

## STATE OF MINNESOTA

## EIGHTY-SEVENTH SESSION — 2012

## SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 13, 2012

The House of Representatives convened at 3:00 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by Reverend Kay Provine, Chaplain, Episcopal Homes, St. Paul, Minnesota.

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

The roll was called and the following members were present:

Abeler	Davnie	Hancock	Leidiger	Murphy, E.	Simon
Allen	Dean	Hansen	LeMieur	Murphy, M.	Slawik
Anderson, B.	Dettmer	Hausman	Lenczewski	Murray	Slocum
Anderson, D.	Dill	Hilstrom	Lesch	Myhra	Smith
Anderson, P.	Dittrich	Hilty	Liebling	Nelson	Stensrud
Anderson, S.	Doepke	Holberg	Lillie	Nornes	Swedzinski
Anzelc	Downey	Hoppe	Loeffler	Norton	Thissen
Atkins	Drazkowski	Hornstein	Lohmer	O'Driscoll	Tillberry
Banaian	Eken	Hortman	Loon	Paymar	Torkelson
Barrett	Erickson	Hosch	Mack	Pelowski	Urdahl
Beard	Fabian	Howes	Mahoney	Peppin	Vogel
Benson, J.	Falk	Huntley	Mariani	Persell	Wagenius
Benson, M.	Franson	Johnson	Marquart	Petersen, B.	Ward
Bills	Fritz	Kahn	Mazorol	Peterson, S.	Wardlow
Brynaert	Garofalo	Kath	McDonald	Poppe	Westrom
Buesgens	Gauthier	Kelly	McElfatrick	Quam	Winkler
Carlson	Gottwalt	Kieffer	McFarlane	Rukavina	Woodard
Champion	Greene	Kiel	McNamara	Runbeck	Spk. Zellers
Clark	Greiling	Kiffmeyer	Melin	Sanders	
Cornish	Gruenhagen	Knuth	Moran	Scalze	
Crawford	Gunther	Kriesel	Morrow	Schomacker	
Daudt	Hackbarth	Laine	Mullery	Scott	
Davids	Hamilton	Lanning	Murdock	Shimanski	

A quorum was present.

Koenen was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 560, A bill for an act relating to public administration; modifying provisions governing energy forward pricing mechanisms for government agencies; amending Minnesota Statutes 2010, section 16C.143; repealing Minnesota Statutes 2010, sections 383B.1588; 473.1293.

Reported the same back with the following amendments:

Page 2, line 12, after "reviews" insert "in a manner prescribed by the state auditor"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

The report was adopted.

Shimanski from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1043, A bill for an act relating to public safety; proposing new penalties for repeat violators of certain motor vehicle property crimes; amending Minnesota Statutes 2010, section 609.546.

Reported the same back with the following amendments:

Page 1, line 14, delete "of"

Page 1, delete subdivision 3 and insert:

**"EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes committed on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 1284, A bill for an act relating to railroads; exempting train crews from requirement for driver's license; amending Minnesota Statutes 2010, sections 169.035, by adding a subdivision; 171.03.

Reported the same back with the following amendments:

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 or otherwise restrict 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, unless the commissioner determines that operation of the electric-assisted bicycle is not consistent with (1) the safety or general welfare of trail users; or (2) the terms of any property conveyance.

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 vehicles, and off-road vehicles.

(d) A local unit of government may not prohibit or otherwise restrict 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, unless the local unit of government determines that operation of the electric-assisted bicycle is not consistent with (1) the safety or general welfare of trail users; or (2) the terms of any property conveyance.

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 or (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 or otherwise restrict operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder, unless the governing body determines that operation of the electric-assisted bicycle is not consistent with (1) the safety or general welfare of bikeway, roadway, or shoulder users; or (2) the terms of any property conveyance.

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. **Connections with other bikeways.** (a) The commissioner, in cooperation with road and trail authorities including the commissioner of natural resources, shall:

(1) identify existing bikeways of regional significance that are in reasonable proximity but not connected to the bikeway established in this section, including but not limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and

(2) support development of linkages between bikeways identified under clause (1) and the bikeway established in this section.

(b) The requirements of this subdivision are a secondary priority for use of funds available under this section following establishment and enhancement of the bikeway under subdivision 1.

Subd. 4. **Cooperation with other entities.** The commissioner may contract and enter into agreements with federal agencies, other state agencies, local governments, and private entities to establish, develop, maintain, and operate the bikeway and to interpret associated natural and cultural resources.

Subd. 5. **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) any lane that adds capacity that is operated temporarily as a general purpose or auxiliary lane until the commissioner converts the lane to a high-occupancy toll lane, and (5) any general purpose or auxiliary lane that the commissioner converts to a high-occupancy toll lane, except that the commissioner may convert a general purpose lane only after adding capacity in the same segment of highway if that segment of highway has been designated pursuant to section 160.93 as a MnPASS corridor in the department's metro district highway investment plan.

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~~

~~(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, including the replacement of tolling and related equipment.~~

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 Mahanomen, 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.** (a) 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 as provided in paragraph (b).

(b) The commissioner of transportation shall erect suitable signs on signed Interstate Highway 35 as close as practicable to the following locations:

(1) one southbound sign at the Rice County State-Aid Highway 86 overpass;

(2) one sign on the southbound off-ramp of the interchange with Rice County State-Aid Highway 1, at the closest reasonable location to the site at which Deputy John W. Liebenstein was killed in the line of duty;

(3) one sign on the northbound off-ramp of the interchange with Rice County State-Aid Highway 1; and

(4) one northbound sign near the intersection to the east of Rice County State-Aid Highways 21 and 45.

Sec. 12. Minnesota Statutes 2010, section 161.321, is amended to read:

#### **161.321 SMALL BUSINESS CONTRACTS.**

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given them, except where the context clearly indicates a different meaning is intended.

(a) "Award" means the granting of a contract in accordance with all applicable laws and rules governing competitive bidding except as otherwise provided in this section.

(b) "Contract" means an agreement entered into between a business entity and the state of Minnesota for the construction of transportation improvements.

(c) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in paragraph (b).

(d) "Targeted group business" means a business designated under section 16C.16, subdivision 5.

(e) "Veteran-owned small business" means a business designated under section 16C.16, subdivision 6a.

Subd. 2. **Small business set-asides; procurement and construction contract preferences.** (a) The commissioner may award up to a six percent preference in the amount bid for specified construction work to small targeted group businesses and veteran-owned small businesses.

(b) The commissioner may designate a contract for construction work for award only to small targeted group businesses if the commissioner determines that at least three small targeted group businesses are likely to bid. The commissioner may designate a contract for construction work for award only to veteran-owned small businesses if the commissioner determines that at least three veteran-owned small businesses are likely to bid.

~~(c) The commissioner, as a condition of awarding a construction contract, may set goals that require the prime contractor to subcontract a portion of the contract to small targeted group businesses and veteran owned small businesses. The commissioner must establish a procedure for granting waivers from the subcontracting requirement when qualified small targeted group businesses and veteran owned small businesses are not reasonably available. The commissioner may establish financial incentives for prime contractors who exceed the goals for use of subcontractors and financial penalties for prime contractors who fail to meet goals under this paragraph. The subcontracting requirements of this paragraph do not apply to prime contractors who are small targeted group businesses or veteran owned small businesses.~~

~~(d)~~ (c) The commissioner may award up to a four percent preference in the amount bid ~~on procurement for~~ specified construction work to small businesses located in an economically disadvantaged area as defined in section 16C.16, subdivision 7.

Subd. 2a. **Subcontracting goals.** (a) The commissioner, as a condition of awarding a construction contract, may set goals that require the prime contractor to subcontract portions of the contract to small targeted group businesses and veteran-owned small businesses. Prime contractors must demonstrate good faith efforts to meet the project goals. The commissioner shall establish a procedure for granting waivers from the subcontracting requirement when either qualified small targeted group businesses or veteran-owned small businesses, or both, are not reasonably available. The commissioner may establish (1) financial incentives for prime contractors who exceed the goals set for the use of subcontractors under this subdivision; and (2) sanctions for prime contractors who fail to make good faith efforts to meet the goals set under this subdivision.

(b) The small targeted group business subcontracting requirements of this subdivision do not apply to prime contractors who are small targeted group businesses. The veteran-owned small business subcontracting requirements of this subdivision do not apply to prime contractors who are veteran-owned small businesses.

Subd. 3. **Subcontract awards to small businesses.** At least 75 percent of subcontracts awarded to small targeted group businesses must be performed by the business to which the subcontract is awarded or another small targeted group business. At least 75 percent of subcontracts awarded to veteran-owned small businesses must be performed by the business to which the subcontract is awarded or another veteran-owned small business.

Subd. 4. **Contract awards, limitations.** Contracts awarded pursuant to this section are subject to all limitations contained in rules adopted by the commissioner of administration.

Subd. 4a. **Limited duration and reevaluation.** The commissioner shall cooperate with the commissioner of administration to periodically reevaluate the targeted group businesses to determine that there is a statistical disparity between the percentage of construction contracts awarded to businesses owned by targeted group members and the representation of businesses owned by targeted group members among all businesses in the state in the construction category. The commissioner of administration shall designate targeted groups pursuant to section 16C.16, subdivision 5.

Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award a contract pursuant to the provisions of subdivisions 2 ~~and 3~~ to 4a, the award may be placed pursuant to the normal solicitation and award provisions set forth in this chapter and chapter 16C.

Subd. 6. **Rules; eligibility.** (a) The rules adopted by the commissioner of administration to define small businesses and to set time and other eligibility requirements for participation in programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may promulgate other rules necessary to carry out this section.

(b) In addition to other eligibility requirements, a small targeted group business or veteran-owned small business is eligible for the bid preferences under this section only for eight years following the later of (1) the effective date of this act, or (2) the date of initial designation as a small targeted group business or veteran-owned small business by the commissioner of administration under section 16C.16.

Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase from small targeted group businesses and veteran-owned small businesses designated under section 16C.16 when making purchases that are not subject to competitive bidding procedures.

Subd. 8. ~~Report by commissioner~~ **Reporting.** (a) The commissioner ~~of transportation~~ shall report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner of administration.

(b) By February 1 of each even-numbered year, the commissioner shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance concerning contract awards under this section. At a minimum, the report must include:

(1) a summary of the program;

(2) a review of the use of preferences for contracting, including frequency of establishment of a preference and frequency of contract award to a small targeted group business or veteran-owned small business;

(3) a review of goals and good faith efforts to use small targeted group businesses and veteran-owned small businesses in subcontracts, including analysis of methods used for, and effectiveness of, good faith efforts;

(4) a summary of any financial incentives or sanctions imposed;

(5) information on each reevaluation under subdivision 4a, including details on the methodology for reevaluation; and

(6) any recommendations for legislative or programmatic changes.

Sec. 13. Minnesota Statutes 2010, section 161.3212, is amended to read:

**161.3212 WORKING CAPITAL FUND.**

The commissioner, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to ~~businesses~~ small business concerns owned and operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals. "Small business concern" and "socially and economically disadvantaged individual" have the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction-related services from government agencies.

Money contributed from a constitutionally or statutorily dedicated fund must be used only for purposes consistent with the purposes of the dedicated fund.



Sec. 14. 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. 15. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision to read:

Subd. 4a. **Municipal state-aid transition.** (a) Notwithstanding subdivision 4, any city that has a population of less than 5,000 according to a federal decennial census, and that has had a population of 5,000 or more as determined by the most recent population estimate of the Metropolitan Council or state demographer made prior to the census, is deemed for purposes of this chapter to have a population that is the greater of (1) 5,000, or (2) as otherwise determined under subdivision 4, paragraph (b), (c), or (d).

(b) This subdivision applies only to the first four consecutive calendar years for which population is determined for purposes of this chapter on the basis of a federal decennial census.

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

Sec. 16. Minnesota Statutes 2010, section 162.18, subdivision 1, is amended to read:

Subdivision 1. **Authorization; limitation on amount.** (a) Any city having a population of 5,000 or more may in accordance with chapter 475, except as otherwise provided herein, issue and sell its obligations for the purpose of establishing, locating, relocating, constructing, reconstructing, and improving municipal state-aid streets therein. In the resolution providing for the issuance of the obligations, the governing body of the municipality shall irrevocably pledge and appropriate to the sinking fund from which the obligations are payable, an amount of the moneys allotted or to be allotted to the municipality from its account in the municipal state-aid street fund sufficient to pay the principal of and the interest on the obligations as they respectively come due.

(b) The obligations shall be issued in amounts and on terms such that the average annual amount of principal and interest due in all subsequent calendar years on the obligations, including any similar obligations of the municipality which are outstanding, shall not exceed 90 percent of the amount of the last annual allotment preceding the bond issue received by the municipality from the construction account in the municipal state-aid street fund.

(c) In any calendar year in which the municipality receives aid from the municipal state-aid street fund under this chapter, all interest on the obligations shall be paid out of the municipality's normal maintenance account in the municipal state-aid street fund. Any such obligations may be made general obligations, but if moneys of the municipality other than moneys received from the municipal state-aid street fund, are used for payment of the

obligations, the moneys so used shall be restored to the appropriate fund from the moneys next received by the municipality from the construction or maintenance account in the municipal state-aid street fund which are not required to be paid into a sinking fund for obligations.

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

Sec. 17. Minnesota Statutes 2010, section 162.18, subdivision 4, is amended to read:

Subd. 4. ~~Certification to commissioner of money required~~ **Certifications; payment.** (a) Any municipality issuing and selling bonds pursuant to this section shall certify to the commissioner the amount of money required annually for the payment of principal and interest on the obligation. Upon receipt thereof, the commissioner shall certify to the commissioner of management and budget the sum of money needed annually by the municipality for the principal and interest, provided that the amount certified by the commissioner ~~shall~~ must not exceed the limit ~~heretofore~~ specified in this section.

(b) The commissioner of management and budget shall ~~thereafter, until said bonds are retired,~~ issue a warrant annually in the amount certified payable to the fiscal officer of the municipality, ~~and the amount thereof shall be deposited by the fiscal officer~~ until the bonds are retired or defeased. The fiscal officer of the municipality shall deposit that amount in the sinking fund from which the obligations are payable.

(c) For any obligations issued before the effective date of this paragraph, notwithstanding the requirements of this chapter, the requirements of this subdivision apply regardless of the population of the city in each year.

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

Sec. 18. 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. 19. Minnesota Statutes 2010, section 168.013, is amended by adding a subdivision to read:

Subd. 22. **Optional donation for education on anatomical gifts.** As part of procedures for payment of the vehicle registration tax under this section, the commissioner shall allow a vehicle owner to add to the tax a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075, for in-person transactions conducted by a deputy registrar appointed under section 168.33, subdivision 2. This subdivision applies to annual renewal registrations only, and does not apply to registrations authorized under sections 168.053 to 168.057, 168.127, 168.187, and 168.27.

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

Sec. 20. Minnesota Statutes 2011 Supplement, section 168.12, subdivision 5, is amended to read:

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

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

License Plate	Single	Double
Regular and Disability	\$4.50	\$6.00
Special	\$8.50	\$10.00

Personalized (Replacement)	\$10.00	\$14.00
Collector Category	\$13.50	\$15.00
Emergency Vehicle Display	\$3.00	\$6.00
Utility Trailer Self-Adhesive	\$2.50	
Vertical Motorcycle Plate	\$100.00	NA

## Stickers

Duplicate year	\$1.00	\$1.00
International Fuel Tax Agreement	\$2.50	

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

~~(d) As part of procedures for payment of the fee under paragraph (b), the commissioner shall allow a vehicle owner to add to the fee, a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.~~

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

Sec. 21. 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. 22. 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 for a motor-driven cycle in Code of Federal Regulations, title 49, sections 571.1 et seq.; or

(ii) for bicycles under Code of Federal Regulations, title 16, part 1512, or 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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 not otherwise prohibited 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. 29. 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 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. 30. 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. 31. 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. 32. 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~~ 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~~ a special permit.

Sec. 33. 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:

Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

Weight (pounds) exceeding weight limitations on axles	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 ~~445,000~~ 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. 34. Minnesota Statutes 2010, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of a speed limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles per hour in excess of a ~~55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour~~ the speed limit.

Sec. 35. 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 the day following final enactment.

Sec. 36. 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 the day following final enactment.

Sec. 37. 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. 38. 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 utilizes simulation or behind-the-wheel instruction and 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~~ home-school 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;

~~(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) (B), the commissioner may request verification of a student's ~~homeschool~~ home-school 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. The commissioner shall terminate the fee when the department has fully recovered its costs to implement Internet driver education under this section. 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.

Sec. 39. 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.

~~(c)~~ (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. 40. **[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. 41. 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. 42. Minnesota Statutes 2010, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit, ~~or more than five miles per hour in excess of a 60 miles per hour speed limit.~~

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

Sec. 43. 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 the day following final enactment.

Sec. 44. 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 the day following final enactment.

Sec. 45. 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. 46. 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, 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.

**EFFECTIVE DATE.** This section is effective August 1, 2012, except that (1) the changes in subdivision 2, clause (2), apply to projects that are substantially completed on or after July 1, 2012; and (2) subdivision 2, clause (6), is effective beginning with the report due by December 15, 2013.

Sec. 47. 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

~~(2)~~ (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. 48. 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. 49. 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. 50. 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. 51. 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 building or 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. 52. **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. 53. **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. 54. **ADDITIONS TO REPORTS ON MAJOR HIGHWAY PROJECTS AND TRUNK HIGHWAY FUND EXPENDITURES.**

For 2013 and 2014 reports required under Minnesota Statutes, section 174.56, the commissioner of transportation 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. 55. **MUNICIPAL STATE-AID STREET 2013 ALLOCATION.**

(a) Notwithstanding Minnesota Statutes, section 162.13, subdivision 1, the commissioner of transportation shall allocate the apportionment sum available in the municipal state-aid street fund, following the deductions under Minnesota Statutes, section 162.12, as provided in this section.

(b) The commissioner shall identify a remuneration sum for each city that:

(1) qualifies for municipal state-aid street funds under Minnesota Statutes, section 162.09, subdivision 4a; and

(2) was not allocated municipal state-aid street funds for calendar year 2012.

(c) The remuneration sum for each city is calculated as the amount the city would have received under the allocation of municipal state-aid street funds for calendar year 2012 if the provisions of Minnesota Statutes, section 162.09, subdivision 4a, had applied.

(d) For the calendar year 2013 allocation only, the commissioner shall:

(1) allocate to the appropriate city an amount from the apportionment sum equal to the remuneration sum calculated in paragraph (c); and

(2) allocate the remaining apportionment sum as provided under Minnesota Statutes, section 162.13, subdivision 1.

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

Sec. 56. **REPEALER.**

Minnesota Statutes 2010, sections 160.93, subdivision 2a; 161.08, subdivision 2; 168.012, subdivision 1b; 169A.54, subdivision 5; and 222.48, subdivision 3a, are repealed.

Sec. 57. **EFFECTIVE DATE.**

Unless otherwise specified, this act is effective August 1, 2012."

Delete the title and insert:

"A bill for an act relating to transportation; modifying provisions governing transportation and public safety policies, including bicycles and bikeways, highways and bridges, motor vehicles, motor vehicle markings and equipment, traffic regulations, driver education, driver licensing, driver's license exemptions, DWI violations,

alternative financing for transportation projects, contracting requirements, bus operations, railroads, motor carriers and commercial drivers, aeronautics and airports, and agency reporting; providing for rulemaking; removing obsolete language; making technical and clarifying changes; repealing certain provisions; 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; 161.321; 161.3212; 162.081, subdivision 4; 162.09, by adding a subdivision; 162.18, subdivisions 1, 4; 168.012, subdivision 1; 168.013, by adding a subdivision; 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, subdivision 6; 169.86, subdivision 4; 169.99, subdivision 1b; 169A.54, subdivisions 1, 6; 171.03; 171.061, subdivision 4; 171.12, subdivision 6; 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 168.12, subdivision 5; 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."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Government Operations and Elections.

The report was adopted.

Shimanski from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1535, A bill for an act relating to public safety; making changes to the DWI, off-highway vehicle, drive-by shooting, designated offense, and controlled substance forfeiture laws to provide more uniformity; raising the monetary cap on the value of certain property forfeitures that may be adjudicated in conciliation court; prohibiting forfeited property from being sold to prosecuting authorities or persons related to prosecuting authorities; clarifying the general criminal code forfeiture law, necessity of conviction, and burden of proof; amending Minnesota Statutes 2010, sections 84.7741, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 169A.63, subdivisions 2, 3, 4, 8, 9, 10, by adding a subdivision; 491A.01, subdivision 3; 609.531, subdivisions 1, 6a; 609.5314, subdivisions 2, 3; 609.5315, subdivisions 1, 5, 5a, 5b; 609.5318, subdivisions 2, 3.

Reported the same back with the following amendments:

Page 2, lines 4 and 20, delete "2011" and insert "2012"

Page 3, line 33, delete the new language and strike ", Hmong, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 5, line 13, delete "2011" and insert "2012"

Page 7, line 20, delete "2011" and insert "2012"

Page 8, lines 4 and 19, delete "2011" and insert "2012"

Page 9, line 34, delete the new language and strike ", Hmong, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 11, line 16, delete "2011" and insert "2012"

Page 13, line 30, delete "2011" and insert "2012"

Page 16, line 16, delete "2011" and insert "2012"

Page 17, line 2, strike ", Hmong, Somali, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 17, line 23, delete "2011" and insert "2012"

Page 17, delete section 19 and insert:

"Sec. 19. Minnesota Statutes 2011 Supplement, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the ~~county attorney~~ prosecuting authority for that county, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. The claimant may serve the complaint on the prosecuting authority by any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the ~~county attorney~~ prosecuting authority and no court fees may be charged for the ~~county attorney's~~ prosecuting authority's appearance in the matter. The hearing must be held at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant. If a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings. The district court administrator shall schedule the hearing as soon as practicable after adjudication in the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5."

Page 19, line 24, delete "2011" and insert "2012"

Page 21, line 25, delete ", Hmong, Somali, and Spanish" and after the period, insert "This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English."

Page 21, line 33, delete "2011" and insert "2012"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 1542, A bill for an act relating to education; making an exception to the school start date for school districts that suffer natural disasters; amending Minnesota Statutes 2010, section 120A.40.

Reported the same back with the following amendments:

Page 1, line 22, delete everything before the period and insert "five years because of a flood"

Amend the title as follows:

Page 1, line 3, delete "natural disasters" and insert "floods"

With the recommendation that when so amended the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 1816, A bill for an act relating to public safety; firearms; authorizing federally licensed firearms importers, manufacturers, and dealers to possess and sell firearm silencers to authorized law enforcement and wildlife management agencies for certain authorized purposes; amending Minnesota Statutes 2011 Supplement, section 609.66, subdivision 1h.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Gunther from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1823, A bill for an act relating to taxation; modifying the small business investment credit; providing a credit for start-up and emerging Minnesota businesses; amending Minnesota Statutes 2010, section 116J.8737, subdivisions 5, 8; Minnesota Statutes 2011 Supplement, section 116J.8737, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 116J; 297I.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 1830, A bill for an act relating to capital investment; modifying the terms of the wastewater infrastructure fund grant to the city of Albert Lea; amending Laws 2011, First Special Session chapter 12, section 19.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Capital Investment.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 1850, A bill for an act relating to state government; increasing the maximum award amount in the state employee gainsharing program; amending Minnesota Statutes 2011 Supplement, section 16A.90.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 1870, A bill for an act relating to education; allowing school districts to base unrequested leave of absence and certain discharge and demotion decisions on teacher evaluation outcomes; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11; 122A.41, subdivision 14; Minnesota Statutes 2011 Supplement, section 122A.41, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2011 Supplement, section 122A.245, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) To improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap, the Board of Teaching must approve qualified teacher preparation programs under this section that are a means to acquire a two-year limited-term license, which the board may renew one time for an additional one-year term, and to prepare for acquiring a standard license. The following entities are eligible to participate under this section:

(1) a school district or charter school that forms a partnership with a college or university that has a board-approved alternative teacher preparation program; or

(2) a school district or charter school, after consulting with a college or university with a board-approved teacher preparation program, forms a partnership with a nonprofit corporation organized under chapter 317A for an education-related purpose that has a board-approved teacher preparation program.

(b) Before participating in this program, a candidate must:

(1) have a bachelor's degree with a 3.0 or higher grade point average unless the board waives the grade point average requirement based on board-adopted criteria;

(2) pass the reading, writing, and mathematics skills examination under section 122A.09, subdivision 4, paragraph (b); and

(3) obtain qualifying scores on applicable board-approved rigorous content area and pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

(c) The Board of Teaching must issue a two-year limited-term license to a person who enrolls in an alternative teacher preparation program. This limited-term license is not a provisional license under section 122A.40 or 122A.41.

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

Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers ~~may~~ must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The plan must base unrequested leave of absence decisions on teachers' subject matter licensure fields and evaluation outcomes, from the least to most effective category under subdivision 8 and from the least to greatest seniority within each effectiveness category, and must be consistent with subdivision 11, paragraph (n). Failing to successfully negotiate such a plan, the provisions of subdivision 11 shall apply. The negotiated plan must not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license if required for the position, contrary to the provisions of subdivision 11, ~~clause paragraph~~ (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license required for the position, contrary to the provisions of subdivision 11, ~~clause (e) paragraph~~ (f). The provisions of section 179A.16 do not apply for the purposes of this subdivision.

(b) For purposes of placing a teacher on unrequested leave of absence or recalling a teacher from unrequested leave of absence, nothing in this subdivision requires a school board to reassign a teacher with more seniority to a different subject matter licensure field in order to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority. For purposes of this subdivision, a teacher holding a provisional license is a teacher who has received a waiver or variance to teach from the Minnesota Board of Teaching.

(c) Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or other law to the contrary, a teacher's effectiveness category and the underlying data on the individual teacher generated under the teacher evaluation process in subdivision 8, paragraph (b), used to determine a teacher's effectiveness category for purposes of this subdivision are private data on individuals.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to negotiated plans agreed to after that date.

Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

Subd. 11. **Unrequested leave of absence.** The board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation or reorganization of districts under chapter 123A. The unrequested leave is effective at the close of the school year. In placing teachers on unrequested leave, the board is governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. A teacher who has acquired continuing contract rights must not be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed.

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed is negotiable.

(c) Notwithstanding the provisions of ~~clause paragraph~~ (b), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this ~~clause paragraph~~ do not apply to vocational education licenses; required for available positions.

(d) Notwithstanding ~~clauses paragraphs~~ (a), (b) and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of ~~clause paragraph~~ (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher.

(e) For purposes of placing a teacher on unrequested leave of absence or recalling a teacher from unrequested leave of absence, nothing in this subdivision requires a school board to reassign a teacher with more seniority to a different subject matter licensure field in order to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority.

(f) Teachers placed on unrequested leave of absence must be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement must be in the inverse order of placement on leave of absence. A teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license if required for the position, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year is negotiable.

~~(g)~~ (g) Appointment of a new teacher must not be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board.

~~(g)~~ (h) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave.

~~(h)~~ (i) The unrequested leave of absence must not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service.

~~(i)~~ (j) Consistent with paragraph (n) and subdivision 10, the unrequested leave of absence of a teacher who is categorized as effective or better under subdivision 8, who is placed on unrequested leave of absence, and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate terminates. The teacher's right to reinstatement shall also terminate terminates if the teacher fails to file with the board by April 1 of any each year a written statement requesting reinstatement.



(k) Consistent with paragraph (n) and subdivision 10, the unrequested leave of absence of a teacher who is categorized as ineffective or less under subdivision 8, who is placed on unrequested leave of absence, and who is not reinstated continues for the following school year only, after which the teacher's right to reinstatement terminates. The teacher's right to reinstatement also terminates if the teacher fails to file with the board by April 1 in that following school year a written statement requesting reinstatement.

~~(j)~~ (l) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence.

~~(k)~~ (m) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment benefits if otherwise eligible.

(n) Beginning in the 2016-2017 school year and later, and notwithstanding any law to the contrary, a school board must place teachers on unrequested leave of absence based on their subject matter licensure fields and most recent evaluation outcomes, from the least to most effective category under subdivision 8 and from the least to greatest seniority within each effectiveness category. A school board is not required to reassign a teacher with more seniority to a different subject matter licensure field in order to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority. A school board may decide not to renew a probationary teacher's contract or may place the probationary teacher on unrequested leave of absence as it sees fit. The school board must publish in a readily accessible format the unrequested leave of absence plan it develops and implements under this paragraph.

(o) For purposes of this subdivision, a teacher who holds only a provisional license is a teacher who has received a waiver or variance to teach from the Minnesota Board of Teaching.

(p) Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or other law to the contrary, a teacher's effectiveness category and the underlying data on the individual teacher generated under the teacher evaluation process in subdivision 8, paragraph (b), used to determine a teacher's effectiveness category for purposes of this subdivision are private data on individuals.

**EFFECTIVE DATE.** This section is effective the day following final enactment except that paragraph (n) is effective for the 2016-2017 school year and later.

Sec. 4. Minnesota Statutes 2010, section 122A.40, subdivision 19, is amended to read:

**Subd. 19. Records relating to individual teacher; access; expungement.** All evaluations and files generated within a school district relating to each individual teacher, including teacher evaluation data under subdivisions 8, 10, and 11, among other teacher evaluations and files, must be available to each individual teacher upon written request. Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher must be available to each individual teacher upon written request. The teacher shall have the right to reproduce any of the contents of the files at the teacher's expense and to submit for inclusion in the file written information in response to any material contained therein.

A district may destroy the files as provided by law and must expunge from the teacher's file any material found to be false or inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4. The grievance procedure promulgated by the director of the bureau of mediation services, pursuant to section 179A.04, subdivision 3, clause (h), applies to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings must be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings must commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

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

Sec. 5. Minnesota Statutes 2011 Supplement, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

- (1) immoral character, conduct unbecoming a teacher, or insubordination;
- (2) failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) inefficiency in teaching or in the management of a school, consistent with subdivision 5, paragraph (b);
- (4) affliction with active tuberculosis or other communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or
- (5) discontinuance of position or lack of pupils.

Beginning no later than the 2016-2017 school year, and notwithstanding any contradictory provisions in this subdivision, the school board must discharge or demote teachers under clause (5) based on their subject matter licensure fields and most recent evaluation outcomes, from the least to most effective category under subdivision 5 and from the least to greatest seniority within each effectiveness category. Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or other law to the contrary, a teacher's effectiveness category and the underlying data on the individual teacher generated under the teacher evaluation process in subdivision 5, paragraph (b), used to determine a teacher's effectiveness category for purposes of this subdivision are private data on individuals. The school board must publish in a readily accessible format any discharge and demotion plan it develops to implement clause (5).

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to negotiated plans agreed to after that date.

Sec. 6. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

Subd. 14. **Services terminated by discontinuance or lack of pupils; preference given.** (a) To the extent consistent with paragraph (c) and subdivision 6, paragraph (a), clause (5), a teacher whose services are terminated on account of discontinuance of position or lack of pupils must receive first consideration for other positions in the district for which that teacher is qualified. ~~In the event~~ If it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers must be discontinued in any department in the inverse order in which they were employed, unless a board and the exclusive representative of teachers in the district negotiate a plan providing otherwise.

(b) Notwithstanding the provisions of ~~clause paragraph (a), and to the extent consistent with paragraph (c) and subdivision 6, paragraph (a),~~ a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the Board of Teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause do not apply to vocational education licenses.

(c) For purposes of discharging, demoting, or recalling a teacher whose services are terminated under this subdivision, nothing in this subdivision requires a school board to reassign a teacher with more seniority to a different subject matter licensure field in order to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority.

(d) Notwithstanding the provisions of ~~clause paragraph~~ (a), and to the extent consistent with paragraph (c) and subdivision 6, paragraph (a), a teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license if required for the position, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

(e) For purposes of this subdivision, a teacher who holds a provisional license is a teacher who has received a waiver or variance to teach from the Minnesota Board of Teaching.

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

Sec. 7. Minnesota Statutes 2010, section 122A.41, subdivision 15, is amended to read:

Subd. 15. **Records relating to individual teacher; access; expungement.** All evaluations and files generated within a district relating to each individual teacher, including teacher evaluation data under subdivisions 5, 6, and 14, among other teacher evaluations and files, must be available to each individual teacher upon the teacher's written request. Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher must be available to each individual teacher upon the teacher's written request. The teacher has the right to reproduce any of the contents of the files at the teacher's expense and to submit for inclusion in the file written information in response to any material contained therein.

A district may destroy the files as provided by law and must expunge from the teacher's file any material found to be false or substantially inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4. The grievance procedure promulgated by the director of the Bureau of Mediation Services, pursuant to section 179A.04, subdivision 3, clause (h), applies to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings must be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings must commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

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

Sec. 8. Minnesota Statutes 2010, section 123A.75, subdivision 1, is amended to read:

Subdivision 1. **Teacher assignment.** (a) As of the effective date of a consolidation in which a district is divided or the dissolution of a district and its attachment to two or more existing districts, each teacher employed by an affected district shall be assigned to the newly created or enlarged district on the basis of a ratio of the pupils assigned to each district according to the new district boundaries. The district receiving the greatest number of pupils must be assigned the teacher with the greatest seniority, and the remaining teachers must be alternately assigned to each district until the district receiving the fewest pupils has received its ratio of teachers who will not be retiring before the effective date of the consolidation or dissolution.

(b) Notwithstanding paragraph (a), the board and the exclusive representative of teachers in each district involved in the consolidation or dissolution and attachment may negotiate a plan for assigning teachers to each newly created or enlarged district.

(c) Notwithstanding any other law to the contrary, the provisions of this section apply only to the extent they are consistent with section 122A.40, subdivisions 8, 10, and 11.

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

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hamilton from the Committee on Agriculture and Rural Development Policy and Finance to which was referred:

H. F. No. 1890, A bill for an act relating to property taxation; reviving the bovine tuberculosis property tax credit for certain properties; amending Minnesota Statutes 2010, section 273.113.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 1926, A bill for an act relating to agriculture; providing for voluntary certification of good manufacturing practices for commercial feed and feed ingredients; authorizing fees for voluntary certification; modifying rule provisions relating to animal feed; appropriating money; amending Minnesota Statutes 2010, section 25.40, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 25; repealing Minnesota Rules, parts 1510.2220; 1510.2230.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 1984, A bill for an act relating to public safety; firearms; authorizing federally licensed firearms manufacturers to possess federally registered firearm silencers for the purpose of testing firearms manufactured for police and military agencies; amending Minnesota Statutes 2010, section 609.66, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2046, A bill for an act relating to public safety; permitting law enforcement access to Department of Human Services electronic civil commitment data for a background check on an applicant for a permit to possess explosives; amending Minnesota Statutes 2010, section 245.041.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 2071, A bill for an act relating to state government; exempting Lanesboro Dam from historic review.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 2082, A bill for an act relating to local government; authorizing the city of Sandstone and its economic development authority to sell a housing development.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Shimanski from the Committee on Judiciary Policy and Finance to which was referred:

S. F. No. 1183, A bill for an act relating to civil law; restoring state and local government tort liability limits to pre-2008 levels in certain instances; prohibiting state and local government contracts that require contractors to provide liability insurance or other security in excess of those limits; amending Minnesota Statutes 2010, sections 3.736, subdivision 4; 466.04, subdivisions 1, 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1043, 1535, 1542, 1816, 1850, 1870, 1926, 1984, 2046, 2071 and 2082 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. No. 1183 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Vogel, Beard, Nelson and Daudt introduced:

H. F. No. 2187, A bill for an act relating to public safety; vehicle titles; clarifying requirements pertaining to bonds and issuance of title; amending Minnesota Statutes 2010, sections 168A.07, by adding a subdivision; 168A.20, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Kiffmeyer introduced:

H. F. No. 2188, A bill for an act relating to elections; conforming certain voter eligibility provisions for individuals under guardianship to constitutional requirements; modifying other related procedures; amending Minnesota Statutes 2010, sections 201.014, subdivision 2; 201.071, subdivision 1; 201.15, subdivision 1; 204C.10; 524.5-120; 524.5-310; 524.5-313; 524.5-316; proposing coding for new law in Minnesota Statutes, chapter 524.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Davids and Drazkowski introduced:

H. F. No. 2189, A bill for an act relating to the Rochester local sales tax; modifying the list of cities that share some of the revenue; amending Laws 1998, chapter 389, article 8, section 43, subdivision 3, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Beard introduced:

H. F. No. 2190, A bill for an act relating to energy; eliminating the size limitation on hydropower sources that may satisfy the renewable energy standard; amending Minnesota Statutes 2011 Supplement, section 216B.1691, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Carlson, Abeler and Hornstein introduced:

H. F. No. 2191, A bill for an act relating to higher education; graduate family medicine education programs; appropriating money; amending Laws 2011, First Special Session chapter 5, article 1, section 5, subdivision 5.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Drazkowski introduced:

H. F. No. 2192, A bill for an act relating to education finance; authorizing Independent School District No. 857, Lewiston-Altura, to exercise remaining levy authority for disability access projects.

The bill was read for the first time and referred to the Committee on Education Finance.

Nelson introduced:

H. F. No. 2193, A bill for an act relating to real property; expanding utility disconnection notice requirements; requiring service of notice of sale on energy service providers; providing for payment of utilities by the holder of a sheriff's certificate; amending Minnesota Statutes 2010, sections 216B.0976; 580.03; 582.031, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Civil Law.

Gauthier, Huntley and Murphy, M., introduced:

H. F. No. 2194, A bill for an act relating to capital investment; appropriating money for construction of water facilities; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on State Government Finance.

McElfatrick introduced:

H. F. No. 2195, A bill for an act relating to capital investment; appropriating money for capital improvements at Itasca Community College; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Fabian and Kiel introduced:

H. F. No. 2196, A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Eken and Gunther introduced:

H. F. No. 2197, A bill for an act relating to gambling; authorizing the operation of lottery gaming machines and conduct of other nonlottery games at a gaming facility; licensing and regulating the gaming facility; imposing a gaming transaction fee on gaming at the gaming facility; appropriating money; amending Minnesota Statutes 2010, sections 240.135; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 299L; 349A.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Hosch and Abeler introduced:

H. F. No. 2198, A bill for an act relating to human services; appropriating money for the Aliveness Project of Minneapolis.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Lanning introduced:

H. F. No. 2199, A bill for an act relating to retirement; correctional state employees retirement plan of the Minnesota State Retirement System; implementation of coverage changes recommended by the commissioner of human services; amending Minnesota Statutes 2010, section 352.91, subdivisions 3c, 3d, 3f.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Ward introduced:

H. F. No. 2200, A bill for an act relating to capital investment; appropriating money for the Cuyuna Lakes State Trail; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Scott introduced:

H. F. No. 2201, A bill for an act relating to state government; changing provisions for data practices; amending Minnesota Statutes 2010, sections 13.02, subdivisions 6, 8, 10, 16, 19; 13.03, subdivisions 2, 3, 4; 13.04, subdivision 4; 13.05, subdivision 7, by adding subdivisions; 13.09; 13.32, subdivision 6; 13.37, subdivision 1; 13.3805, subdivision 1; 13.3806, subdivisions 1a, 5; 13.384, subdivision 2; 13.386, subdivision 1; 13.39, by adding a subdivision; 13.43, subdivisions 1, 2, 3, 5a, 8, 9, 11, 14, 15, 16, 17; 13.46, subdivisions 1, 2, 3, 4, 7; 13.587; 13.591, subdivision 4; 13.601, subdivision 3; 13.69, subdivision 1; 13.719, subdivision 1; 13.7932; 13.82, subdivisions 2, 7, 17, 26, 27, by adding a subdivision; 13.822, subdivision 1; 13.89, subdivisions 1, 2; 13D.015, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2010, section 13.05, subdivisions 1, 2, 8; Minnesota Rules, part 1205.0700.

The bill was read for the first time and referred to the Committee on Civil Law.

Beard; Eken; Gunther; Anderson, P.; Vogel; Koenen; Torkelson and Hoppe introduced:

H. F. No. 2202, A bill for an act relating to utilities; requiring a study for the purpose of reducing regulatory burdens.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.



Bills introduced:

H. F. No. 2203, A bill for an act relating to labor; modifying the public employee fair share fee; prohibiting dues check offs; amending Minnesota Statutes 2010, sections 179A.06, subdivisions 3, 6; 179A.102, subdivisions 3, 6.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Bills introduced:

H. F. No. 2204, A bill for an act relating to labor; modifying public employees' fair share fee; amending Minnesota Statutes 2010, section 179A.06, subdivision 3.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Howes, Mahoney, Poppe, Lillie, Abeler, Brynaert, Fritz, Greene and Slawik introduced:

H. F. No. 2205, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and for other improvements of a capital nature with certain conditions; establishing programs; authorizing the sale and issuance of state bonds; modifying previous appropriations; authorizing Cook County to form a district for the construction of water facilities and provision of water service; authorizing the commissioner of natural resources to make certain acquisitions of land or interests in land; appropriating money; amending Minnesota Statutes 2010, section 462A.21, by adding a subdivision; Laws 2006, chapter 258, section 7, subdivision 23, as amended; Laws 2008, chapter 179, sections 7, subdivision 27, as amended; 17, subdivision 4; 19, subdivision 4, as amended; 21, subdivision 15; Laws 2009, chapter 93, article 1, section 12, subdivision 2; Laws 2010, chapter 189, sections 7, subdivision 12; 18, subdivision 5; 24, subdivision 3; Laws 2011, First Special Session chapter 12, sections 3, subdivisions 7, 8; 14, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116J; 462A; repealing Minnesota Rules, part 8895.0700, subpart 1.

The bill was read for the first time and referred to the Committee on Capital Investment.

Rukavina and Melin introduced:

H. F. No. 2206, A bill for an act relating to game and fish; modifying trespass provisions; amending Minnesota Statutes 2010, section 97B.001, subdivision 7.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

McFarlane, Dittrich, McNamara and Downey introduced:

H. F. No. 2207, A bill for an act relating to state lands; providing for expedited exchange, condemnation, and private sale of certain state land in Boundary Waters Canoe Area Wilderness; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 92.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Kiel, Murdock, Morrow, Vogel, Eken and Koenen introduced:

H. F. No. 2208, A bill for an act relating to transportation; appropriating money for trunk highway interchanges; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Banaian and Kieffer introduced:

H. F. No. 2209, A bill for an act relating to state government; modifying former legislators' health insurance coverage; changing the calculation of legislators' salary for the Minnesota State Retirement System; amending Minnesota Statutes 2010, sections 3A.01, subdivision 10; 43A.27, subdivision 4; 352D.04, subdivision 2.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Banaian, Nornes, Ward, Koenen, Murdock, Hancock, Franson and Gunther introduced:

H. F. No. 2210, A bill for an act relating to higher education; establishing an internship program; allowing a tax credit; appropriating money; amending Minnesota Statutes 2010, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Swedzinski, Torkelson, Hoppe, Sanders and Murdock introduced:

H. F. No. 2211, A bill for an act relating to job creation; imposing a temporary moratorium on state agency rulemaking.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Franson introduced:

H. F. No. 2212, A bill for an act relating to state government; repealing provisions relating to appropriations for works of art in state buildings; amending Minnesota Statutes 2010, section 85A.02, subdivision 5b; repealing Minnesota Statutes 2010, section 16B.35.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Banaian, Nornes and Dettmer introduced:

H. F. No. 2213, A bill for an act relating to higher education; requiring disclosure of certain course material and course information; establishing a MnSCU textbook task force; requiring reports; amending Minnesota Statutes 2010, sections 135A.25, subdivision 5; 136F.58, subdivision 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Hancock and Persell introduced:

H. F. No. 2214, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land bordering public water.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Eken, Kiel, Lanning and Howes introduced:

H. F. No. 2215, A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Hoppe, Davids, Sanders, Atkins and Abeler introduced:

H. F. No. 2216, A bill for an act relating to insurance; the Minnesota Comprehensive Health Association; permitting flexibility in premium rate-setting process; permitting closing enrollment in two plans; permitting flexibility in benefits; amending Minnesota Statutes 2010, sections 62E.08, subdivisions 1, 3; 62E.091; 62E.12.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Kahn, Rukavina, Gauthier, Greene, Winkler and Liebling introduced:

H. F. No. 2217, A bill for an act relating to employment; requiring pregnancy leave; requiring employment accommodations for pregnant women; amending Minnesota Statutes 2010, section 181.942, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Kahn, Huntley and Loeffler introduced:

H. F. No. 2218, A bill for an act relating to higher education; providing funding for Hennepin County Medical Center graduate family medicine education programs; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance.

Slawik; Fritz; Moran; Ward; Peterson, S.; Greene; Hosch and Huntley introduced:

H. F. No. 2219, A bill for an act relating to human services; establishing the Child Care Affordability Act; modifying child care assistance programs; appropriating money; amending Minnesota Statutes 2010, sections 119B.02, subdivisions 1, 2; 119B.03, subdivision 9; 119B.035, subdivision 1; 119B.05, subdivisions 1, 5; 119B.08,

subdivision 3; 119B.09, subdivisions 1, 4a; 119B.11, subdivision 1; 119B.231, subdivision 5; 256.017, subdivision 9; Minnesota Statutes 2011 Supplement, section 119B.13, subdivision 1; repealing Minnesota Statutes 2010, sections 119B.011, subdivision 20a; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 6b, 8; 119B.09, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Poppe, Kieffer and Johnson introduced:

H. F. No. 2220, 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.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Murphy, M., introduced:

H. F. No. 2221, A bill for an act relating to redistricting; adopting a congressional districting plan for use in 2012 and thereafter; adopting districting principles for congressional districts; amending Minnesota Statutes 2010, sections 2.031, subdivision 1; 2.91, subdivision 1; repealing Minnesota Statutes 2010, sections 2.031, subdivision 2; 2.444; 2.484.

The bill was read for the first time and referred to the Committee on Redistricting.

Murphy, M., introduced:

H. F. No. 2222, A bill for an act relating to redistricting; adopting a legislative districting plan for use in 2012 and thereafter; adopting districting principles for legislative districts; amending Minnesota Statutes 2010, sections 2.031, subdivision 1; 2.91, subdivision 1; repealing Minnesota Statutes 2010, sections 2.031, subdivision 2; 2.444; 2.484.

The bill was read for the first time and referred to the Committee on Redistricting.

Abeler, Kiffmeyer, Huntley and Murphy, E., introduced:

H. F. No. 2223, 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.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Banaian, Davids and Downey introduced:

H. F. No. 2224, A bill for an act relating to taxation; use tax; authorizing certain taxpayers to file and pay use tax with the income tax return; amending Minnesota Statutes 2010, sections 289A.08, subdivision 13; 289A.11, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Allen, Abeler and Gunther introduced:

H. F. No. 2225, A bill for an act relating to human services; transferring an appropriation for Advocating Change Together; amending Laws 2011, First Special Session chapter 4, article 1, section 3, subdivision 2.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Vogel, Schomacker, Gunther, Torkelson and Hamilton introduced:

H. F. No. 2226, A bill for an act relating to agriculture; delaying the effective date to eliminate certain limitations on wind easements; amending Laws 2008, chapter 296, article 1, section 25, as amended.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Anderson, D.; Hoppe; Davids; Schomacker; Sanders and Kath introduced:

H. F. No. 2227, 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.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Wagenius and Davids introduced:

H. F. No. 2228, A bill for an act relating to natural resources; prohibiting commissioner of natural resources from purchasing land at more than 20 percent above estimated market value; amending Minnesota Statutes 2010, section 84.0272, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Torkelson, Hansen, McNamara and Hausman introduced:

H. F. No. 2229, A bill for an act relating to capital investment; appropriating money for RIM reserve; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Abeler and Huntley introduced:

H. F. No. 2230, A bill for an act relating to human services; providing pediatric care coordination services; requiring demonstration providers to include in provider networks all providers that agree to standard contract terms; requiring patient-centered decision making under all medical assistance for certain procedures; requiring managed care and county-based purchasing plans to reduce the incidence of low birth weight; establishing a competitive bidding program for the seven-county metropolitan area; requiring the commissioner of human services to report on a draft methodology to allow the release of certain health data to research institutions; amending Minnesota Statutes 2010, sections 256B.0625, by adding a subdivision; 256B.69, subdivisions 6, 9, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Abeler introduced:

H. F. No. 2231, A bill for an act relating to finance; repealing statutory appropriations of federal funds; appropriating certain federal funds received for emergency management purposes; amending Minnesota Statutes 2010, sections 4.07, subdivision 3; 12.22, subdivision 1; 116.03, subdivision 3; 116J.035, subdivisions 1, 6; 136A.06; repealing Minnesota Statutes 2010, section 3.3005.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Drazkowski introduced:

H. F. No. 2232, A bill for an act relating to human services; preventing welfare fraud; allowing access to drivers license photos in welfare fraud investigations; requiring driver's licenses be verified authentic prior to granting welfare benefits; requiring a search of drug convictions to determine welfare benefit eligibility; excluding drug offenders from welfare eligibility; amending Minnesota Statutes 2010, sections 171.07, subdivision 1a; 256J.11, by adding a subdivision; 256J.26, subdivision 1, by adding a subdivision; 256J.32, subdivision 4, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Simon; Slawik; Falk; Lenczewski; Persell; Wagenius; Ward; Benson, J.; Carlson and Winkler introduced:

H. F. No. 2233, 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.

The bill was read for the first time and referred to the Committee on Civil Law.

Erickson introduced:

H. F. No. 2234, A bill for an act relating to property taxation; repealing the homestead market value exclusion; amending Minnesota Statutes 2011 Supplement, sections 126C.01, subdivision 3; 273.13, subdivision 34; 276.04, subdivision 2; 477A.011, subdivision 20; repealing Minnesota Statutes 2011 Supplement, section 273.13, subdivision 35.

The bill was read for the first time and referred to the Committee on Taxes.

Davids introduced:

H. F. No. 2235, A bill for an act relating to the city of Minneapolis; providing a termination date for certain local taxes; amending Laws 1986, chapter 396, sections 4, subdivision 1; 5.

The bill was read for the first time and referred to the Committee on Taxes.

Westrom and Anderson, P., introduced:

H. F. No. 2236, A bill for an act relating to human services; modifying critical access dental provider payments; amending Minnesota Statutes 2011 Supplement, section 256B.76, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Gottwalt, Fritz, Hosch, Dean, Kiffmeyer and Moran introduced:

H. F. No. 2237, A bill for an act relating to health; removing requirements for implementation of evidence-based strategies as part of hospital community benefit programs and health maintenance organizations collaboration plans; amending Laws 2011, First Special Session chapter 9, article 10, section 4, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Benson, M.; Abeler; Quam; Westrom; Garofalo and Hoppe introduced:

H. F. No. 2238, A bill for an act relating to insurance; permitting service cooperatives to provide group health coverage to private employers; proposing coding for new law in Minnesota Statutes, chapter 123A.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Benson, M.; Kahn; Beard; Urdahl; Hancock and Vogel introduced:

H. F. No. 2239, A bill for an act relating to motor vehicles; amending and clarifying requirements governing titling and license plates for pioneer vehicles; amending Minnesota Statutes 2010, sections 168.10, subdivision 1a; 168A.01, subdivision 16, by adding a subdivision; 168A.04, subdivision 5, by adding a subdivision; 168A.05, subdivision 3; 168A.09, by adding a subdivision; 168A.15, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Daudt, Gottwalt and Abeler introduced:

H. F. No. 2240, A bill for an act relating to health; establishing the Minnesota Health Care Purchasing Authority; consolidating state health care purchasing through the authority; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Laine, Abeler, Davids, Thissen, Liebling, Slocum and Gruenhagen introduced:

H. F. No. 2241, A bill for an act relating to health; requiring certain changes in managed care plan financial reporting; requiring an annual independent third-party audit; amending Minnesota Statutes 2011 Supplement, section 256B.69, subdivision 9c.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Ward and Doepke introduced:

H. F. No. 2242, A bill for an act relating to waters; modifying aquatic invasive species provisions; providing civil penalties; amending Minnesota Statutes 2011 Supplement, sections 84D.10, subdivision 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341; proposing coding for new law in Minnesota Statutes, chapter 86B.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Ward and Greiling introduced:

H. F. No. 2243, 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.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

O'Driscoll and Dittrich introduced:

H. F. No. 2244, A bill for an act relating to the permanent school fund; changing the Permanent School Fund Advisory Committee into a legislative commission; granting the commission authority to employ a director to oversee, manage, and administer school trust lands; amending Minnesota Statutes 2010, sections 16A.06, subdivision 11; 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1; 92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; 127A.30; proposing coding for new law in Minnesota Statutes, chapter 127A.

The bill was read for the first time and referred to the Committee on Education Finance.

## **MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 5, A House concurrent resolution adopting deadlines for the 2012 regular session.

CAL R. LUDEMAN, Secretary of the Senate



**CALENDAR FOR THE DAY**

H. F. No. 1770 was reported to the House.

Buesgens moved to amend H. F. No. 1770, the first engrossment, as follows:

Page 1, line 16, after the period, insert "The board must adopt rules requiring a person who enters a board-approved teacher preparation program beginning on January 1, 2014, or later to pass a skills examination in reading, writing, and mathematics as a requirement for entering that program."

Page 3, line 28, after "person" insert "who enters a board-approved teacher preparation program before January 1, 2014,"

Page 4, line 6, before "The" insert "To be granted an initial teaching license, the board must require a person who enters a board-approved teacher preparation program beginning on January 1, 2014, or later to pass a skills examination in reading, writing, and mathematics as a requirement for entering that program."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 29 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Daudt	Franson	Kiffmeyer	Murdock	Scott
Barrett	Davnie	Gruenhagen	Leidiger	Myhra	Shimanski
Benson, M.	Doepke	Gunther	Lohmer	Peppin	Smith
Buesgens	Drazkowski	Hackbarth	McDonald	Quam	Wardlow
Crawford	Erickson	Hancock	McFarlane	Runbeck	

Those who voted in the negative were:

Abeler	Dettmer	Holberg	Lenczewski	Murphy, M.	Slocum
Allen	Dill	Hoppe	Lesch	Murray	Stensrud
Anderson, D.	Dittrich	Hornstein	Liebling	Nelson	Swedzinski
Anderson, P.	Downey	Hortman	Lillie	Nornes	Thissen
Anderson, S.	Eken	Hosch	Loeffler	Norton	Tillberry
Anzelc	Fabian	Howes	Loon	O'Driscoll	Torkelson
Atkins	Falk	Huntley	Mack	Paymar	Urdahl
Banaian	Fritz	Johnson	Mahoney	Pelowski	Vogel
Beard	Garofalo	Kahn	Mariani	Persell	Wagenius
Benson, J.	Gauthier	Kath	Marquart	Petersen, B.	Ward
Bills	Gottwalt	Kelly	Mazorol	Peterson, S.	Westrom
Brynaert	Greene	Kieffer	McElfrick	Poppe	Winkler
Carlson	Greiling	Kiel	McNamara	Rukavina	Woodard
Champion	Hamilton	Knuth	Melin	Sanders	Spk. Zellers
Clark	Hansen	Kriesel	Moran	Scalze	
Cornish	Hausman	Laine	Morrow	Schomacker	
Davids	Hilstrom	Lanning	Mullery	Simon	
Dean	Hilty	LeMieur	Murphy, E.	Slawik	

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

H. F. No. 1770, A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.18, subdivision 2; 122A.23, subdivision 2; Minnesota Statutes 2011 Supplement, section 122A.09, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Hackbarth	Kriesel	Moran	Scalze
Allen	Davnie	Hamilton	Laine	Morrow	Schomacker
Anderson, B.	Dean	Hancock	Lanning	Mullery	Scott
Anderson, D.	Dettmer	Hansen	Leidiger	Murdock	Shimanski
Anderson, P.	Dill	Hausman	LeMieur	Murphy, E.	Simon
Anderson, S.	Dittrich	Hilstrom	Lenczewski	Murray	Slawik
Anzelc	Doepke	Hilty	Lesch	Myhra	Slocum
Atkins	Downey	Holberg	Liebling	Nelson	Smith
Banaian	Drazkowski	Hoppe	Lillie	Nornes	Stensrud
Barrett	Eken	Hornstein	Loeffler	Norton	Swedzinski
Beard	Erickson	Hortman	Lohmer	O'Driscoll	Thissen
Benson, J.	Fabian	Hosch	Loon	Paymar	Tillberry
Benson, M.	Falk	Howes	Mack	Pelowski	Torkelson
Bills	Franson	Huntley	Mahoney	Peppin	Urdahl
Brynaert	Fritz	Johnson	Mariani	Persell	Vogel
Buesgens	Garofalo	Kahn	Marquart	Petersen, B.	Wagenius
Carlson	Gauthier	Kath	Mazorol	Peterson, S.	Ward
Champion	Gottwalt	Kelly	McDonald	Poppe	Wardlow
Clark	Greene	Kieffer	McElfatrick	Quam	Westrom
Cornish	Greiling	Kiel	McFarlane	Rukavina	Winkler
Crawford	Gruenhagen	Kiffmeyer	McNamara	Runbeck	Woodard
Daudt	Gunther	Knuth	Melin	Sanders	Spk. Zellers

The bill was passed and its title agreed to.

H. F. No. 300, A bill for an act relating to education; recommending comprehensive eye exams; amending Minnesota Statutes 2010, section 121A.17, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Buesgens	Crawford	Dettmer
Allen	Anzelc	Benson, J.	Carlson	Daudt	Dill
Anderson, B.	Atkins	Benson, M.	Champion	Dauids	Dittrich
Anderson, D.	Banaian	Bills	Clark	Davnie	Doepke
Anderson, P.	Barrett	Brynaert	Cornish	Dean	Downey

Drazkowski	Hausman	Kriesel	McElfatrick	Peppin	Swedzinski
Eken	Hilstrom	Laine	McFarlane	Persell	Thissen
Erickson	Hilty	Lanning	McNamara	Petersen, B.	Tillberry
Fabian	Holberg	Leidiger	Melin	Peterson, S.	Torkelson
Falk	Hoppe	LeMieur	Moran	Poppe	Urdahl
Franson	Hornstein	Lenczewski	Morrow	Quam	Vogel
Fritz	Hortman	Lesch	Mullery	Rukavina	Wagenius
Garofalo	Hosch	Liebling	Murdock	Runbeck	Ward
Gauthier	Howes	Lillie	Murphy, E.	Sanders	Wardlow
Gottwalt	Huntley	Loeffler	Murphy, M.	Scalze	Westrom
Greene	Johnson	Lohmer	Murray	Schomacker	Winkler
Greiling	Kahn	Loon	Myhra	Scott	Woodard
Gruenhagen	Kath	Mack	Nelson	Shimanski	Spk. Zellers
Gunther	Kelly	Mahoney	Nornes	Simon	
Hackbarth	Kieffer	Mariani	Norton	Slawik	
Hamilton	Kiel	Marquart	O'Driscoll	Slocum	
Hancock	Kiffmeyer	Mazorol	Paymar	Smith	
Hansen	Knuth	McDonald	Pelowski	Stensrud	

The bill was passed and its title agreed to.

H. F. No. 1585, A bill for an act relating to education; reducing time period for good faith effort required before asking the Minnesota State High School League to arrange an interscholastic conference membership; amending Minnesota Statutes 2010, section 128C.07, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hancock	Leidiger	Murphy, E.	Simon
Allen	Dean	Hansen	LeMieur	Murphy, M.	Slawik
Anderson, B.	Dettmer	Hausman	Lenczewski	Murray	Slocum
Anderson, D.	Dill	Hilstrom	Lesch	Myhra	Smith
Anderson, P.	Dittrich	Hilty	Liebling	Nelson	Stensrud
Anderson, S.	Doepke	Holberg	Lillie	Nornes	Swedzinski
Anzelc	Downey	Hoppe	Loeffler	Norton	Thissen
Atkins	Drazkowski	Hornstein	Lohmer	O'Driscoll	Tillberry
Banaian	Eken	Hortman	Loon	Paymar	Torkelson
Barrett	Erickson	Hosch	Mack	Pelowski	Urdahl
Beard	Fabian	Howes	Mahoney	Peppin	Vogel
Benson, J.	Falk	Huntley	Mariani	Persell	Wagenius
Benson, M.	Franson	Johnson	Marquart	Petersen, B.	Ward
Bills	Fritz	Kahn	Mazorol	Peterson, S.	Wardlow
Brynaert	Garofalo	Kath	McDonald	Poppe	Westrom
Buesgens	Gauthier	Kelly	McElfatrick	Quam	Winkler
Carlson	Gottwalt	Kieffer	McFarlane	Rukavina	Woodard
Champion	Greene	Kiel	McNamara	Runbeck	Spk. Zellers
Clark	Greiling	Kiffmeyer	Melin	Sanders	
Cornish	Gruenhagen	Knuth	Moran	Scalze	
Crawford	Gunther	Kriesel	Morrow	Schomacker	
Daudt	Hackbarth	Laine	Mullery	Scott	
Davids	Hamilton	Lanning	Murdock	Shimanski	

The bill was passed and its title agreed to.

H. F. No. 1515, A bill for an act relating to real property; landlord and tenant; modifying certain late fee provisions; clarifying certain provisions related to eviction from property subject to foreclosure; amending Minnesota Statutes 2010, sections 504B.177; 504B.285, subdivisions 1b, 1c; Minnesota Statutes 2011 Supplement, section 504B.285, subdivision 1a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hancock	Leidiger	Murphy, E.	Simon
Allen	Dean	Hansen	LeMieur	Murphy, M.	Slawik
Anderson, B.	Dettmer	Hausman	Lenczewski	Murray	Slocum
Anderson, D.	Dill	Hilstrom	Lesch	Myhra	Smith
Anderson, P.	Dittrich	Hilty	Liebling	Nelson	Stensrud
Anderson, S.	Doepke	Holberg	Lillie	Nornes	Swedzinski
Anzelc	Downey	Hoppe	Loeffler	Norton	Thissen
Atkins	Drazkowski	Hornstein	Lohmer	O'Driscoll	Tillberry
Banaian	Eken	Hortman	Loon	Paymar	Torkelson
Barrett	Erickson	Hosch	Mack	Pelowski	Urdahl
Beard	Fabian	Howes	Mahoney	Peppin	Vogel
Benson, J.	Falk	Huntley	Mariani	Persell	Wagenius
Benson, M.	Franson	Johnson	Marquart	Petersen, B.	Ward
Bills	Fritz	Kahn	Mazorol	Peterson, S.	Wardlow
Brynaert	Garofalo	Kath	McDonald	Poppe	Westrom
Buesgens	Gauthier	Kelly	McElfrick	Quam	Winkler
Carlson	Gottwalt	Kieffer	McFarlane	Rukavina	Woodard
Champion	Greene	Kiel	McNamara	Runbeck	Spk. Zellers
Clark	Greiling	Kiffmeyer	Melin	Sanders	
Cornish	Gruenhagen	Knuth	Moran	Scalze	
Crawford	Gunther	Kriesel	Morrow	Schomacker	
Daudt	Hackbarth	Laine	Mullery	Scott	
Davids	Hamilton	Lanning	Murdock	Shimanski	

The bill was passed and its title agreed to.

## MOTIONS AND RESOLUTIONS

Quam moved that the name of Davids be added as an author on H. F. No. 113. The motion prevailed.

Scott moved that the names of Lanning and Murdock be added as authors on H. F. No. 322. The motion prevailed.

Clark moved that the name of Urdahl be added as an author on H. F. No. 647. The motion prevailed.

Liebling moved that her name be stricken as an author on H. F. No. 1535. The motion prevailed.

Hoppe moved that his name be stricken as an author on H. F. No. 1666. The motion prevailed.

Mahoney moved that the name of Paymar be added as an author on H. F. No. 1705. The motion prevailed.

Poppe moved that the name of Murray be added as an author on H. F. No. 1745. The motion prevailed.

Swedzinski moved that the name of Ward be added as an author on H. F. No. 1926. The motion prevailed.

Gottwalt moved that the name of Shimanski be added as an author on H. F. No. 1945. The motion prevailed.

Downey moved that the name of Doepke be added as an author on H. F. No. 1954. The motion prevailed.

Wagenius moved that the name of Doepke be added as an author on H. F. No. 1963. The motion prevailed.

Loon moved that the name of Paymar be added as an author on H. F. No. 1968. The motion prevailed.

Kahn moved that the name of Simon be added as an author on H. F. No. 2007. The motion prevailed.

Bills moved that the name of Dettmer be added as an author on H. F. No. 2139. The motion prevailed.

Persell moved that the name of Hancock be added as an author on H. F. No. 2157. The motion prevailed.

Swedzinski moved that the name of Hansen be added as an author on H. F. No. 2159. The motion prevailed.

Cornish moved that the name of Smith be added as an author on H. F. No. 2160. The motion prevailed.

Murray moved that the name of Schomacker be added as an author on H. F. No. 2162. The motion prevailed.

McNamara moved that the name of Smith be added as an author on H. F. No. 2163. The motion prevailed.

McNamara moved that the name of Schomacker be added as an author on H. F. No. 2164. The motion prevailed.

Nornes moved that the name of Kahn be added as an author on H. F. No. 2166. The motion prevailed.

LeMieur moved that the name of Smith be added as an author on H. F. No. 2170. The motion prevailed.

Paymar moved that the name of Hausman be added as an author on H. F. No. 2176. The motion prevailed.

Peterson, S., moved that the names of Simon and Carlson be added as authors on H. F. No. 2177. The motion prevailed.

Brynaert moved that the names of Davnie, Persell, Ward and Carlson be added as authors on H. F. No. 2181. The motion prevailed.

Melin moved that the names of Persell, Ward, Kahn and Carlson be added as authors on H. F. No. 2182. The motion prevailed.

Koenen moved that the names of Persell and Ward be added as authors on H. F. No. 2183. The motion prevailed.

Mahoney moved that the names of Davnie, Simon and Ward be added as authors on H. F. No. 2184. The motion prevailed.

Scalze moved that the names of Ward and Carlson be added as authors on H. F. No. 2185. The motion prevailed.

Fritz moved that the names of Persell, Simon, Ward and Carlson be added as authors on H. F. No. 2186. The motion prevailed.

Atkins moved that H. F. No. 1582 be recalled from the Committee on Health and Human Services Reform and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

#### ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 4:30 p.m., Wednesday, February 15, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 4:30 p.m., Wednesday, February 15, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives