and Veterans.

Senators Rosen, Dahms, Kelash, Kubly and Nelson introduced—

S.F. No. 1713: A bill for an act relating to agriculture; establishing an immigrant and minority microloan program; modifying provisions related to the Rural Finance Authority; amending Minnesota Statutes 2010, sections 41B.036; 41B.048, subdivision 6; 41B.055, subdivision 1; 41B.06; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2010, section 41B.048, subdivision 7.

Referred to the Committee on Agriculture and Rural Economies.

Senators Hann, Hoffman, Newman, Gerlach and Benson introduced—

S.F. No. 1714: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; establishing a freedom of employment.

Referred to the Committee on Jobs and Economic Growth.

Senators Miller, Howe, Langseth, Sparks and Carlson introduced—

S.F. No. 1715: A bill for an act relating to capital investment; appropriating money for the greater Minnesota business development infrastructure grant program; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Brown introduced—

S.F. No. 1716: A bill for an act relating to taxation; individual income; restructuring the individual income tax; eliminating subtractions, applying a single tax rate, modifying the working family credit, and repealing the alternative minimum tax and various credits; amending Minnesota Statutes 2010, section 290.091, subdivision 6; Minnesota Statutes 2011 Supplement, sections 290.01, subdivisions 19a, 19b; 290.06, subdivision 2c; 290.0671, subdivision 1; repealing Minnesota Statutes 2010, sections 290.067, subdivisions 1, 2, 2a, 2b, 3, 4; 290.0672; 290.0674; 290.0675, subdivisions 2, 3, 4; 290.0679; 290.0802; 290.091, subdivisions 1, 3, 4, 5, 6; Minnesota Statutes 2011 Supplement, sections 290.0675, subdivision 1; 290.091, subdivision 2.

Referred to the Committee on Taxes.

Senator Miller introduced—

S.F. No. 1717: A bill for an act relating to labor and industry; making changes to the State Building Code; amending Minnesota Statutes 2010, sections 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; Minnesota Statutes 2011 Supplement, sections 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules, parts 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; 3801.3800.

Referred to the Committee on Jobs and Economic Growth.

Senators Hoffman and Hall introduced—

S.F. No. 1718: A bill for an act relating to liquor; modifying requirements for a wine tasting conducted by a nonprofit; amending Minnesota Statutes 2010, section 340A.418, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

Senators Hoffman and DeKruif introduced—

S.F. No. 1719: A bill for an act relating to public safety; traffic regulations; establishing a motorcycle road guard certificate; providing criminal penalties; amending Minnesota Statutes 2010, section 169.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 171.

Referred to the Committee on Transportation.

Senator Benson introduced—

S.F. No. 1720: A bill for an act relating to human services; modifying the family assets for independence program; appropriating money; amending Minnesota Statutes 2011 Supplement, section 256E.35, subdivisions 5, 6.

Referred to the Committee on Health and Human Services.

Senators Sheran and Rosen introduced—

S.F. No. 1721: A bill for an act relating to health licensing; changing licensing provisions for alcohol and drug counselors and licensed counselors; providing penalties; setting licensing fees; amending Minnesota Statutes 2010, sections 148B.5301, subdivisions 1, 4, by adding a subdivision; 148B.54, subdivisions 2, 3; proposing coding for new law as Minnesota Statutes, chapter 148F; repealing Minnesota Statutes 2010, sections 148C.01, subdivisions 1, 1a, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 4, 4a, 5, 7, 9, 10, 11, 11a, 12, 12a, 13, 14, 15, 16, 17, 18; 148C.015; 148C.03, subdivisions 1, 4; 148C.0351, subdivisions 1, 3, 4; 148C.0355; 148C.04, subdivisions 1, 2, 3, 4, 5a, 6, 7; 148C.044; 148C.045; 148C.05, subdivisions 1, 1a, 5, 6; 148C.055; 148C.07; 148C.075; 148C.08; 148C.09, subdivisions 1, 1a, 2, 4; 148C.091; 148C.093; 148C.095; 148C.099; 148C.10, subdivisions 1, 2, 3; 148C.11; 148C.12, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; Minnesota Rules, parts 4747.0010; 4747.0020; 4747.0030; 4747.0040; 4747.0050; 4747.0060; 4747.0070, subparts 1, 2, 3, 6; 4747.0200; 4747.0400, subpart 1; 4747.0700; 4747.0800; 4747.0900; 4747.1100, subparts 1, 2, 4, 5, 6, 7, 8, 9; 4747.1400; 4747.1500; 6310.3100, subpart 2; 6310.3600; 6310.3700, subpart 1.

Referred to the Committee on Health and Human Services.

Senator Gazelka introduced—

S.F. No. 1722: A bill for an act relating to taxation; property; modifying the penalties for late payment; amending Minnesota Statutes 2010, section 279.01, subdivision 1; repealing Minnesota Statutes 2010, section 279.01, subdivision 4.

Referred to the Committee on Taxes.

Senators Olson, Ortman and Ingebrigtsen introduced—

S.F. No. 1723: A bill for an act relating to property taxation; defining compost as an agricultural product; amending Minnesota Statutes 2011 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes.

Senators Dibble, Langseth, Pappas, Hayden and Torres Ray introduced—

S.F. No. 1724: A bill for an act relating to capital investment; appropriating money for workforce program renovation at Minneapolis Community and Technical College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Sparks and Harrington introduced—

S.F. No. 1725: A bill for an act relating to crime; changing level of harm to demonstrable bodily harm for felony unreasonable restraint of a child; amending Minnesota Statutes 2010, section 609.255, subdivision 3.

Referred to the Committee on Judiciary and Public Safety.

Senators Rest, Eaton, Higgins, Dzedzic and Kruse introduced—

S.F. No. 1726: A bill for an act relating to capital investment; appropriating money for a Bioscience and Allied Health Careers addition at North Hennepin Community College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Robling, Metzen and Parry introduced—

S.F. No. 1727: A bill for an act relating to horse racing; medication; providing for certain regulatory threshold concentrations to be set by the commission; amending Minnesota Statutes 2010, section 240.24, subdivision 2.

Referred to the Committee on State Government Innovation and Veterans.

Senators Goodwin, Sheran and Torres Ray introduced—

S.F. No. 1728: A bill for an act relating to health records; decreasing the cost a provider may charge a patient for copying records; amending Minnesota Statutes 2010, section 144.292, subdivision 6.

Referred to the Committee on Health and Human Services.

Senators Gimse, Pederson, Langseth, Howe and Dibble introduced—

S.F. No. 1729: A bill for an act relating to capital investment; appropriating money for capital

improvements at publicly owned airports; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Rest and Dibble introduced—

S.F. No. 1730: A bill for an act relating to transportation; amending Minnesota Statutes 2010, section 161.20, subdivision 4.

Referred to the Committee on Transportation.

Senators Stumpf, Saxhaug, Skoe, Gimse and Magnus introduced—

S.F. No. 1731: A bill for an act relating to traffic regulations; modifying certain speed limits; amending Minnesota Statutes 2010, section 169.14, subdivision 2.

Referred to the Committee on Transportation.

Senators Pederson, Saxhaug, Ingebrigtsen and Carlson introduced—

S.F. No. 1732: A bill for an act relating to natural resources; modifying certain parks and trails grant program provisions; amending Minnesota Statutes 2010, section 85.535, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senators Stumpf, Skoe, Saxhaug and Magnus introduced—

S.F. No. 1733: A bill for an act relating to public safety; traffic regulations; amending certain regulation of motor vehicle weight limits; providing exemptions, search warrants, and citation warnings; amending Minnesota Statutes 2010, sections 168.013, subdivision 3; 169.871, by adding a subdivision; 169.872, subdivision 1.

Referred to the Committee on Transportation.

Senators Gazelka, Gimse, Reinert, Sparks and Kruse introduced—

S.F. No. 1734: A bill for an act relating to motor vehicles; regulating salvage titles; modifying the disclosure of motor vehicle damage; amending Minnesota Statutes 2010, sections 168A.01, subdivisions 8a, 12a; 168A.151, subdivision 1; 325F.6641; 325F.6644, subdivision 1; repealing Minnesota Statutes 2010, section 168A.01, subdivision 6a.

Referred to the Committee on Transportation.

Senators Sparks, Gerlach, Chamberlain and Reinert introduced—

S.F. No. 1735: A bill for an act relating to financial institutions; clarifying state bank closures for holidays; making changes in state bank lending limits to comply with federal law; repealing obsolete language relating to deposits payable on demand; amending Minnesota Statutes 2010, sections 47.015, subdivision 2; 48.24, subdivision 1; repealing Minnesota Statutes 2010, sections 48.50; 48.51.

Referred to the Committee on Commerce and Consumer Protection.

Senators Wiger and Sparks introduced—

S.F. No. 1736: A bill for an act relating to game and fish; placing restrictions on certain traps for furbearers; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

Senators Lillie, Vandever, Gerlach, Wiger and Sparks introduced—

S.F. No. 1737: A bill for an act relating to local government finance; authorizing certain investments; providing for designated depositories; amending Minnesota Statutes 2010, sections 118A.04, subdivision 5; 123B.14, subdivision 3; 366.01, subdivision 4; 385.07; 427.06.

Referred to the Committee on Local Government and Elections.

Senators Hann, Gerlach, Gazelka, Benson and Brown introduced—

S.F. No. 1738: A bill for an act relating to insurance; making changes in the public employee insurance program administered by Minnesota Management and Budget; establishing a temporary moratorium to preclude employees from joining the public employee insurance program if their employer is not in the program as of the date of enactment; amending Minnesota Statutes 2010, section 43A.316, subdivision 5.

Referred to the Committee on State Government Innovation and Veterans.

Senators Kruse, Sparks and Gerlach introduced—

S.F. No. 1739: A bill for an act relating to commerce; specifying the extent of responsibility of real estate licensees for property management activities on real property owned by the licensee or by an entity in which the licensee has an ownership interest; amending Minnesota Statutes 2010, section 82.73, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Senator Limmer introduced—

S.F. No. 1740: A bill for an act relating to capital investment; appropriating money for the Maple Grove transit station, phase 2 parking expansion; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS

Senator Reinert moved that S.F. No. 72 be withdrawn from the Committee on Higher Education and returned to its author. The motion prevailed.

Senator Ingebrigtsen moved that S.F. No. 1509 be withdrawn from the Committee on Jobs and

Economic Growth and re-referred to the Committee on Judiciary and Public Safety. The motion prevailed.

Senator Chamberlain moved that S.F. No. 1671 be withdrawn from the Committee on Finance and re-referred to the Committee on State Government Innovation and Veterans. The motion prevailed.

Senator Nelson moved that S.F. No. 1528, No. 5 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Senator Rosen was excused from the Session of today. Senator Cohen was excused from the Session of today at 1:00 p.m.

ADJOURNMENT

Senator Senjem moved that the Senate do now adjourn until 11:00 a.m., Thursday, February 9, 2012. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate