

## STATE OF MINNESOTA

## EIGHTY-SEVENTH SESSION — 2012

## EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 15, 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 the Reverend Bruce Schoeman, Willmar Assembly of God Church, Willmar, 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	Dean	Hansen	Leidiger	Murphy, E.	Simon
Allen	Dettmer	Hausman	LeMieur	Murphy, M.	Slawik
Anderson, B.	Dill	Hilstrom	Lenczewski	Murray	Slocum
Anderson, D.	Dittrich	Hilty	Lesch	Myhra	Smith
Anderson, P.	Doepke	Holberg	Liebling	Nelson	Stensrud
Anderson, S.	Downey	Hoppe	Lillie	Nornes	Swedzinski
Anzelc	Drazkowski	Hornstein	Loeffler	Norton	Thissen
Atkins	Eken	Hortman	Lohmer	O'Driscoll	Tillberry
Banaian	Erickson	Hosch	Loon	Paymar	Torkelson
Barrett	Fabian	Howes	Mack	Pelowski	Urdahl
Beard	Falk	Huntley	Mahoney	Peppin	Vogel
Benson, J.	Franson	Johnson	Mariani	Persell	Wagenius
Benson, M.	Fritz	Kahn	Marquart	Petersen, B.	Ward
Bills	Garofalo	Kath	Mazorol	Peterson, S.	Wardlow
Brynaert	Gauthier	Kelly	McDonald	Poppe	Westrom
Buesgens	Gottwalt	Kieffer	McElfrick	Quam	Winkler
Carlson	Greene	Kiel	McFarlane	Rukavina	Woodard
Champion	Greiling	Kiffmeyer	McNamara	Runbeck	Spk. Zellers
Clark	Gruenhagen	Knuth	Melin	Sanders	
Cornish	Gunther	Koenen	Moran	Scalze	
Crawford	Hackbarth	Kriesel	Morrow	Schomacker	
Daudt	Hamilton	Laine	Mullery	Scott	
Davids	Hancock	Lanning	Murdock	Shimanski	

A quorum was present.

Davnie 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

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 926, A bill for an act relating to health; changing provisions for evaluation of health coverage mandates; amending Minnesota Statutes 2010, section 62J.26.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Abeler from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 1166, A bill for an act relating to human services; permitting the state to contract with third-party administrators to provide medical assistance benefits; requiring use of a competitive request for proposal process; repealing mandatory participation by health maintenance organizations; amending Minnesota Statutes 2010, sections 256B.0644; 256B.69, subdivisions 2, 5; repealing Minnesota Statutes 2010, section 62D.04, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 256B.0644, is amended to read:

### **256B.0644 REIMBURSEMENT UNDER OTHER STATE HEALTH CARE PROGRAMS.**

(a) A vendor of medical care, as defined in section 256B.02, subdivision 7, ~~and a health maintenance organization, as defined in chapter 62D,~~ must participate as a provider or contractor in the medical assistance program, general assistance medical care program, and MinnesotaCare as a condition of participating as a provider in health insurance plans and programs or contractor for state employees established under section 43A.18, the public employees insurance program under section 43A.316, for health insurance plans offered to local statutory or home rule charter city, county, and school district employees, the workers' compensation system under section 176.135, and insurance plans provided through the Minnesota Comprehensive Health Association under sections 62E.01 to 62E.19. The limitations on insurance plans offered to local government employees shall not be applicable in geographic areas where provider participation is limited by managed care contracts with the Department of Human Services. For purposes of this section, a health maintenance organization, as defined in chapter 62D, is not a vendor of medical care.

(b) ~~For providers other than health maintenance organizations,~~ Participation in the medical assistance program means that:

(1) the provider accepts new medical assistance, general assistance medical care, and MinnesotaCare patients;

(2) for providers other than dental service providers, at least 20 percent of the provider's patients are covered by medical assistance, general assistance medical care, and MinnesotaCare as their primary source of coverage; or

(3) for dental service providers, at least ten percent of the provider's patients are covered by medical assistance, general assistance medical care, and MinnesotaCare as their primary source of coverage, or the provider accepts new medical assistance and MinnesotaCare patients who are children with special health care needs. For purposes of this

section, "children with special health care needs" means children up to age 18 who: (i) require health and related services beyond that required by children generally; and (ii) have or are at risk for a chronic physical, developmental, behavioral, or emotional condition, including: bleeding and coagulation disorders; immunodeficiency disorders; cancer; endocrinopathy; developmental disabilities; epilepsy, cerebral palsy, and other neurological diseases; visual impairment or deafness; Down syndrome and other genetic disorders; autism; fetal alcohol syndrome; and other conditions designated by the commissioner after consultation with representatives of pediatric dental providers and consumers.

(c) Patients seen on a volunteer basis by the provider at a location other than the provider's usual place of practice may be considered in meeting the participation requirement in this section. The commissioner shall establish participation requirements for health maintenance organizations. The commissioner shall provide lists of participating medical assistance providers on a quarterly basis to the commissioner of management and budget, the commissioner of labor and industry, and the commissioner of commerce. Each of the commissioners shall develop and implement procedures to exclude as participating providers in the program or programs under their jurisdiction those providers who do not participate in the medical assistance program. The commissioner of management and budget shall implement this section through contracts with participating health and dental carriers.

(d) For purposes of paragraphs (a) and (b), participation in the general assistance medical care program applies only to pharmacy providers.

**EFFECTIVE DATE.** This section is effective for medical assistance and MinnesotaCare plan years beginning on or after January 1, 2013.

Sec. 2. **REPEALER; MANDATORY HMO PARTICIPATION AS PROVIDER IN PUBLIC PROGRAMS.**

Minnesota Statutes 2010, section 62D.04, subdivision 5, is repealed effective January 1, 2013."

Delete the title and insert:

"A bill for an act relating to human services; changing medical assistance reimbursement under other state health care programs; repealing mandatory participation by health maintenance organizations; amending Minnesota Statutes 2010, section 256B.0644; repealing Minnesota Statutes 2010, section 62D.04, subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1236, A bill for an act relating to health; establishing a pharmacy audit integrity program; proposing coding for new law in Minnesota Statutes, chapter 151.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[151.60] PHARMACY AUDIT INTEGRITY PROGRAM.**

The pharmacy audit integrity program is established to provide standards for an audit of pharmacy records carried out by a pharmacy benefits manager or any entity that represents pharmacy benefits managers.

Sec. 2. **[151.61] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 151.60 to 151.66, the following terms have the meanings given.

Subd. 2. **Entity.** "Entity" means a pharmacy benefits manager or any person or organization that represents these companies, groups, or organizations.

Subd. 3. **Pharmacy benefits manager or PBM.** "Pharmacy benefits manager" or "PBM" means a person, business, or other entity that performs pharmacy benefits management. The term includes a person or entity acting for a PBM in a contractual or employment relationship in the performance of pharmacy benefits management.

Subd. 4. **Plan sponsor.** "Plan sponsor" means the employer in the case of an employee benefit plan established or maintained by a single employer, a group purchaser as defined in section 62J.03, subdivision 6, or the employee organization in the case of a plan established or maintained by an employee organization, an association, joint board of trustees, committee, or other similar group that establishes or maintains the plan.

Sec. 3. **[151.62] PHARMACY BENEFIT MANAGER CONTRACT.**

(a) A pharmacy benefit manager (PBM) contract that is altered or amended by that entity may be substituted for a current contract but is not effective without the written consent of a pharmacy. The pharmacy must receive a copy of the proposed contract changes or renewal along with a disclosure by the PBM of all material changes in terms of the contract or methods of reimbursement from the previous contract.

(b) An amendment or change in terms of an existing contract between a PBM and a pharmacy must be disclosed to the pharmacy at least 120 days prior to the effective date of the proposed change. A PBM may not alter or amend a PBM contract, or impose any additional contractual obligation on a pharmacy, unless the PBM complies with the requirements in this section.

Sec. 4. **[151.63] PROCEDURE AND PROCESS FOR CONDUCTING AND REPORTING AN AUDIT.**

Subdivision 1. **Audit procedures.** Unless otherwise prohibited by federal requirements or regulations, any entity conducting a pharmacy audit must follow the following procedures.

(1) A pharmacy must be given a written notice before an initial on-site audit is conducted.

(2) An audit that involves clinical or professional judgment must be conducted by or in consultation with a pharmacist licensed in this state or the Board of Pharmacy.

(3) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies.

(4) If copies of records are requested by the auditing entity, they will pay the cost of copying health records allowed under section 144.292, subdivision 6, to the pharmacy.

Subd. 2. **Audit process.** Unless otherwise prohibited by federal requirements or regulations, for any entity conducting a pharmacy audit the following audit items apply.

(1) The period covered by the audit may not exceed 24 months from the date that the claim was submitted to or adjudicated by the entity, unless a longer period is permitted under federal law.

(2) If an entity uses sampling as a method for selecting a set of claims for examination, the sample size must be appropriate for a statistically reliable sample but may not exceed 60 prescriptions.

(3) The audit may not take place during the first seven business days of the month due to the high volume of prescriptions filled during that time unless consented to by the pharmacy.

(4) Auditors may not enter the pharmacy area where patient-specific information is available and must be out of sight and hearing range of the pharmacy customers.

(5) Any recoupment will not be deducted against future remittances and shall be invoiced to the pharmacy for payment.

(6) Recoupment may not be assessed for items on the face of a prescription not required by the Board of Pharmacy.

(7) The auditing company or agent may not receive payment based on a percentage of the amount recovered.

Sec. 5. **[151.64] REQUIREMENTS FOR RECOUPMENT OR CHARGEBACK.**

For recoupment or chargeback, the following criteria apply.

(1) Audit parameters must consider consumer-oriented parameters based on manufacturer listings.

(2) A pharmacy's usual and customary price for compounded medications is considered the reimbursable cost unless an alternate price is published in the provider contract and signed by both parties.

(3) A finding of overpayment or underpayment must be based on the actual overpayment or underpayment and not a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs.

(4) The entity conducting the audit shall not use extrapolation in calculating the recoupment or penalties for audits.

(5) Calculations of overpayments must not include dispensing fees unless a prescription was not actually dispensed or the prescriber denied authorization.

(6) An entity may not consider any clerical or record keeping error, such as a typographical error, scrivener's error, or computer error regarding a required document or record as fraud, however such errors may be subject to recoupment.

(7) In the case of errors that have no financial harm to the patient or plan, the PBM must not assess any chargebacks.

(8) Interest may not accrue during the audit period, beginning with the notice of the audit and ending with the final audit report.

Sec. 6. **[151.65] DOCUMENTATION.**

(a) The pharmacy may use the records including medication administration records of a hospital, physician, or other authorized practitioner to validate the pharmacy record and delivery.

(b) Any legal prescription that meets the requirements in this chapter may be used to validate claims in connection with prescriptions, refills, or changes in prescriptions, including medication administration records, faxes, e-prescriptions, or documented telephone calls from the prescriber or the prescriber's agents.

Sec. 7. **[151.66] APPEALS PROCESS.**

The entity conducting the audit must establish a written appeals process which must include appeals of preliminary reports and final reports. If either party is not satisfied with the appeal, that party may seek mediation.

Sec. 8. **[151.67] AUDIT INFORMATION AND REPORTS.**

(a) A preliminary audit report must be delivered to the pharmacy within 30 days after the conclusion of the audit.

(b) A pharmacy must be allowed at least 30 days following receipt of the preliminary audit to provide documentation to address any discrepancy found in the audit.

(c) A final audit report must be delivered to the pharmacy within 90 days after receipt of the preliminary audit report or final appeal, whichever is later.

(d) No chargeback, recoupment, or other penalties may be assessed until the appeals process has been exhausted and the final report issued.

(e) An entity shall remit any money due to a pharmacy or pharmacist as a result of an underpayment of a claim within 30 days after the appeals process has been exhausted and the final audit report has been issued.

(f) Where not superseded by state or federal law, audit information may not be shared. Auditors shall only have access to previous audit reports on a particular pharmacy conducted by that same auditing entity.

Sec. 9. **[151.68] DISCLOSURES TO PLAN SPONSOR.**

An auditing entity must provide a copy of the final report to the plan sponsor whose claims were included in the audit, and any recouped money shall be returned to the plan sponsor.

Sec. 10. **[151.69] APPLICABILITY OF OTHER LAWS AND REGULATIONS.**

Sections 151.60 to 151.68 do not apply to any investigative audit that involves fraud, willful misrepresentation, or abuse, or any audit completed by Minnesota health care programs."

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1492, A bill for an act relating to mental health; adding a member to the State Advisory Council on Mental Health; amending Minnesota Statutes 2010, section 245.697, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 8, strike "30" and insert "31"

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.

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

H. F. No. 1607, A bill for an act relating to the State Capitol; authorizing the State Patrol to provide security and protection to certain government officials; establishing a committee on capitol complex security; amending Minnesota Statutes 2010, section 299D.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299E.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1774, A bill for an act relating to public safety; authorizing personal use of fireworks; amending Minnesota Statutes 2010, sections 624.20, subdivision 1; 624.22, subdivision 2; 624.25.

Reported the same back with the following amendments:

Page 3, lines 17 and 34, delete "July" and insert "June"

Page 4, line 20, delete "July" and insert "June"

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1918, A bill for an act relating to human services; requiring the commissioner of human services to submit to the legislature a plan to restructure and reform state health care programs in the event of federal changes to the Medicaid program.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 1972, A bill for an act relating to health; providing a temporary permit to practice without compensation to dentists or dental hygienists licensed in another state; amending Minnesota Statutes 2010, section 150A.06, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 150A.06, subdivision 2c, is amended to read:

Subd. 2c. **Guest license.** (a) The board shall grant a guest license to practice as a dentist, dental hygienist, or licensed dental assistant if the following conditions are met:

(1) the dentist, dental hygienist, or dental assistant is currently licensed in good standing in ~~North Dakota, South Dakota, Iowa, or Wisconsin~~ another United States jurisdiction;

(2) the dentist, dental hygienist, or dental assistant is currently engaged in the practice of that person's respective profession in ~~North Dakota, South Dakota, Iowa, or Wisconsin~~ another United States jurisdiction;

(3) the dentist, dental hygienist, or dental assistant will limit that person's practice to a public health setting in Minnesota that (i) is approved by the board; (ii) was established by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the Internal Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty accessing dental care;

(4) the dentist, dental hygienist, or dental assistant agrees to treat indigent patients who meet the eligibility criteria established by the clinic; and

(5) the dentist, dental hygienist, or dental assistant has applied to the board for a guest license and has paid a nonrefundable license fee to the board not to exceed \$75.

(b) A guest license must be renewed annually with the board and an annual renewal fee not to exceed \$75 must be paid to the board. Guest licenses expire annually at midnight on December 31.

(c) A dentist, dental hygienist, or dental assistant practicing under a guest license under this subdivision shall have the same obligations as a dentist, dental hygienist, or dental assistant who is licensed in Minnesota and shall be subject to the laws and rules of Minnesota and the regulatory authority of the board. If the board suspends or revokes the guest license of, or otherwise disciplines, a dentist, dental hygienist, or dental assistant practicing under this subdivision, the board shall promptly report such disciplinary action to the dentist's, dental hygienist's, or dental assistant's regulatory board in the ~~border state~~ jurisdictions in which they are licensed.

(d) The board may grant a guest license to a dentist, dental hygienist, or dental assistant licensed in another United States jurisdiction who will provide care to patients on a voluntary basis without compensation for a limited period of time. The board may assess a fee not to exceed \$25 for the guest license for volunteer services. The fee may be paid by the applicant or the sponsoring organization. The board shall issue a guest license for volunteer services license if:

(1) the board determines that the applicant's services will provide dental care to patients who have difficulty accessing dental care;



(2) the care will be provided without compensation; and

(3) the applicant provides adequate proof of the status of all licenses to practice in other jurisdictions. The board may require proof on an application form developed by the board.

The guest license for volunteer services will limit the licensee to providing dental care services for a period of time not to exceed ten days in a calendar year. Guest licenses expire annually at midnight on December 31.

The holder of a guest license for volunteer services shall be subject to state laws and rules regarding dentistry and the regulatory authority of the board. The board may revoke the license of a dentist, dental hygienist, or dental assistant practicing under this subdivision or take other regulatory action against the dentist, dental hygienist, or dental assistant. If an action is taken, the board shall report the action to the regulatory board of those jurisdictions where an active license is held by the dentist, dental hygienist, or dental assistant."

Delete the title and insert:

"A bill for an act relating to health; modifying guest license provisions for dentists, dental hygienists, and dental assistants; amending Minnesota Statutes 2010, section 150A.06, subdivision 2c."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Abeler from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 1985, A bill for an act relating to human services; modifying requirements for background studies; modifying notification requirements; amending Minnesota Statutes 2010, sections 245C.04, subdivision 1; 245C.05, subdivision 7.

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

The report was adopted.

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

H. F. No. 2164, A bill for an act relating to natural resources; authorizing certain agency prepayments; providing for apprentice riders; modifying aquatic invasive species provisions; modifying local government trail authority; modifying enforcement provisions; modifying certain bait provisions; modifying prior appropriations; modifying and eliminating certain reporting, plan, and meeting requirements; eliminating loan program; modifying La Salle Lake State Recreation Area administration; prohibiting commissioner of natural resources from purchasing land at more than 20 percent above estimated market value; modifying waste management provisions; clarifying certain environmental review; eliminating certain fees; modifying toxic pollution prevention requirements; modifying certain standards for stationary sources; extending prohibition on new open air swine basins; modifying local water management; requiring water supply demand reduction measures; modifying acid deposition control requirements; modifying sewage sludge management; modifying Wetland Conservation Act; providing for continued operation of the Minnesota Zoological Garden, and state parks and recreation areas when biennial appropriations have not been

enacted; requiring the availability of game and fish licenses by electronic transaction; creating citizen's board; authorizing and clarifying the use of general permits; modifying mineral lease provisions; modifying authority of Executive Council; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2010, sections 9.071; 16A.065; 84.027, subdivision 15; 84.0272, subdivision 1; 84.0895, subdivision 7; 84.631; 84.67; 84.91, subdivision 1; 84D.05, subdivision 1; 85.018, subdivision 2; 85.055, subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1; 90.031, subdivision 4; 92.45; 92.50, subdivision 1; 93.17, subdivision 3; 93.1925, subdivision 1; 93.20, subdivisions 2, 30, 38; 93.2236; 93.25, subdivision 2, by adding a subdivision; 97A.401, subdivision 1; 97A.421, subdivision 4a; 103A.43; 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103G.2241, subdivision 9; 103G.2242, subdivision 3; 103G.245, subdivision 3; 103G.271, subdivision 1; 103G.291, subdivisions 3, 4; 103G.301, subdivisions 2, 4, 5, 5a; 103G.611, by adding a subdivision; 103H.175, subdivision 3; 115.01, by adding a subdivision; 115.06, subdivision 4; 115.073; 115.42; 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557, subdivision 4; 115D.08; 116.011; 116.02, subdivisions 1, 2, 3, 4, 6; 116.03, subdivision 1; 116.06, subdivision 22; 116.07, by adding a subdivision; 116.0714; 116.10; 116C.833, subdivision 2; 116D.04, by adding a subdivision; 216C.055; 216H.07, subdivision 3; 473.149, subdivisions 1, 6; 473.846; Minnesota Statutes 2011 Supplement, sections 84.027, subdivision 14a; 84D.01, subdivision 15a; 84D.03, subdivision 3; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision 1; 103G.615, subdivisions 1, 2; 115A.1320, subdivision 1; 116.03, subdivision 2b; 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended; Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 7; Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 103B; 103G; 115; 115A; 161; 574; repealing Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 116.02, subdivisions 7, 8; 216H.07, subdivision 4; Minnesota Statutes 2011 Supplement, sections 86B.508; 86B.811, subdivision 1a; Laws 2011, chapter 107, section 105; Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

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

The report was adopted.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **DELETIONS FROM STATE PARKS.**

Subdivision 1. [85.012] [Subd. 28] Interstate State Park, Chisago County. The following area is deleted from Interstate State Park: that part of Lots 8, 9, and 10 of Block 35 of the Plat of the Town of Taylor's Falls, on file and of record in the Chisago County Recorder's Office, described as follows: beginning at the northwest corner of said Lot 10; thence on an assumed bearing of South 08 degrees 05 minutes 41 seconds West 151.46 feet along the west line of said Lots 10, 9, and 8 to the southwest corner of said Lot 8; thence South 89 degrees 51 minutes 29

seconds East 160.00 feet along the south line of said Lot 8; thence North 00 degrees 30 minutes 25 seconds East 150.00 feet to a point which is 140.00 feet east of the northwest corner of said Lot 10 as measured along the north line thereof; thence North 89 degrees 51 minutes 29 seconds West 140.00 feet to the point of beginning.

Subd. 2. [85.012] [Subd. 40] McCarthy Beach State Park, St. Louis County. The following area is deleted from McCarthy Beach State Park: that part of Government Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis County, Minnesota, described as follows: commencing at meander corner #6 on the north line of said section; thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along the north line of said section 100.00 feet to the point of beginning; thence South 31 degrees 35 minutes 24 seconds East 409.70 feet to the centerline of McCarthy Beach Road; thence North 20 degrees 47 minutes 12 seconds East along said centerline 374.52 feet to the north line of said section; thence South 89 degrees 49 minutes 20 seconds West along the north line of said section 347.53 feet to the point of beginning.

Sec. 2. **ADDITIONS TO STATE RECREATION AREAS.**

Subdivision 1. [85.013] [Subd. 11b] Greenleaf Lake State Recreation Area, Meeker County. The following area is added to the Greenleaf Lake State Recreation Area, Meeker County: the Southwest Quarter of the Northwest Quarter and Government Lots 5, 6, 7, and 8, all in Section 20, Township 118 North, Range 30 West, Meeker County, Minnesota, LESS AND EXCEPT the following two tracts:

(1) that part of Government Lot 8, Section 20, Township 118 North, Range 30 West, lying North of the south line of said Section 20 and East of a line at right angles to and beginning at a point on said line 734.6 feet East of its intersection with the centerline of County Road No. 169; and

(2) all that part of Government Lots 7 and 8 of Section 20, Township 118 North, Range 30 West, lying West of County Road No. 169.

Subd. 2. [85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation Area, St. Louis County. The following areas are added to the Iron Range Off-Highway Vehicle Recreation Area:

(1) that part of the Northwest Quarter of the Southwest Quarter, Section 25, Township 58 North, Range 17 West, St. Louis County, Minnesota, lying southeasterly of the DM & IR Railroad; and

(2) the East 100 feet of the Southeast Quarter of Section 26, Township 58 North, Range 17 West, St. Louis County, Minnesota.

Sec. 3. **DELETION FROM STATE RECREATION AREA.**

[85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation Area, St. Louis County. The following areas are deleted from the Iron Range Off-Highway Vehicle Recreation Area:

(1) that part of the Northeast Quarter of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, all in Section 26, Township 58 North, Range 17 West, St. Louis County, Minnesota, lying northwesterly of the Gilbert mine pit in said section;

(2) that part of the Southwest Quarter of the Northeast Quarter, Section 35, Township 58 North, Range 17 West, St. Louis County, Minnesota, lying northwesterly of Deep Lake in said section; and

(3) the South Half of Section 36, except the Southeast Quarter of the Southwest Quarter, all in Township 58 North, Range 17 West, St. Louis County, Minnesota.

Sec. 4. **DELETION FROM STATE FOREST.**

**[89.021] [Subd. 18] Fond du Lac State Forest.** The following areas are deleted from the Fond du Lac State Forest:

(1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30 of Township 48 North, Range 15 West; and

(2) that part of Sections 13 and 24 lying east of State Highway 23 and Section 25 of Township 48 North, Range 16 West.

Sec. 5. **ADDITION TO STATE FOREST.**

**[89.021] [Subd. 35] Nemadji State Forest.** The following areas are added to the Nemadji State Forest:

(1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30 of Township 48 North, Range 15 West; and

(2) that part of Sections 13 and 24 lying east of State Highway 23 and Section 25 of Township 48 North, Range 16 West.

Sec. 6. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Beltrami County may sell the tax-forfeited lands bordering public water that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Beltrami County and is described as:

(1) parcel 01.00113.00;

(2) parcel 01.00204.00;

(3) parcel 34.00558.00; and

(4) parcel 34.00568.00.

(d) The county has determined that the county's land management interests would be best served if the lands were returned to private ownership.

Sec. 7. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; BIG STONE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Big Stone County may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Big Stone County and is described as:

(1) Lots 1 to 12, Block 3, Original Plat; and

(2) Outlot 160, city of Ortonville.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 8. **PRIVATE SALE OF SURPLUS STATE LAND; DAKOTA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to the United States for less than the value of the land, as determined by the commissioner, but the conveyance must provide that the land be managed for conservation purposes and reverts to the state if the United States fails to manage the land for conservation purposes.

(c) The land that may be sold is located in Dakota County and is described as: that part of the West Half of the Northeast Quarter of Section 34, Township 27 North, Range 24 West, lying northwesterly of the Chicago and North Western Transportation Company Railroad, and that part of the East Half of the Northwest Quarter of Section 34, Township 27 North, Range 24 West, described as follows: beginning at the northeast corner of said East Half of the Northwest Quarter; thence on an assumed bearing of South 89 degrees 49 minutes 47 seconds West along the north line of said East Half of the Northwest Quarter, a distance of 127.6 feet; thence South 24 degrees 20 minutes 13 seconds West, a distance of 437.59 feet; thence South 47 degrees 28 minutes 32 seconds West, a distance of 522.97 feet; thence South 1/2 degree 31 minutes 28 seconds East, a distance of 866.39 feet to the northwesterly line of the Chicago and North Western Transportation Company Railroad; thence North 44 degrees 39 minutes 07 seconds East, along said northwesterly line, a distance of 130.52 feet to the east line of said East Half of the Northwest Quarter; thence North 00 degrees 42 minutes 27 seconds East, along the east line of said East Half of the Northwest Quarter, a distance of 1,487.79 feet to the point of beginning; containing 30.72 acres, more or less.

(d) The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to the United States. The land was part of the Black Dog Preserve Scientific and Natural Area, which was de-designated by the commissioner, effective November 21, 2011. The United States, acting by and through the United States Fish and Wildlife Service, wishes to acquire the land for inclusion in the Minnesota Valley National Wildlife Refuge.

Sec. 9. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; GOODHUE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Goodhue County may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Goodhue County and is described as:

(1) part of Lot 3, Welch Township, Section 26, Township 114 North, Range 16 West (parcel 46.126.0070); and

(2) Lots 4, 5, 6, 7, and 8, Block 6, Emerald Valley, city of Wanamingo (parcels 70.147.1010, 70.147.1020, 70.147.1030, 70.147.1040, and 70.147.1050).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 10. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45; 282.01, subdivision 1a; and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may convey to a governmental subdivision of the state for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land reverts to the state if the governmental subdivision stops using the land as a flood plain and open space and for wetland mitigation purposes.

(c) The land to be conveyed is located in Hennepin County and is described as: that part of Government Lot 3 lying South of the North 45 rods thereof and North of Nichols Shoreland and lying westerly of Magda Drive, Section 36, Township 119 North, Range 22 West (Hennepin County tax identification no. 36-119-22 11 0004).

(d) The county has determined that the county's land management interests would be best served if the land is conveyed to a governmental subdivision of the state for use as a flood plain and open space and for wetland mitigation purposes.

Sec. 11. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45; 282.01, subdivision 1a; and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may convey to a governmental subdivision of the state for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land reverts to the state if the governmental subdivision stops using the land for preservation of wetlands.

(c) The land to be conveyed is located in Hennepin County and is described as: Government Lot 1, Section 19, Township 120 North, Range 22 West (Hennepin County tax identification no. 19-120-22 22 0001).

(d) The county has determined that the county's land management interests would be best served if the land is conveyed to a governmental subdivision of the state for preservation of wetlands.

Sec. 12. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45; 282.01, subdivision 1a; and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may convey to the city of Corcoran for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land reverts to the state if the city of Corcoran stops using the land for a recreational trail and for storm water ponding.

(c) The land to be conveyed is located in Hennepin County and is described as: Outlot A, Lake Jubert Estates (Hennepin County tax identification no. 29-119-23 43 0008).

(d) The county has determined that the county's land management interests would be best served if the land is conveyed to the city of Corcoran for a recreational trail and for storm water ponding.

Sec. 13. **PRIVATE SALE OF TAX-FORFEITED LANDS; ITASCA COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell by private sale to the adjoining landowner the tax-forfeited lands that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The purchaser must provide a certified survey of the parcel to be sold that is acceptable to Itasca County and must pay all survey and appraisal costs.

(c) The land to be sold is in Itasca County and is described as:

(1) a parcel of land situated in Government Lot 7, Section 14, Township 54 North, Range 27 West, more particularly described as follows: commencing at the southeast corner of said Government Lot 7; thence North 01 degrees 06 minutes 20 seconds West, bearing assigned along the east line of said Government Lot 7, a distance of 975.45 feet to the point of beginning; thence North 59 degrees 29 minutes 01 seconds West 120.07 feet more or less to intersect a line that is 100.00 feet westerly of the east line of said Government Lot 7; thence North 01 degrees 06 minutes 20 seconds West on a line 100.00 feet westerly of the east line of said Government Lot 7, a distance of 50.41 feet; thence North 23 degrees 18 minutes 59 seconds East 241.87 feet more or less to a 2-1/2 inch aluminum cap affixed to a 5/8 inch by 2-foot rebar along the east line of said Government Lot 7; thence South 01 degrees 06 minutes 20 seconds East along the east line of said Government Lot 7, a distance of 332.21 feet to the point of beginning and there terminate; and

(2) the South 15 feet of the East 100 feet of the West 460 feet of the Northeast Quarter of the Southwest Quarter, Section 10, Township 61 North, Range 23 West.

(d) The county has determined that the county's land management interests would be best served if the lands were returned to private ownership.

Sec. 14. **PRIVATE SALE OF TAX-FORFEITED LAND; KOOCHICHING COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Koochiching County may sell by private sale the tax-forfeited lands that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. Prior to the sale, the county shall grant an easement in accordance with Minnesota Statutes, section 282.04, subdivision 4, to provide for public road access.

(c) The land to be sold is in Koochiching County and is described as: the South Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 63 North, Range 25 West.

(d) The county has determined that the county's land management interests would be best served if the lands were returned to private ownership.

Sec. 15. **PRIVATE SALE OF TAX-FORFEITED LAND; LAKE COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Lake County may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Lake County and is described as: the Northeast Quarter of the Southeast Quarter, Section 19, Township 56 North, Range 9 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 16. **SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; LAKE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Lake County may sell the tax-forfeited lands bordering public waters that are described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is in Lake County and is described as: Government Lot 2, Government Lot 3, and the Southeast Quarter of the Northwest Quarter, all in Section 36, Township 60 North, Range 7 West.

(d) The county has determined that the county's land management interests would be best served if the lands were returned to private ownership.

Sec. 17. **PRIVATE SALE OF TAX-FORFEITED LAND; MORRISON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 282.01, subdivision 1a, and 282.018, subdivision 1, paragraph (a), and the public sale provisions of Minnesota Statutes, chapter 282, Morrison County may convey to a governmental subdivision of the state for less than market value for public use as a park, the tax-forfeited land bordering public water that is described in paragraph (c).



(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land be for public use as a park and reverts to the state if the governmental subdivision of the state abandons such use.

(c) The land to be sold is located in Morrison County and is described as: Government Lot 20, Section 18, Township 133 North, Range 31 West, Morrison County, less that part described as follows: beginning at the southwest corner of said Section 18; thence North 0 degrees 01 minute 24 seconds East along the west line of said Section 18 a distance of 180.00 feet; thence South 89 degrees 47 minutes 30 seconds East a distance of 450.00 feet; thence South 0 degrees 01 minute 24 seconds West a distance of 147.00 feet; thence South 89 degrees 47 minutes 30 seconds East a distance of 776.83 feet to the westerly right-of-way of State Highway 10; thence southerly along said westerly right-of-way line a distance of 14.61 feet along a nontangential curve concave to the East, having a radius of 5,789.58 feet and a central angle of 0 degrees 08 minutes 41 seconds, the chord of said curve bears South 0 degrees 14 minutes 53 seconds West; thence South 0 degrees 10 minutes 32 seconds West along said westerly right-of-way line a distance of 18.39 feet to the south line of said Section 18; thence North 89 degrees 47 minutes 30 seconds West along the southerly line of said Section 18 a distance of 1,226.72 feet to the point of beginning (parcel 410029000).

(d) The county has determined that the county's land management interests would be best served if the land is conveyed to a governmental subdivision for public use as a park.

Sec. 18. **PRIVATE SALE OF LAND; ST. LOUIS COUNTY.**

Subdivision 1. **Private sale of land.** (a) Notwithstanding Minnesota Statutes, section 373.01, or any other law to the contrary, St. Louis County may, without advertising for bids, sell and convey directly to the current lessee or its assigns the land described in paragraph (b). The consideration must be in an amount negotiated between the county and the lessee or its assigns. The conveyance must be executed by October 31, 2014.

(b) The land to be sold is located in St. Louis County and consists of the parcel of property known as the Chris Jensen Health & Rehabilitation Center and adjacent property, all located within the following legal description: a parcel of land located within the Northwest Quarter, Section 16, Township 50 North, Range 14 West of the Fourth Principal Meridian lying west of Rice Lake Road.

(c) Notwithstanding Minnesota Statutes, section 373.01, or any other law to the contrary, St. Louis County may include some or all tangible and intangible personal property associated with the Chris Jensen Health & Rehabilitation Center as part of the negotiated sale price.

(d) The conveyance must be in a form approved by the St. Louis county attorney. The county attorney may change the land description in paragraph (b) to implement the intent of St. Louis County.

(e) The lessee is providing under the lease nursing home services formerly provided by the county, and the county has determined that its land management interests are best served if the ownership of the property is transferred to the lessee or its assigns.

Subd. 2. **Disposition of lease.** Upon the conveyance, the existing lease of the real and personal property is merged into the fee ownership.

Sec. 19. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must be subject to the perpetual easement described in paragraph (d).

(c) The land that may be sold is located in St. Louis County and is described as: that part of Government Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis County, Minnesota, described as follows: commencing at meander corner #6 on the north line of said section; thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along the north line of said section 100.00 feet to the point of beginning; thence South 31 degrees 35 minutes 24 seconds East 409.70 feet to the centerline of McCarthy Beach Road; thence North 20 degrees 47 minutes 12 seconds East along said centerline 374.52 feet to the north line of said section; thence South 89 degrees 49 minutes 20 seconds West along the north line of said section 347.53 feet to the point of beginning, containing 1.4 acres, more or less. Subject to existing easements of record.

(d) Prior to the sale of the land described in paragraph (c), the commissioner shall convey a perpetual easement according to Minnesota Statutes, section 84.631, for the benefit of Lots 50, 51, and 52 of the Plat of McCarthy's Beach over and across an existing driveway being a strip of land 16.5 feet in width, lying 8.25 feet on each side of the following described centerline: commencing at meander corner #6 on the north line of Section 20; thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along the north line of said section 196.98 feet to the centerline of an existing driveway and the point of beginning; thence South 20 degrees 14 minutes 17 seconds East 54.79 feet; thence South 17 degrees 53 minutes 29 seconds East 47.03 feet; thence South 04 degrees 05 minutes 31 seconds East 44.44 feet; thence South 06 degrees 18 minutes 21 seconds West 61.38 feet; thence South 04 degrees 27 minutes 18 seconds West 53.03 feet; thence South 01 degree 47 minutes 03 seconds East 90.46 feet, more or less, to the centerline of McCarthy Beach Road and there terminating, containing 0.13 acres, more or less.

(e) The land to be sold is part of a parcel that borders Big Sturgeon Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would be best served if the land were conveyed to an adjacent landowner to resolve an inadvertent trespass.

Sec. 20. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis County may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The easement required under paragraph (c), clause (9), shall be memorialized on the certificate of title according to Minnesota Statutes, section 508.49, upon filing of the instrument that creates the easement.

(c) The land to be sold is located in St. Louis County and is described as:

(1) all of Government Lot 1, Section 26, Township 51 North, Range 13 West, lying South of the Duluth and Iron Range Railway, except the East 1,184.75 feet (parcel 010-2690-00520);

(2) the West 135 feet of the East 1,184.75 feet of that part of Government Lot 1, Section 26, Township 51 North, Range 13 West, South of the Duluth and Iron Range Railway (parcel 010-2690-00521);

(3) the Northeast Quarter of the Northeast Quarter, Section 18, Township 58 North, Range 20 West (parcel 235-0010-03050);

(4) the Southeast Quarter of the Northeast Quarter, Section 34, Township 59 North, Range 20 West (parcel 235-0030-05460);

(5) Government Lot 4, Section 11, Township 58 North, Range 16 West, except the railway right-of-way 5.55 acres and except that part West of County State-Aid Highway 4 (parcel 260-0012-00150);

(6) Government Lot 5, Section 11, Township 58 North, Range 16 West (parcel 260-0012-00160);

(7) the Northeast Quarter of the Southeast Quarter, Section 22, Township 57 North, Range 18 West, except the North 250 feet of the East 600 feet and except the highway right-of-way (parcel 295-0016-00120);

(8) Lot 7, Block 1, Reinkes Shore Lots, town of Cotton, Section 20, Township 54 North, Range 16 West (parcel 305-0043-00070);

(9) the West Half of the Northeast Quarter of the Northeast Quarter, Section 27, Township 52 North, Range 12 West (parcel 315-0020-04395). Prior to sale of this land, the commissioner of revenue shall grant an easement according to Minnesota Statutes, section 282.37, to provide riparian protection and angler access. The easement must be 150 feet in width, lying 75 feet on each side of the centerline of the river;

(10) Outlot 4, Rearrangement Eagles Nest, Section 22, Township 62 North, Range 14 West (parcel 317-0081-00100);

(11) an undivided half interest in Government Lot 2, Section 33, Township 55 North, Range 16 West (parcel 320-0010-05400);

(12) an undivided half interest in Government Lot 2, Section 33, Township 55 North, Range 16 West (parcel 320-0010-05401);

(13) Government Lot 2, Section 6, Township 55 North, Range 17 West, except the 1.34 acres at the southwest corner (parcel 320-0020-00830);

(14) the North Half of the Southwest Quarter of the Southeast Quarter, Section 17, Township 62 North, Range 12 West (parcel 465-0010-02420);

(15) the Southwest Quarter of the Northeast Quarter, Section 27, Township 61 North, Range 16 West (parcel 560-0011-04320); and

(16) the Southwest Quarter of the Northeast Quarter, Section 3, Township 57 North, Range 15 West (parcel 570-0010-00370).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 21. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as:

(1) Lot P, Block 18, Hunter/Markells Grassy Point Addition to Duluth, Section 13, Township 49 North, Range 15 West, except the railway right-of-way, including part of the adjacent vacated avenue and including part of the vacated street (parcel 010-2420-03700); and

(2) the Northeast Quarter of the Southwest Quarter, Section 6, Township 57 North, Range 19 West, except that part South of the railway right-of-way and except the 5.15 acres North of the railway right-of-way except beginning at a point 588 feet South of the northeast corner on the east line; thence North 79 degrees 57 minutes 49 seconds West a distance of 775 feet to the easterly right-of-way of County Highway 451; thence northerly and easterly along the right-of-way to the easterly line of forty; thence South along the east line a distance of 516 feet to the point of beginning (parcel 290-0010-00990).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 22. **SALE OF TAX-FORFEITED LEASED LANDS; ST. LOUIS COUNTY.**

Subdivision 1. **Sale authorized.** Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may in its sole discretion sell tax-forfeited lakeshore lots that are currently leased. St. Louis County may also sell other adjacent tax-forfeited lands under this section necessary for roadway access and the creation of conforming lot sizes.

Subd. 2. **Method of sale.** (a) The leaseholder of a leased parcel may purchase at private sale the leased parcel and any other lands allocated to the parcel by the county under subdivision 6 that is offered for sale under this section. The purchase price is the appraised value of the land under subdivision 3 exclusive of improvements on it. To purchase a parcel, a leaseholder must pay in cash to the county an amount equal to the appraised value of the land within 180 days from the date of mailing to or service of notice of appraised value on the leaseholder by the county. The 180-day period runs from the date of mailing of a copy of the appraisal to the leaseholder at the address shown upon the most recent lease agreement between the parties, exclusive of the date of mailing or service. The county may use any alternative method of notice under the Minnesota Rules of Civil Procedure for the service of a summons and complaint.

(b) If the leaseholder does not purchase the parcel so offered, the county may offer the lands for sale at public auction under the provisions of Minnesota Statutes, section 282.01, subdivision 3. If a person other than the leaseholder purchases the parcel, the purchaser must make payment in full to the leaseholder in the manner provided in Minnesota Statutes, section 92.06, subdivision 4, for the value of any improvements as determined under subdivision 3.

(c) Failure of a purchaser to comply with the terms of payment voids the sale and the property may be reoffered for sale.

Subd. 3. **Appraisal.** (a) An appraisal must be made in accordance with Minnesota Statutes, section 282.01, subdivision 3, except as modified by this subdivision. Improvements that are owned by the lessee must be appraised separately.

(b) The county shall select the appraiser. The appraiser selected must meet the minimal appraisal standards established by the federal Farmers Home Administration or the federal Veterans Administration, and be licensed under Minnesota Statutes, section 82B.03, to appraise the property to be sold.

(c) The costs of appraisal must be allocated by the county to the lots offered for sale and the successful purchaser on each lot shall reimburse the county for the appraisal costs allocated to the lot purchased. If no one purchases a lot, the county is responsible for the appraisal cost.

(d) If a leaseholder disagrees with the appraised value of the leasehold improvements, the leaseholder may select an appraiser that meets the qualifications in paragraph (b) to reappraise the improvements. The leaseholder must give notice of intent to object to the appraised value of the improvements within ten days of the date of the mailing or service of notice under subdivision 2, paragraph (a). The reappraisal must be delivered by the leaseholder to the county auditor within 60 days of the date of mailing or service of notice of appraised value under subdivision 2, paragraph (a), or the initial appraisal shall be conclusive. The leaseholder is responsible for the costs of the reappraisal. If the parcel is reappraised within the time required in this paragraph and the county and the leaseholder fail to agree on the value of the improvements by a date set by the county, each of the appraisers shall agree upon the selection of a third appraiser to conduct a third appraisal that shall be conclusive as to the value of the improvements. The cost of this appraisal must be paid equally by the county and the leaseholder.

Subd. 4. **Proceeds.** (a) Except as provided in paragraph (b), the proceeds from the sale of land described in subdivision 1 must be deposited by the county into an environmental trust fund as provided in Laws 1998, chapter 389, article 16, section 31, subdivision 4.

(b) The following amounts may be withheld by a county board and not deposited into an environmental trust fund: the costs of appraisal, abstracts, and surveys; money received from a sale that is attributable to land owned by a county in fee; amounts paid to lessees for improvements; and the costs of sale to lessees or other parties, including the costs of advertising, realtors, and closing services.

Subd. 5. **Survey.** (a) Prior to offering it for sale, St. Louis County shall have each lot surveyed by a licensed surveyor.

(b) The costs of the survey must be allocated by the county to the lots offered for sale and the successful purchaser on each lot shall reimburse the county for the survey costs allocated to the lot purchased. If no one purchases the lot, the county is responsible for the survey costs. All surveying must be conducted by a licensed surveyor.

Subd. 6. **Adding lands; zoning conformance.** Any lands to be sold under this section must be considered lots of record for zoning purposes. Whenever possible, St. Louis County may add land to the lots offered for sale to permit conformance with zoning requirements. The added lands must be included in the appraised value of the lot.

Subd. 7. **Roadways.** St. Louis County has the authority to designate whether roads within minor subdivisions under the county platting and subdivision ordinance are public or private.

Subd. 8. **Sunset.** This section expires five years after the day of final enactment.

Sec. 23. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County shall sell the tax-forfeited land described in paragraph (c) to the city of Virginia.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. Notwithstanding Minnesota Statutes, section 282.01, subdivision 1a, the county shall sell the land to the city of Virginia for less than the appraised value, not to exceed \$25,000.

(c) The land to be sold is located in St. Louis County and is described as: that part of the Southwest Quarter of the Southeast Quarter, Section 8, Township 58 North, Range 17 West, commencing at the southwest corner of said forty; thence North 87 degrees 38 minutes 02 seconds East 124.67 feet to the point of beginning; thence North 23 degrees 30 minutes 20 seconds West 91.12 feet; thence North 87 degrees 38 minutes 02 seconds East parallel to the south line 252.66 feet; thence North 02 degrees 21 minutes 58 seconds West 415 feet; thence North 87 degrees 38 minutes 02 seconds East 350 feet; thence South 02 degrees 21 minutes 58 seconds East 500 feet to the south line of said forty; thence South 87 degrees 38 minutes 02 seconds West 569.80 feet to the point of beginning; except assuming the west line of the Southwest Quarter of the Southeast Quarter to bear North 01 degree 57 minutes 18 seconds West and commencing at the southwest corner of said forty; thence run North 87 degrees 38 minutes 02 seconds East along the south line 444.47 feet to the point of beginning; thence run North 02 degrees 21 minutes 58 seconds West 500 feet; thence North 87 degrees 38 minutes 02 seconds East 250 feet; thence South 02 degrees 21 minutes 58 seconds East 500 feet to the south boundary line of said forty; thence South 87 degrees 38 minutes 02 seconds West 250 feet to the point of beginning. 1.61 acres. (parcel 090-0195-00205).

(d) The legislature has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 24. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Washington County and is described as: Block 21, Division No. 1, St. Paul Park, together with the south half of vacated Second Avenue adjacent to the north side of Block 21 and the west half of Front Street adjacent to the east side of Block 21 (parcel 02.027.22.41.0011).

(d) The sale would be to an adjacent landowner and the Department of Natural Resources has determined that the land is not appropriate for the department to manage.

Sec. 25. **EFFECTIVE DATE.**

Sections 1 to 24 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; adding to and deleting from state parks, state recreation areas, and state forests; authorizing conveyances and public and private sales of certain state and county lands."

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. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 256.01, is amended by adding a subdivision to read:

Subd. 18d. **Drug convictions.** (a) The state court administrator shall report every six months by electronic means to the commissioner of human services the name, address, date of birth, and, if available, driver's license or state identification card number, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony under chapter 152 every six months.

(b) The commissioner shall determine whether the individuals who are the subject of the data reported under paragraph (a) are receiving public assistance under chapter 256J, and if the individual is receiving assistance under chapter 256J, the commissioner shall inform the county of the need to assess whether the procedures under section 256J.26 should be initiated for this individual.

(c) The commissioner shall not retain any data received under paragraph (a) that does not relate to an individual receiving publicly funded assistance under chapter 256J.

(d) In addition to the routine data transfer under paragraph (a), the state court administrator shall provide a onetime report of the data fields under paragraph (a) for individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until the date of the data transfer. The commissioner shall perform the tasks identified under paragraph (b) related to this data and shall retain the data according to paragraph (c).

Sec. 2. Minnesota Statutes 2010, section 256.01, is amended by adding a subdivision to read:

Subd. 18e. **Data sharing with the Department of Human Services; multiple identification cards.** (a) The commissioner of public safety shall, on a monthly basis, provide the commissioner of human services with the first, middle, and last name, the address, date of birth, and driver's license or state identification card number of all applicants and holders whose drivers' licenses and state identification cards have been canceled under section 171.14, paragraph (a), clauses (2) or (3), by the commissioner of public safety. After the initial data report has been

provided by the commissioner of public safety to the commissioner of human services under this paragraph, subsequent reports shall only include cancellations that occurred after the end date of the cancellations represented in the previous data report.

(b) The commissioner of human services shall compare the information provided under paragraph (a) with the commissioner's data regarding recipients of all public assistance programs managed by the Department of Human Services to determine whether any person with multiple identification cards issued by the Department of Public Safety has illegally or improperly enrolled in any public assistance program managed by the Department of Human Services.

(c) If the commissioner of human services determines that an applicant or recipient has illegally or improperly enrolled in any public assistance program, the commissioner shall provide all due process protections to the individual before terminating the individual from the program according to applicable statute and notifying the county attorney.

Sec. 3. Minnesota Statutes 2010, section 256.01, is amended by adding a subdivision to read:

Subd. 18f. **Data sharing with the Department of Human Services; legal presence status.** (a) The commissioner of public safety shall, on a monthly basis, provide the commissioner of human services with the first, middle, and last name, address, date of birth, and driver's license or state identification number of all applicants and holders of drivers' licenses and state identification cards whose temporary legal presence status has expired and whose driver's license or identification card has been canceled under section 171.14 by the commissioner of public safety.

(b) The commissioner of human services shall use the information provided under paragraph (a) to determine whether the eligibility of any recipients of public assistance programs managed by the Department of Human Services has changed as a result of the status change in the Department of Public Safety data.

(c) If the commissioner of human services determines that a recipient has illegally or improperly received benefits from any public assistance program, the commissioner shall provide all due process protections to the individual before terminating the individual from the program according to applicable statute and notifying the county attorney.

Sec. 4. **DIRECTIONS TO THE COMMISSIONER.**

The commissioner of human services, in consultation with the commissioner of public safety, shall report to the legislative committees with jurisdiction over health and human services policy and finance regarding the implementations of sections 1 to 3 and the number of persons affected and fiscal impact by the program by February 1, 2013."

Delete the title and insert:

"A bill for an act relating to human services; requiring data sharing with the Department of Human Services; requiring investigation of public assistance fraud; requiring eligibility determinations; amending Minnesota Statutes 2010, section 256.01, by adding subdivisions."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.



Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 2340, A bill for an act relating to health; requiring licensure of certain facilities that perform abortions; proposing coding for new law in Minnesota Statutes, chapter 145.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2342, A bill for an act relating to insurance; regulating township mutual fire insurance company combination policies; amending Minnesota Statutes 2010, section 67A.191.

Reported the same back with the following amendments:

Page 1, after line 23, insert:

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

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

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

H. F. No. 2632, A bill for an act relating to transportation; public safety; directing reinstatement of Golden Valley deputy registrar office after certain conditions are met.

Reported the same back with the following amendments:

Page 1, line 7, after "shall" insert "provisionally"

Page 1, line 13, delete "an" and insert "a preliminary"

Page 1, after line 17, insert:

"(c) The commissioner of public safety may require the deputy registrar to:

(1) file a bond in the form and manner prescribed by the commissioner, including as a condition of commencing service to the general public; and

(2) comply with any deputy registrar best practices established by the commissioner.

(d) Nothing in this section prevents the commissioner of public safety or the Office of Administrative Hearings, as appropriate, from imposing sanctions subsequent to the provisional reinstatement under this section, including but not limited to additional or permanent office closure, or payment of a fine."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2638, A bill for an act relating to insurance; regulating sale of portable electronics insurance; amending Minnesota Statutes 2010, section 60K.381.

Reported the same back with the following amendments:

Page 3, line 29, delete "person" and insert "customer"

Page 4, lines 31 to 36, delete the new language

With the recommendation that when so amended the bill pass.

The report was adopted.

Abeler from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 2676, A bill for an act relating to health; modifying eligibility for grants; amending Minnesota Statutes 2010, section 145.4235, subdivision 2.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2683, A bill for an act relating to insurance; permitting certain entities to administer unified personal health premium accounts; creating a task force; proposing coding for new law as Minnesota Statutes, chapter 62V; repealing Minnesota Statutes 2010, section 62L.12, subdivisions 3, 4.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Subd. 3. **Dependent.** "Dependent" means an individual's spouse or tax dependent."

Page 1, line 11, delete "3" and insert "4"

Page 1, line 19, delete "4" and insert "5"

Page 1, line 21, delete "5" and insert "6"

Page 2, line 1, delete "6" and insert "7"

Page 3, lines 16 and 26, delete "3" and insert "4"

Page 3, line 21, after the first "from" insert "individuals and" and delete "or" and insert "and"

Page 4, delete section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "creating a task force;"

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

The report was adopted.

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

H. F. No. 2685, A bill for an act relating to transportation; requiring fare increases for Metro Transit service; amending Minnesota Statutes 2010, section 473.408, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to read:

Subd. 17. **Construction manager/general contractor data.** When the Department of Transportation undertakes a construction manager/general contractor contract, as defined and authorized in sections 161.3207 to 161.3209, the provisions of this subdivision apply.

(a) When the commissioner of transportation solicits a request for qualifications:

(1) the following data are classified as protected nonpublic data:

(i) the statement of qualifications scoring evaluation manual; and

(ii) the statement of qualifications evaluations;

(2) the following data are classified as nonpublic data: the statement of qualifications submitted by a potential construction manager/general contractor; and

(3) the following data are classified as private data on individuals: identifying information concerning the members of the technical review committee.

(b) When the commissioner of transportation announces the short list of qualified construction managers/general contractors, the following data become public:

(1) the statement of qualifications scoring evaluation manual; and

(2) the statement of qualifications evaluations.

(c) When the commissioner of transportation solicits a request for proposals:

(1) the following data are classified as protected nonpublic data: the proposal scoring manual; and

(2) the following data are classified as nonpublic data:

(i) the proposals submitted by a potential construction manager/general contractor; and

(ii) the proposal evaluations.

(d) When the commissioner of transportation has completed the ranking of proposals and announces the selected construction manager/general contractor, the proposal evaluation score or rank and proposal evaluations become public.

(e) When the commissioner of transportation conducts contract negotiations with a construction manager/general contractor, government data created, collected, stored, and maintained during those negotiations are nonpublic data until a construction manager/general contractor contract is fully executed.

(f) When the construction manager/general contractor contract is fully executed or when the commissioner of transportation decides to use another contract procurement process other than construction manager/general contractor authority authorized under section 161.3209, subdivision 3, paragraph (b), all remaining data not already made public under this subdivision become public.

(g) If the commissioner of transportation rejects all responses to a request for proposals before a construction manager/general contractor contract is fully executed, all data other than that data made public under this subdivision retains its classification until a resolicitation of the request for proposals results in a fully executed construction manager/general contractor contract, or a determination is made to abandon the project. If a resolicitation of proposals does not occur within one year of the announcement of the request for proposals, the remaining data become public.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires following the acceptance of ten construction manager/general contractor contracts.

Sec. 2. Minnesota Statutes 2010, section 160.27, is amended by adding a subdivision to read:

Subd. 7a. **Trunk highway; temporary sign.** (a) A road authority, including a city, may by permit allow temporary placement of a sign on a pedestrian bridge or overpass over a trunk highway, when the pedestrian bridge or road constituting the overpass is under the jurisdiction of that road authority.

(b) A sign placed under the permit:

(1) may not be otherwise prohibited under section 173.15, clauses (1) to (3);

(2) may not reduce the clearance height of the bridge or overpass for vehicles traveling on the trunk highway;

(3) must be secured to the bridge or overpass in a manner that poses no safety hazards; and

(4) may be placed for no more than three consecutive days.

(c) A road authority may issue only one temporary sign permit at a time for each direction of travel under a pedestrian bridge or overpass.

(d) A road authority that chooses to issue permits under this subdivision shall establish application procedures and conditions for permit issuance. At least seven days prior to issuance of a permit, the road authority shall notify the commissioner of the permit application and location, and provide a detailed description of the sign. The commissioner may provide recommendations to the road authority concerning the permit, but may not prohibit permit issuance or sign placement.

(e) For purposes of this subdivision, a sign includes a banner, placard, or flags.

Sec. 3. Minnesota Statutes 2010, section 160.2715, is amended to read:

**160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) obstruct any highway or deposit snow or ice thereon;
- (2) plow or perform any other detrimental operation within the road right-of-way except in the preparation of the land for planting permanent vegetative cover or as authorized under section 160.232;
- (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway, county highway, or town road, except to erect a lane fence to the ends of a livestock pass;
- (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances;
- (5) dig any holes in any highway, except to locate markers placed to identify sectional corner positions and private boundary corners;
- (6) remove any earth, gravel, or rock from any highway;
- (7) obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (8) place or maintain any building or structure within the limits of any highway;
- (9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, ~~subdivision 7~~;
- (10) paint, print, place, or affix any advertisement or any object within the limits of any highway, except as provided in section 160.27, ~~subdivision 7~~;
- (11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;
- (13) improperly place or fail to place warning signs and detour signs as provided by law;

(14) drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

(b) Any violation of this section is a misdemeanor.

Sec. 4. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision to read:

Subd. 70. **Black and Yellow Trail.** Trunk Highway signed 14 as of the effective date of this section, from the border with South Dakota to the border with Wisconsin, is designated as the "Black and Yellow Trail." The commissioner shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 5. Minnesota Statutes 2010, section 161.20, subdivision 4, is amended to read:

Subd. 4. **Debt collection.** The commissioner shall make reasonable and businesslike efforts to collect money owed for licenses, fines, penalties, and permit fees or arising from damages to state-owned property or other causes related to the activities of the Department of Transportation. Upon request, the commissioner of public safety shall provide to the commissioner of transportation all accident reports involving damage to state-owned infrastructure. The commissioner may contract for debt collection services for the purpose of collecting a money judgment or legal indebtedness. The commissioner may enter into an agreement with the commissioner of public safety to use debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited to the appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contractual collection costs is appropriated from the fund in which money so collected is deposited.

Sec. 6. **[161.318] CONTINGENT APPROPRIATIONS; TRUNK HIGHWAY SYSTEM.**

Subdivision 1. **Department of Transportation.** (a) If, on June 30 of an odd-numbered year, legislation has not been enacted to appropriate money for the next fiscal year to the commissioner of transportation for state roads, on July 1 an amount sufficient to pay the costs described in this subdivision is appropriated, for the fiscal year beginning on that July 1, from the trunk highway fund to the commissioner of transportation.

(b) The appropriation under paragraph (a) is for:

(1) actual payments necessary under contracts relating to the budget activities of operations and maintenance, program planning and delivery, and state road construction; and

(2) an amount necessary to pay the costs of Department of Transportation employees whose work is essential to (i) the administration and performance of the contracts under clause (1), including but not limited to project management, contract administration, and billing administration; and (ii) the administration of available federal reimbursement of expenses from the contracts under clause (1).

(c) The amount appropriated under paragraph (a) may not exceed the total of:

(1) unexpended funds from the amounts appropriated for the biennium ending on June 30 to the commissioner for the budget activities of operations and maintenance, program planning and delivery, and state road construction;

(2) unexpended funds from any amount made available to the commissioner in carryforward authority into the biennium ending on June 30 for state road construction projects for which money was originally encumbered in a previous biennium; and

(3) the amounts included in the appropriation base for the next fiscal year to the commissioner for the budget activities of program planning and delivery, and agency services.

(d) Any subsequent appropriation to the commissioner of transportation, or carryforward authority provided to the commissioner, for a biennium in which this subdivision has been applied shall supersede and replace the funding authorized in this subdivision.

(e) This subdivision applies only to those contracts as to which funds were encumbered before the July 1 appropriation date.

Subd. 2. **Minnesota Management and Budget.** (a) If, on June 30 of an odd-numbered year, legislation has not been enacted to appropriate money for the next fiscal year to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, on July 1 an amount necessary to operate those functions, solely for the purposes specified in subdivision 1, is appropriated for the fiscal year beginning on that July 1 from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions.

(b) Any subsequent appropriation to the commissioner of management and budget for a biennium in which this subdivision has been applied shall supersede and replace the funding authorized in this subdivision.

**Sec. 7. [161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR; DEFINITIONS.**

Subdivision 1. **Scope.** The terms used in sections 161.3207 to 161.3209 have the meanings given them in this section.

Subd. 2. **Acceptance.** "Acceptance" means an action of the commissioner authorizing the execution of a construction manager/general contractor contract.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subd. 4. **Construction manager/general contractor.** "Construction manager/general contractor" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, or any legal entity selected by the commissioner to act as a construction manager to manage the construction process, which includes but is not limited to responsibility for the price, schedule, and execution of preconstruction services or the workmanship of construction performed according to section 161.3209, or both.

Subd. 5. **Construction manager/general contractor contract.** "Construction manager/general contractor contract" means a contract for construction of a project between a construction manager/general contractor and the commissioner, which must include terms providing for a price, construction schedule, and workmanship of the construction performed. The construction manager/general contractor contract may include provisions for incremental price contracts for specific work packages, additional work performed, contingencies, or other contract provisions that will allow the commissioner to negotiate time and cost changes to the contract.

Subd. 6. **Past performance; experience.** "Past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 7. **Preconstruction services.** "Preconstruction services" means all non-construction-related services that a construction manager/general contractor is allowed to perform before execution of a construction manager/general contractor contract or work package.

Subd. 8. **Preconstruction services contract.** "Preconstruction services contract" means a contract under which a construction manager/general contractor is paid on the basis of the actual cost to perform the work specified in the contract plus an amount for overhead and profit for all preconstruction services.

Subd. 9. **Project.** "Project" means any project selected by the commissioner as a construction manager/general contractor project under section 161.3208.

Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means the document or publication soliciting proposals for a construction manager/general contractor contract.

Subd. 11. **Request for qualifications; RFQ.** "Request for qualifications" or "RFQ" means a document or publication used to prequalify and short-list potential construction managers/general contractors.

Subd. 12. **Work package.** "Work package" means the scope of work for a defined portion of a project. A defined portion includes construction services on any project aspect, including procuring materials or services.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires following the acceptance of ten construction manager/general contractor contracts.

**Sec. 8. [161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR; AUTHORITY.**

Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner may select a construction manager/general contractor as provided in section 161.3209, and award a construction manager/general contractor contract. The number of awarded contracts shall not exceed four in any calendar year.

Subd. 2. **Determination.** Final determination to use a construction manager/general contractor contracting procedure may be made only by the commissioner.

Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor requests for qualifications or proposals does not obligate the commissioner to enter into a construction manager/general contractor contract. The commissioner may accept or reject any or all responses received as a result of the request. The solicitation of proposals may be canceled at any time at the commissioner's sole discretion if cancellation is considered to be in the state's best interest. If the commissioner rejects all responses or cancels the solicitation for proposals, the commissioner may resolicit a request for proposals using the same or different requirements.

Subd. 4. **Reporting.** The commissioner shall notify the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and transportation finance each time the commissioner decides to use the construction manager/general contractor method of procurement and explain why that method was chosen.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires following the acceptance of ten construction manager/general contractor contracts.



Sec. 9. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR; PROCEDURES.**

Subdivision 1. Solicitation of proposals. If the commissioner determines that a construction manager/general contractor method of procurement is appropriate for a project, the commissioner shall establish a two-phase procedure for awarding the construction manager/general contractor contract, as described in subdivisions 2 and 3.

Subd. 2. Phase 1 - request for proposals. (a) The commissioner shall prepare or have prepared an RFP for each construction manager/general contractor contract as provided in this section. The RFP must contain, at a minimum, the following elements:

- (1) the minimum qualifications of the construction manager/general contractor;
- (2) the procedures for submitting proposals and the criteria for evaluation of qualifications and the relative weight for each criteria;
- (3) the form of the contract to be awarded;
- (4) the scope of intended construction work;
- (5) a listing of the types of preconstruction services that will be required;
- (6) an anticipated schedule for commencing and completing the project;
- (7) any applicable budget limits for the project;
- (8) the requirements for insurance, statutorily required performance, and payment bonds;
- (9) the requirements that the construction manager/general contractor provide a letter from a surety or insurance company stating that the construction manager/general contractor is capable of obtaining a performance bond and payment bond covering the estimated contract cost;
- (10) the method for how construction manager/general contractor fees for the preconstruction services contract will be negotiated;
- (11) a statement that past performance or experience does not include the exercise or assertion of a person's legal rights; and
- (12) any other information desired by the commissioner.

(b) Before receiving any responses to the RFP:

(1) The commissioner shall appoint a technical review committee of at least five individuals, of which one is a Department of Transportation manager who is also a licensed professional engineer in Minnesota.

(2) The technical review committee shall evaluate the construction manager/general contractor proposals according to criteria and subcriteria published in the RFP and procedures established by the commissioner. The commissioner shall, as designated in the RFP, evaluate construction manager/general contractor proposals on the basis of best value as defined in section 16C.05, or using the qualifications-based selection process set forth in section 16C.095, except section 16C.095, subdivision 1 does not apply. If the commissioner does not receive at least two proposals from construction managers, the commissioner may:

- (i) solicit new proposals;
- (ii) revise the RFP and thereafter solicit new proposals using the revised RFP;
- (iii) select another allowed procurement method; or
- (iv) reject the proposals.

(3) The technical review committee shall evaluate the responses to the request for proposals and rank the construction manager/general contractor based on the predefined criteria set forth in the RFP in accordance with paragraph (a), clause (2).

(c) Unless all proposals are rejected, the commissioner shall conduct contract negotiations for a preconstruction services contract with the construction manager/general contractor with the highest ranking. If the construction manager/general contractor with the highest ranking declines or is unable to reach an agreement, the commissioner may begin contract negotiations with the next highest ranked construction manager/general contractor.

(d) Before issuing the RFP, the commissioner may elect to issue a request for qualifications (RFQ) and short-list the most highly qualified construction managers/general contractors. The RFQ must include the procedures for submitting statements of qualification, the criteria for evaluation of qualifications, and the relative weight for each criterion. The statements of qualifications must be evaluated by the technical review committee.

**Subd. 3. Phase 2 - construction manager/general contractor contract.** (a) Before conducting any construction-related services, the commissioner shall:

(1) conduct an independent cost estimate for the project or each work package; and

(2) conduct contract negotiations with the construction manager/general contractor to develop a construction manager/general contractor contract. This contract must include a minimum construction manager/general contractor self-performing requirement of 30 percent of the negotiated cost. Items designated in the construction manager/general contractor contract as specialty items may be subcontracted and the cost of any specialty item performed under the subcontract will be deducted from the cost before computing the amount of work required to be performed by the contractor.

(b) If the construction manager/general contractor and the commissioner are unable to negotiate a contract, the commissioner may use other contract procurement processes or may readvertise the construction manager/general contractor contract. The construction manager/general contractor may (1) bid or propose on the project if advertised under section 161.32 or 161.3206 or (2) join a design-build team if advertised under sections 161.3410 to 161.3428.

(c) The commissioner shall provide to all bidders or design-build teams, all data shared between the commissioner and the construction manager/general contractor during the contract negotiations under this subdivision.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires following the acceptance of ten construction manager/general contractor contracts.

Sec. 10. 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.~~

~~(c)~~ (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 whether 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. 11. 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. 12. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision to read:

**Subd. 11. Additional municipal state-aid street cities.** (a) For purposes of this subdivision, the following terms have the meanings given them:

(1) "local bridge project costs" means the total amount of money expended by a statutory or home rule charter city that, as determined by the commissioner in consultation with the city, is (i) directly attributable to, or directly resulting from, a trunk highway system project to construct a new bridge over the St. Croix River in Washington County; and (ii) not offset by other sources of state or federal funds; and

(2) "state-aid eligible city" means any statutory or home rule charter city that incurs local bridge project costs and has a population of more than 4,000 but less than 5,000 according to the most recent federal decennial census.

(b) Notwithstanding subdivision 4, state-aid eligible city is deemed:

(1) to have a population that is 5,000 for purposes of this chapter; and

(2) notwithstanding section 162.13, subdivision 2, to have money needs equal to the local bridge project costs for the city.

(c) Notwithstanding section 162.13, subdivision 1, the total apportionment to a state-aid eligible city, across all years in which this subdivision applies, may not exceed the most recent calculation of local bridge project costs for the city.

(d) Except as provided in paragraph (e), the requirements of paragraph (b) apply to a city for 20 calendar years following the first year in which the city becomes a state-aid eligible city.

(e) This subdivision does not apply if a city has a population of 5,000 or more as determined by the most recent federal decennial census or under subdivision 4.

Sec. 13. Minnesota Statutes 2010, section 165.01, is amended to read:

#### **165.01 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 have the meanings given them.

Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition Evaluation of Bridges, published by the American Association of State Highway and Transportation Officials. "The Manual for Bridge Evaluation," published by the American Association of State Highway and Transportation Officials, is incorporated by reference.

Subd. 3. **Bridge.** "Bridge" is defined as a structure, including supports erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than one-half of the smaller contiguous opening. This definition of a bridge includes only those railroad and pedestrian bridges over a public highway or street.

Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, incorporated by reference.

Sec. 14. Minnesota Statutes 2010, section 165.03, is amended to read:

#### **165.03 STRENGTH OF BRIDGE; INSPECTION.**

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed ~~two~~ years 24 months for bridges or ~~four years~~ 48 months for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. The commissioner may require interim inspections at intervals of less than one year on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) Additional requirements apply to structures meeting the NBIS definition of a bridge:

(1) Underwater structural elements must be inspected at regular intervals not to exceed 60 months. The commissioner may require inspections at intervals of less than 60 months on certain underwater structural elements based on factors including, but not limited to, construction material, the environment, age, the scour characteristics, the condition rating from past inspections, and any known deficiencies.

(2) Fracture critical members, or FCMs, must receive a hands-on fracture critical inspection at intervals not to exceed 24 months. The commissioner may require inspections at intervals of less than 24 months on certain FCMs based on factors including, but not limited to, age, the traffic characteristics, and any known deficiencies.

(3) The commissioner may establish criteria to determine the level and frequency of these inspections. If warranted by special circumstances, the commissioner retains the authority to determine the inspection type and required inspection frequency for any bridge on the state inventory.

~~(b)~~ (c) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined by ~~rule adopted by~~ the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation will adopt the National Bridge Inspection Standards (NBIS) established by the Federal Highway Administration in Code of Federal Regulations, title 23, part 650, subpart C, or its successor documents for structures meeting the NBIS definition of a bridge. The commissioner shall establish inspection and inventory standards for structures defined as bridges by section 165.01, subdivision 3.

~~(a)~~ (b) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Inspections must be made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or town road, or any street within a municipality that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

~~(b)~~ (c) The commissioner of transportation shall prescribe the ~~standards for bridge inspection and inventory by rules~~ inspection and inventory procedures required to administer the bridge inspection program in Minnesota and has the authority to establish and publish standards that describe the inspection and inventory requirements to ensure compliance with paragraph (a). The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph ~~(a)~~ (b), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report must contain recommendations for the correction of or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph ~~(a)~~ (b), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the inspections must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report must contain recommendations for the correction of or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph ~~(a)~~ (b), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge or culvert have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals outlined in subdivision 1a. The certification must be accompanied by a report of the inspection. The report must contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Subd. 6a. **Bridge load rating and posting.** (a) The term "posting" means the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

(b) Each structure required to be inspected by subdivision 2, paragraph (a), must be load rated to determine its safe load carrying capacity, and this rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure or due to additional dead load placed on the structure since the last load rating. Load ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the load rating of a bridge must be indicated on the structure inventory sheet form.

(c) Where it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs as adopted by the commissioner shall be used for the posting. The owner or highway authority shall post the bridge in accordance with the posted load assigned by the commissioner.

Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

- (1) the inspection and inventory of bridges subject to federal law or regulations;
- (2) the frequency of inspection of bridges described in ~~paragraph (a)~~ subdivision 1a; and
- (3) who may perform inspections required under the memorandum of understanding.

Subd. 8. **Biennial report on bridge inspection quality assurance.** By February 1 of each odd-numbered year, the commissioner shall submit a report electronically to the members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning quality assurance for bridge inspections. At a minimum, the report must:

- (1) summarize the bridge inspection quality assurance and quality control procedures used in Minnesota;
- (2) identify any substantive changes to quality assurance and quality control procedures made in the previous two years;
- (3) summarize and provide a briefing on findings from bridge inspection quality reviews performed in the previous two years;



(4) identify actions taken and planned in response to findings from bridge inspection quality reviews performed in the previous two years;

(5) summarize the results of any bridge inspection compliance review by the Federal Highway Administration; and

(6) identify actions in response to the Federal Highway Administration compliance review taken by the department in order to reach full compliance.

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

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

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

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

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

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates must be kept clean and clearly visible at all times.

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

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for the misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user

was convicted of carrying. The increase is computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

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

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within ~~50~~ 100 miles of the place of production or on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of final processing or manufacture located within 200 miles of the place of production.

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

Sec. 16. Minnesota Statutes 2010, section 168.10, subdivision 1a, is amended to read:

Subd. 1a. **Collector's vehicle, pioneer plate.** (a) Any motor vehicle that: (1) was manufactured prior to 1936 and is totally original, or is a restored pioneer vehicle, as defined in section 168A.01, subdivision 16a; and (2) is owned and operated solely as a collector's item, shall be listed for taxation and registration ~~as follows:~~ as provided by paragraph (b).

(b) An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and ~~number of the~~ model designation, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

~~(b)~~ (c) The number plate so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The commissioner has the power to revoke said plate for failure to comply with this subdivision.

Sec. 17. Minnesota Statutes 2011 Supplement, section 168.123, subdivision 1, is amended to read:

Subdivision 1. **General requirements; fees.** (a) On payment of a fee of \$10 for each set of two plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other applicable laws relating to vehicle registration and licensing, as applicable, the commissioner shall issue:

(1) special veteran's plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is a registered owner of a passenger automobile as defined in section 168.002, subdivision 24, recreational motor vehicle as defined in section 168.002, subdivision 27, or one-ton pickup truck as defined in section 168.002, subdivision 21b, but which is not a commercial motor vehicle as defined in section 169.011, subdivision 16; or

(2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a), (f), (h), (i), or (j), or another special plate designed by the commissioner to an applicant who is a registered owner of a motorcycle as defined in section 168.002, subdivision 19, and meets the criteria listed in this paragraph and in subdivision 2, paragraph (a), (f), (h), (i), or (j). Plates issued under this clause must be the same size as regular motorcycle plates. Special motorcycle license plates issued under this clause are not subject to section 168.1293.

(b) The additional fee of \$10 is payable for each set of veteran's plates, is payable only when the plates are issued, and is not payable in a year in which stickers are issued instead of plates.

(c) The veteran must have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application. If an applicant served in the active military service in a branch of the armed forces of a nation or society allied with the United States in conducting a foreign war and is unable to obtain a record of that service and discharge status, the commissioner of veterans affairs may certify the applicant as qualified for the veterans' plates provided under this section.

~~(d) For license plates issued for one-ton trucks described in paragraph (a), clause (1), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under paragraph (a). The surcharge must be deposited in the vehicle services operating account in the special revenue fund.~~

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

Sec. 18. Minnesota Statutes 2010, section 168.185, is amended to read:

**168.185 USDOT NUMBERS.**

(a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011, subdivision 32, shall report to the commissioner at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the commissioner. The commissioner shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers must be displayed as required by section 221.031, subdivision 6. The vehicle owner shall notify the commissioner if there is a change to the owner's USDOT number.

(c) If an owner fails to report or apply for a USDOT number, the commissioner shall suspend the owner's registration.

(d) This section does not apply to (1) a farm truck that (i) is not used in interstate commerce or (ii) does not leave the physical boundaries of the state, (2) a vehicle that is not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision.

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

Sec. 19. Minnesota Statutes 2010, section 168A.01, is amended by adding a subdivision to read:

**Subd. 9a. Manufactured home.** "Manufactured home" has the meaning given in section 327.31, subdivision 6.

Sec. 20. Minnesota Statutes 2010, section 168A.01, subdivision 16, is amended to read:

**Subd. 16. Reconstructed vehicle.** (a) "Reconstructed vehicle" means a vehicle of a type for which a certificate of title is required hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

**(b) Reconstructed vehicle does not include a restored pioneer vehicle.**

Sec. 21. Minnesota Statutes 2010, section 168A.01, is amended by adding a subdivision to read:

**Subd. 16a. Restored pioneer vehicle.** (a) "Restored pioneer vehicle" means a vehicle:

**(1) for which a certificate of title is required under this chapter;**

**(2) originally manufactured prior to 1936;**

**(3) for which one or more essential parts, whether new or used, are replaced; and**

**(4) for which each essential part under clause (3) is replaced:**

**(i) only as necessary in order to restore or retain the character and appearance of the vehicle as originally manufactured;**

**(ii) in a manner which reasonably restores or retains the character and appearance of the vehicle as originally manufactured; and**

**(iii) in a manner which substantially conforms to the fit, form, and function of the original essential part.**

**(b) A vehicle meeting both the requirements under paragraph (a) and subdivision 16 for a reconstructed vehicle is a restored pioneer vehicle.**

**(c) For purposes of this subdivision, replacement of an essential part includes but is not limited to removal, addition, modification, or substitution of the essential part.**

Sec. 22. Minnesota Statutes 2010, section 168A.02, subdivision 3, is amended to read:

Subd. 3. **Title certificate for manufactured home.** Except as provided in section 168A.141, a certificate of title is required for a manufactured home, ~~as defined in section 327.31, subdivision 6.~~ In every certificate of title issued for a manufactured home, the department shall insert the following notice: THIS TITLE DESCRIBES A MANUFACTURED HOME - NOT A MOTOR VEHICLE.

Sec. 23. Minnesota Statutes 2010, section 168A.04, subdivision 1, is amended to read:

Subdivision 1. **Contents.** The application for the first certificate of title of a vehicle or manufactured home in this state, or for reissuance of a certificate of title for a manufactured home under section 168A.142, shall be made by the owner to the department on the form prescribed by the department and shall contain:

(1) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;

(2) a description of the vehicle or manufactured home including, so far as the following data exists, its make, model, year, identifying number in the case of a vehicle or serial number in the case of a manufactured home, type of body, and whether new or used;

(3) the date of purchase by applicant, the name and address of the person from whom the vehicle or manufactured home was acquired, the names and addresses of any secured parties in the order of their priority, and the dates of their respective security agreements;

(4) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(5) with respect to vehicles subject to section 325F.6641, whether the vehicle sustained damage by collision or other occurrence which exceeded 70 percent of the actual cash value; and

(6) any further information the department reasonably requires to identify the vehicle or manufactured home and to enable it to determine whether the owner is entitled to a certificate of title, and the existence or nonexistence and priority of any security interest in the vehicle or manufactured home.

Sec. 24. Minnesota Statutes 2010, section 168A.04, subdivision 5, is amended to read:

Subd. 5. ~~**Specially constructed or reconstructed vehicle**~~ **Certain unconventional vehicles; additional information; identifying number.** (a) Except as provided in subdivision 6, if the application refers to a specially constructed vehicle ~~or~~ a reconstructed vehicle, or a restored pioneer vehicle, the application shall so state and shall contain or be accompanied by:

(1) any information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence and priority of security interests in it;

(2) the certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires; and

(3) at the time of application, a written certification to the department that the vehicle to be titled meets the requirements of chapter 169 for vehicles in its class regarding safety and acceptability to operate on public roads and highways.

(b) As part of the application for certificate of title on a restored pioneer vehicle, the applicant may specify a valid identifying number of the vehicle. An identifying number is valid under this paragraph if it matches a number permanently affixed, stamped, or otherwise assigned to at least one essential part of the motor vehicle, including but not limited to the engine, the engine block, or the vehicle body. The commissioner may require photographic proof to confirm the identifying number on the vehicle, but may not establish further restrictions on specification of the identifying number.

Sec. 25. Minnesota Statutes 2010, section 168A.04, is amended by adding a subdivision to read:

Subd. 5a. **Certain unconventional vehicles; incomplete applications.** The commissioner shall establish procedures to ensure that if clarification, additional information, or submission of additional materials is required following submission of an application for certificate of title for a specially constructed vehicle, reconstructed vehicle, or restored pioneer vehicle:

(1) the title applicant is promptly notified of the status of the application; and

(2) all outstanding application requirements are clearly explained to the title applicant.

Sec. 26. Minnesota Statutes 2010, section 168A.05, subdivision 1, is amended to read:

Subdivision 1. **Filing of application; issuance of certificate.** The department shall file each application received, and when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title shall issue a certificate of title ~~of~~ for the vehicle or manufactured home.

Sec. 27. Minnesota Statutes 2010, section 168A.05, subdivision 1a, is amended to read:

Subd. 1a. **Manufactured home; statement of property tax payment.** In the case of a manufactured home ~~as defined in section 327.31, subdivision 6,~~ the department shall not issue a certificate of title unless the application under section 168A.04 is accompanied with a statement from the county auditor or county treasurer where the manufactured home is presently located, stating that all manufactured home personal property taxes levied on the unit in the name of the current owner at the time of transfer have been paid. For this purpose, manufactured home personal property taxes are treated as levied on January 1 of the payable year.

Sec. 28. Minnesota Statutes 2010, section 168A.05, subdivision 1b, is amended to read:

Subd. 1b. **Manufactured home; exemption exemptions.** The provisions of subdivision 1a ~~shall~~ do not apply to:

(1) a manufactured home which is sold or otherwise disposed of pursuant to section 504B.271 by the owner of a manufactured home park, as defined in section 327.14, subdivision 3, ~~or;~~

(2) a manufactured home which is sold pursuant to section 504B.265 by the owner of a manufactured home park; or

(3) a manufactured home for which a certificate of title is reissued under section 168A.142.

Sec. 29. Minnesota Statutes 2010, section 168A.05, subdivision 3, is amended to read:

Subd. 3. **Content of certificate.** (a) Each certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the first, middle, and last names and the dates of birth of all owners who are natural persons, and the full names of all other owners;
- (3) the residence address of the owner listed first if that owner is a natural person or the address if that owner is not a natural person;
- (4) the names of any secured parties, and the address of the first secured party, listed in the order of priority (i) as shown on the application, or (ii) if the application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise determined by the department;
- (5) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;
- (6) the title number assigned to the vehicle;
- (7) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;
- (8) with respect to a motor vehicle subject to section 325E.15 and for which an odometer was affixed by the vehicle manufacturer, (i) the true cumulative mileage registered on the odometer or (ii) that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;
- (9) with respect to a vehicle subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed";
- (10) with respect to a vehicle contaminated by methamphetamine production, if the registrar has received the certificate of title and notice described in section 152.0275, subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle";
- (11) with respect to a vehicle subject to section 325F.665, the term "lemon law vehicle"; and
- (12) any other data the department prescribes.

(b) For a certificate of title on a vehicle that is a restored pioneer vehicle:

- (1) the identifying number must be the valid identifying number as provided under section 168A.04, subdivision 5;
- (2) the year of the vehicle must be the year of original vehicle manufacture and not the year of restoration; and
- (3) the title must not bear a "reconstructed vehicle" brand.

Sec. 30. Minnesota Statutes 2010, section 168A.09, is amended by adding a subdivision to read:

Subd. 4. **Restored pioneer vehicle; replacement title.** (a) The owner of a vehicle may apply to the commissioner for a replacement title if:

(1) a Minnesota title has been issued prior to the effective date of this section; and

(2) the vehicle meets the requirements for a restored pioneer vehicle under section 168A.01, subdivision 16a.

(b) The commissioner shall establish and make publicly available requirements for an application under this subdivision, and shall make reasonable efforts to minimize burden on the title applicant. Among the application requirements, a person applying for a replacement title shall surrender the original title.

(c) The commissioner shall impose a fee for a replacement title issued under this subdivision that is equal to the fee for issuing a duplicate certificate of title under section 168A.29. Fee proceeds must be allocated in the same manner as the fee for a duplicate certificate of title.

Sec. 31. Minnesota Statutes 2010, section 168A.141, subdivision 1, is amended to read:

Subdivision 1. **Certificates surrendered for cancellation.** When a manufactured home is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real property, and financed by the giving of a mortgage on the real property, the owner of the manufactured home shall surrender the manufacturer's certificate of origin or certificate of title to the department for cancellation. The owner of the manufactured home shall give the department the address and legal description of the real property. The department may require the filing of other information. The department must not issue a certificate of title for a manufactured home under chapter 168A if the manufacturer's certificate of origin is or has been surrendered under this subdivision, except as provided in section 168A.142. Upon surrender of the manufacturer's certificate of origin or the certificate of title, the department shall issue notice of surrender to the owner, and the manufactured home is deemed to be an improvement to real property. The notice ~~to~~ of surrender may be recorded in the office of the county recorder or with the registrar of titles if the land is registered but need not contain an acknowledgment.

Sec. 32. **[168A.142] MANUFACTURED HOME UNAFFIXED FROM REALTY.**

Subdivision 1. **Certificate of title requirements.** The department shall issue an initial certificate of title or reissue a previously surrendered certificate of title for a manufactured home to an applicant if:

(1) for the purpose of affixing the manufactured home to real property, the owner of the manufactured home, or a previous owner, surrendered the manufacturer's certificate of origin or certificate of title to the department as provided in section 168A.141, subdivision 1 or 2;

(2) the applicant provides written proof specified in subdivision 2 that the applicant owns (i) the manufactured home and (ii) the real property to which the manufactured home was affixed as provided under section 273.125, subdivision 8, paragraph (b);

(3) the applicant provides proof that no liens exist on the manufactured home, including through liens on the real property to which it is affixed; and

(4) the owner of the manufactured home meets the application requirements of section 168A.04, and the application is accompanied by a written statement from the county auditor or county treasurer of the county in which the manufactured home is then located and affixed, stating that all property taxes payable in the current year, as provided under section 273.125, subdivision 8, paragraph (b), have been paid.



Subd. 2. **Proof of eligibility for reissuance.** (a) The proof required under subdivision 1, clauses (2) and (3), is as follows:

(1) an affidavit of severance recorded in the office of the county recorder or registrar of titles, whichever applies to the real property, of the county in which the notice of surrender was recorded under section 168A.141, subdivision 1, and the affidavit contains:

(i) the name, residence address, and mailing address of the owner or owners of the manufactured home;

(ii) a description of the manufactured home, including the name of the manufacturer; the make, model number, model year, dimensions, and manufacturer's serial number of the manufactured home; and whether the manufactured home is new or used;

(iii) recording information regarding the affidavit of affixation, including the date of recording and either the recording document number or book and page reference; and

(iv) a statement of any facts or information known to the person executing the affidavit that could affect the validity of the title of the manufactured home or the existence or nonexistence of a security interest in the manufactured home or a lien on it, or a statement that no such facts or information are known to the person executing the affidavit;

(2) as an attachment to the affidavit of severance, an opinion by an attorney admitted to practice law in this state, or by a licensed agent of a title insurance company licensed to do title insurance business in this state, stating:

(i) the nature of the examination of title performed prior to giving this opinion by the person signing the opinion;

(ii) that the manufactured home and the real property on which it is located is not subject to any recorded mortgages, security interests, liens, or other encumbrances of any kind;

(iii) that the person signing the opinion knows of no facts or circumstances that could affect the validity of the title of the manufactured home or the existence or nonexistence of any recorded mortgages, security interests, or other encumbrances of any kind, other than property taxes payable in the year the affidavit is signed;

(iv) the person or persons owning record title to the real property to which the manufactured home has been affixed, and the nature and extent of the title owned by each of these persons; and

(v) that the person signing the opinion has reviewed all provisions of the affidavit of severance and certifies that they are correct and complete to the best of the knowledge of the person signing this opinion;

(3) the name and address of the person or persons designated by the applicant to file a certified copy of the affidavit of severance with the county auditor of the county in which the real estate is located, after the affidavit has been properly recorded in the office of the county recorder or county registrar of titles, whichever applies to the real property; and

(4) the signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in this state.

(b) The person designated in paragraph (a), clause (3), shall record, or arrange for the recording of, the affidavit of severance as referenced in that item, accompanied by the fees for recording and for issuing a certified copy of the affidavit, including all attachments, showing the recording date.

(c) Upon obtaining the certified copy under paragraph (b), the person designated in the affidavit shall deliver the certified copy to the county auditor of the county in which the real estate to which it was affixed is located.

(d) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the department under this section, so long as the documents presented appear to satisfy the requirements of this section. The department has no obligation to investigate the accuracy of statements contained in the documents.

Sec. 33. Minnesota Statutes 2010, section 168A.15, subdivision 2, is amended to read:

Subd. 2. **Certain unconventional vehicles; requirements to obtain certificate for reconstructed vehicle.** If a vehicle is altered so as to become a reconstructed vehicle or restored pioneer vehicle, the owner shall apply for a certificate of title to the reconstructed vehicle in the manner provided in section 168A.04, and any existing certificate of title to the vehicle shall be surrendered for cancellation.

Sec. 34. Minnesota Statutes 2010, section 169.06, subdivision 4, is amended to read:

Subd. 4. **Obedience to traffic-control signal or flagger; presumptions.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer or by a ~~certified overdimensional load escort driver~~ flagger authorized under this subdivision, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a designated work zone may proceed after stopping only on instruction by the flagger.

(f) An overdimensional load escort driver with a certificate issued under section 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by an escort driver acting as a flagger may proceed only on instruction by the flagger or a police officer.

(g) A person may stop and hold vehicles in place until it is safe for the vehicles to proceed, if the person: (1) holds a motorcycle road guard certificate issued under section 171.60; (2) meets the safety and equipment standards for operating under the certificate; and (3) is acting as a flagger escorting a motorcycle group ride. A flagger operating as provided under this paragraph may direct operators of motorcycles within a motorcycle group ride or other vehicle traffic, notwithstanding any contrary indication of a traffic-control device, including stop signs or traffic-control signals. A person operating a vehicle that has been stopped by a flagger under this paragraph may proceed only on instruction by the flagger or a police officer.

Sec. 35. Minnesota Statutes 2010, section 169.222, subdivision 6, is amended to read:

Subd. 6. **Bicycle equipment.** (a) No person shall operate a bicycle at nighttime unless the bicycle or its operator is equipped with a lamp which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the Department of Public Safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

(b) No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States Consumer Product Safety Commission shall be considered to meet the requirements for side reflectorization contained in this subdivision.

(c) A bicycle may be equipped with a front lamp that emits a white flashing signal, and a rear lamp that emits a red flashing signal.

(d) No person shall operate a bicycle unless it is equipped with appropriate tires. A bicycle may be equipped with tires having studs, spikes, or other protuberances.

~~(b)~~ (e) No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

~~(c)~~ (f) No person shall operate upon a highway any bicycle equipped with handlebars so raised that the operator must elevate the hands above the level of the shoulders in order to grasp the normal steering grip area.

~~(d)~~ (g) No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner.

Sec. 36. Minnesota Statutes 2010, section 169.4501, subdivision 1, is amended to read:

Subdivision 1. **National standards adopted.** Except as provided in sections 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C, D school buses and multifunction school activity buses used for the transportation of school children shall meet the requirements of the ~~"bus chassis standards" and "bus body standards and chassis specifications"~~ standards and chassis specifications in the ~~2005~~ 2010 edition of the "National School Transportation Specifications and Procedures" adopted by the National Congress on School Transportation. Except as provided in section 169.4504, the construction, design, and equipment of types A, B, C, D school buses and multifunction school activity buses used for the transportation of students with disabilities also shall meet the requirements of the "specially equipped school bus ~~standards specifications~~ standards specifications" in the ~~2005~~ 2010 National School Transportation Specifications and Procedures. The ~~"bus chassis standards," "bus body standards, and chassis specifications" and "specially equipped school bus standards specifications"~~ standards specifications sections of the ~~2005~~ 2010 edition of the "National School Transportation Specifications and Procedures," adopted by the Fifteenth National Congress on School Transportation, are incorporated by reference in this chapter.

Sec. 37. Minnesota Statutes 2010, section 169.4501, subdivision 2, is amended to read:

Subd. 2. **Applicability.** (a) The standards adopted in this section and sections 169.4502 and 169.4503, govern the construction, design, equipment, and color of school buses used for the transportation of school children, when owned or leased and operated by a school or privately owned or leased and operated under a contract with a school. Each school, its officers and employees, and each person employed under the contract is subject to these standards.

(b) The standards apply to school buses manufactured after December 31, ~~2007~~ 2012. Buses complying with the standards when manufactured need not comply with standards established later except as specifically provided for by law.

(c) A school bus manufactured on or before December 31, ~~2007~~ 2012, must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law.

(d) A new bus body may be remounted on a used chassis provided that the remounted vehicle meets state and federal standards for new buses which are current at the time of the remounting. Permission must be obtained from the commissioner of public safety before the remounting is done. A used bus body may not be remounted on a new or used chassis.

Sec. 38. Minnesota Statutes 2010, section 169.4503, subdivision 5, is amended to read:

Subd. 5. **Colors.** Fenderettes may be black. The beltline may be painted yellow over black or black over yellow. The rub rails shall be black. The area around the lenses of alternately flashing signal lamps extending outward from the edge of the lamp three inches, plus or minus one-quarter inch, to the sides and top and at least one inch to the bottom, shall be black. Visors or hoods, black in color, with a minimum of four inches may be provided.

Sec. 39. Minnesota Statutes 2010, section 169.4503, subdivision 20, is amended to read:

Subd. 20. **Seat and crash barriers.** ~~(a)~~ All restraining barriers and passenger seats shall be covered with a material that has fire retardant or fire block characteristics.

~~(b) All seats must have a minimum cushion depth of 15 inches and a seat back height of at least 20 inches above the seating reference point, and beginning October 21, 2009, must also conform to the Federal Motor Vehicle Safety Standard in Code of Federal Regulations, title 49, section 571.222.~~

Sec. 40. Minnesota Statutes 2010, section 169.4503, is amended by adding a subdivision to read:

Subd. 28. **Auxiliary fans.** Additional auxiliary fans are required for school buses manufactured on or after December 31, 2012, and shall meet the following requirements:

(1) fans for the left and right sides of the windshields shall be placed in a location where they can be adjusted for maximum effectiveness and where they do not obstruct vision to any mirror. Type A buses may be equipped with one fan;

(2) fans shall be a minimum of six inches in diameter;

(3) fan blades shall be covered with a protective cage; and

(4) each fan shall be controlled by a separate switch.

Sec. 41. Minnesota Statutes 2010, section 169.4503, is amended by adding a subdivision to read:

Subd. 29. **Video/mobile surveillance systems.** Camera heads for video/mobile surveillance may be mounted in the driver compartment area, mid-bus, or on a rear interior bulkhead in the student passenger area. For buses manufactured or retrofitted with a surveillance system after December 31, 2012, cameras mounted mid-bus must be parallel to a seat back, must not have any sharp edges, must not extend outward more than three inches, and must be located within 24 inches of the top of the side window of the bus.

Sec. 42. Minnesota Statutes 2010, section 169.451, subdivision 3, is amended to read:

Subd. 3. **Rules of commissioner.** (a) The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.

(b) The commissioner of public safety shall provide by rule a ~~point~~ system for evaluating the effect on safety operation of any variance from law detected during inspections conducted pursuant to subdivision 1.

Sec. 43. Minnesota Statutes 2010, section 169.4582, subdivision 2, is amended to read:

Subd. 2. **Duty to report; school official.** Consistent with the school bus safety policy under section 123B.91, subdivision 1, the school principal, the school transportation safety director, or other designated school official shall immediately report to the local law enforcement agency having jurisdiction where the misbehavior occurred and to the school superintendent if the reporting school official knows or has reason to believe that a student has committed a reportable offense on a school bus or in a bus loading or unloading area. The reporting school official shall issue a report to the commissioner of public safety concerning the incident ~~on a form developed by the commissioner for that purpose~~ upon request of the commissioner.

Sec. 44. Minnesota Statutes 2010, section 169.72, subdivision 1, is amended to read:

Subdivision 1. **Solid rubber, metal, and studded tires; exceptions; permits.** (a) Every solid rubber tire on a vehicle ~~shall~~ must have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer, having any metal tire in contact with the roadway, except in case of emergency.

(c) Except as provided in this section, no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.

(d) It shall be is permissible to use any of the following on highways:

(1) implements of husbandry with tires having protuberances which will not injure the highway, and;

(2) tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid; and

(3) tires on a bicycle as provided in section 169.222, subdivision 6.

~~(d)~~ (e) The commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Sec. 45. Minnesota Statutes 2010, section 169.801, subdivision 10, is amended to read:

Subd. 10. **Brakes.** Notwithstanding section 169.67:

(a) A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.

(b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it ~~if, unless the implement of husbandry is in a combination of vehicles that meets the requirements of section 169.67, subdivision 5.~~

~~(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured and sold after January 1, 1994;~~

~~(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a vehicle other than a self-propelled implement of husbandry; or~~

~~(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a registered passenger automobile other than a pickup truck as defined in section 168.002, subdivision 26.~~

(c) If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is required under paragraph (b) to have brakes, it must also be equipped with brakes adequate to stop and hold it if it becomes detached from the towing vehicle.

Sec. 46. Minnesota Statutes 2010, section 169.81, subdivision 3, is amended to read:

Subd. 3. **Length of vehicle combinations.** (a) Statewide, except on the highways identified under provisions in paragraph (c), no combination of vehicles may exceed a total length of 75 feet.

(b) However, the total length limitation does not apply to combinations of vehicles transporting:

(1) telephone poles, electric light and power poles, piling, or pole-length pulpwood; or

(2) pipe or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in section 169.86.

These combinations of vehicles must be equipped with sufficient clearance markers, or lamps for night transportation, on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load.

(c) The following combination of vehicles regularly engaged in the transportation of commodities, property, or equipment, may operate only on divided highways having four or more lanes of travel, and on other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over the highway, for the purpose of providing reasonable access between the divided highways of four or more lanes of travel and terminals, facilities for food, fuel, repair, and rest, and points of loading and unloading for household goods carriers, livestock carriers, or for the purpose of providing continuity of route:

(1) a truck-tractor and semitrailer exceeding 75 feet in length;

(2) a combination of vehicles including a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly;

(3) a combination of vehicles including a truck-tractor and semitrailer drawing one full trailer;

(4) a truck-tractor and semitrailer designed and used exclusively for the transportation of motor vehicles or boats and exceeding an overall length of 75 feet including the load; and

(5) a truck or truck-tractor transporting similar vehicles by having the front axle of the transported vehicle mounted onto the center or rear part of the preceding vehicle, defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away saddlemount combinations or drive-away saddlemount vehicle transporter combinations, when the overall length exceeds 75 feet but does not exceed 97 feet.

(d) Vehicles operated under the provisions of this section must conform to the standards for those vehicles prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, as amended.

(e) For purposes of this paragraph, "total length" means the overall length of the motor vehicle including (1) bumpers and load; and (2) the length of any semitrailer, as defined in section 168.002, subdivision 30, and any trailer, as defined in section 168.002, subdivision 35. The maximum allowable total length of a commercial vehicle combination is 55 feet on that portion of marked Trunk Highway 36 from the intersection with marked Trunk Highway 95 and Washington County State-Aid Highway 23 in Stillwater, to the Stillwater lift bridge, located on marked Trunk Highway 36 over the St. Croix River in Stillwater. This paragraph does not apply to emergency vehicles; motor vehicles while engaged in work on the bridge or on the portion of highway described in this paragraph, including snow and ice removal and flood control; a vehicle carrying an oversize permit issued under section 169.86, subdivision 5, paragraph (d); and vehicles on the Stillwater lift bridge.

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

Sec. 47. Minnesota Statutes 2010, section 169.86, subdivision 3b, is amended to read:

Subd. 3b. **Escort vehicles.** The commissioner or local authority shall specify in the permit:

(1) the minimum number of escort vehicles required to escort the overdimensional load; and

(2) whether the operators of the escort vehicles must be certified licensed peace officers, ~~or~~ may be overdimensional load escort drivers who hold a current certificate under section 299D.085, or may be civilian escort drivers as provided under section 299D.085.

**EFFECTIVE DATE.** This section is effective on the effective date of this subdivision under Laws 2010, chapter 311, section 4.

Sec. 48. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

Subd. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative (1) has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record, and (2) has assessed the penalty within 60 days of the date the officer or representative inspected and copied the record.

Sec. 49. Minnesota Statutes 2010, section 169.98, subdivision 1, is amended to read:

Subdivision 1. **Colors and markings.** (a) Except as provided in subdivisions 2 and 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules by the State Patrol or for general uniform patrol assignment by any municipal police department or other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided in this subdivision. Motor vehicles of:

(1) municipal police departments, including the University of Minnesota Police Department and park police units, shall be predominantly blue, brown, green, black, or white;

(2) the State Patrol shall be predominantly maroon; and

(3) the county sheriff's office shall be predominantly brown, black, gold, or white.

(b) The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police," "sheriff," or the words "State Patrol" or "conservation officer," as appropriate, with letters not less than 2-1/2 inches high, one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

Sec. 50. Minnesota Statutes 2010, section 169.98, subdivision 3, is amended to read:

Subd. 3. **Security guard vehicle.** (a) All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.

(b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may continue to use a motor vehicle that is predominantly black in the course of the guard's employment if the vehicle was being used in this manner before August 1, 2002.

(c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may continue to use a motor vehicle that is predominantly gold in the course of the guard's employment if the vehicle was being used in this manner before August 1, 2012.

Sec. 51. Minnesota Statutes 2010, section 171.02, subdivision 2b, is amended to read:

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

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

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

- (1) safe operation of a type III vehicle;
- (2) understanding student behavior, including issues relating to students with disabilities;
- (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- (5) handling emergency situations;
- (6) proper use of seat belts and child safety restraints;
- (7) performance of pretrip vehicle inspections;
- (8) safe loading and unloading of students, including, but not limited to:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Notwithstanding any law to the contrary, if the testing under paragraph (f) follows the testing procedures set forth for transportation workplace drug and alcohol testing programs in Code of Federal Regulations, title 49, part 40, any person who is also required to comply with the alcohol and controlled substances testing requirements of Code of Federal Regulations, title 49, part 219, 382, or 655, is exempt from sections 181.950 to 181.957.

Sec. 52. 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 successfully 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 successfully completed homeschool 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 diploma, the student is taking home classroom driver training with classroom materials are approved by the commissioner of public safety, and the student's parent has certified the student's homeschool and home-classroom driver training status on the form approved by the commissioner; or

(C) concurrent to the instruction under item (i), is enrolled in the classroom phase of instruction in a public, private, or commercial driver education program that is approved by the commissioner of public safety, and completes 15 hours of classroom instruction and one behind-the-wheel lesson with an instructor;

~~(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 through~~ (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, then (v) the foster parent or the director of the transitional living program in which the child resides or, if items (i) through (v) do not apply or the minor applicant 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, foster parent, program director, adult spouse, adult close family member, or adult employer; and~~

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

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

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

Sec. 53. Minnesota Statutes 2011 Supplement, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees; additional charges.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
Instruction Permit				\$5.25
Enhanced Instruction Permit				\$20.25
Provisional License				\$8.25
Enhanced Provisional License				\$23.25
Duplicate License or duplicate identification card				\$6.75
Enhanced Duplicate License or enhanced duplicate identification card				\$21.75
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$11.25
Enhanced Minnesota identification card				\$26.25

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30, 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) In addition to the fee required under paragraph (a), a driver's license agent may charge and retain a filing fee as provided under section 171.061, subdivision 4.

(e) In addition to the fee required under paragraph (a), the commissioner shall charge a filing fee at the same amount as a driver's license agent under section 171.061, subdivision 4. Revenue collected under this paragraph must be deposited in the driver services operating account.

(f) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

(g) In addition to the instruction permit fee required under paragraph (a), the commissioner shall collect an additional \$5 program implementation fee from an applicant who is enrolled in concurrent driver education instruction as provided in section 171.05, subdivision 2, paragraph (a), clause (1), item (ii), subitem (C). The commissioner shall terminate the fee under this paragraph when the department has fully recovered its costs to implement concurrent classroom phase and behind-the-wheel instruction under section 171.05. The commissioner shall deposit proceeds of the fee in the driver services operating account in the special revenue fund. Proceeds from the fee under this paragraph are annually appropriated to the commissioner from the driver services operating account for administrative costs to implement concurrent driver education.

Sec. 54. **[171.60] MOTORCYCLE ROAD GUARD CERTIFICATE.**

Subdivision 1. **Certificate required.** No person may perform traffic control as a motorcycle road guard as provided under chapter 169 without a valid motorcycle road guard certificate issued by the commissioner.

Subd. 2. **Certification qualifications and standards; fee.** Through the Minnesota Motorcycle Safety Center, the commissioner of public safety shall:

(1) establish qualifications and requirements for a person to obtain a motorcycle road guard certificate under this section, which must include:

(i) a minimum 18 years of age;

(ii) possession of a valid driver's license; and

(iii) successful completion of a motorcycle road guard certification course;

(2) develop and offer, whether by the Minnesota Motorcycle Safety Center or authorized agents, a motorcycle road guard certification course; and

(3) establish safety and equipment standards for a person who operates under a motorcycle road guard certificate, including but not limited to specifying requirements for a reflective safety vest.

Subd. 3. **Fee.** The commissioner of public safety shall assess a fee for each applicant for a motorcycle road guard certificate, calculated to cover the commissioner's cost of establishing and administering the program.

Subd. 4. **Penalty.** A person who violates any provision of this section is guilty of a petty misdemeanor.

Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry out the provisions of this section. Notwithstanding section 16A.1283, the rules must specify the fee to be assessed under subdivision 3.

Sec. 55. Minnesota Statutes 2010, section 174.03, subdivision 1b, is amended to read:

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

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

(b) The commissioner, in cooperation with the commissioner of employment and economic development, shall conduct a freight rail economic development study. The study must assess the economic impact of freight railroads in the state and identify opportunities to expand business development and enhance economic competitiveness through improved utilization of freight rail options. The commissioner shall incorporate findings from the study as an amendment or update to the comprehensive statewide freight and passenger rail plan.

(c) The commissioner shall provide an interim progress report by January 15, 2013, and a final report by September 1, 2013, on the freight rail economic development study to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance and employment and economic development. The final report must include any recommended legislative initiatives.

(d) The commissioner may expend money under section 222.50, subdivision 7, to pay the costs of the study and reports under paragraphs (b) and (c).

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

Sec. 56. Minnesota Statutes 2010, section 221.091, subdivision 2, is amended to read:

Subd. 2. **Small vehicle passenger service.** ~~(a)~~ A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021.

~~(b) A person who provides small vehicle passenger service to an individual for the purpose of obtaining nonemergency medical care and who receives reimbursement under section 256B.0625, subdivision 17, for providing the service, must comply with the rules of the commissioner adopted under section 174.30.~~

Sec. 57. Minnesota Statutes 2011 Supplement, section 299A.705, subdivision 3, is amended to read:

Subd. 3. **Driver and vehicle services technology account.** (a) The driver and vehicle services technology account is created in the special revenue fund, consisting of the technology surcharge collected as specified in chapters 168, 168A, and 171; the filing fee revenue collected under section 168.33, subdivision 7; and any other money otherwise donated, allotted, appropriated, or legislated to this account.

(b) Money in the account is annually appropriated to the commissioner of public safety to support the research, development, deployment, and maintenance of a driver and vehicle services information system, except that on or after the effective date of this section, the commissioner may not expend funds from the account until the commissioner has entered into at least one agreement with a private entity to develop the information system.

(c) Following completion of the deposit of filing fee revenue into the driver and vehicle services technology account as provided under section 168.33, subdivision 7, the commissioner shall submit a notification to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance concerning driver and vehicle services information system implementation, which must include information on (1) total revenue deposited in the driver and vehicle services technology account, with a breakdown by sources of funds; (2) total project costs incurred, with a breakdown by key project components; and (3) an estimate of ongoing system maintenance costs.

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

Sec. 58. Minnesota Statutes 2010, section 299D.085, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section, the following terms have the meanings given them:

(1) "civilian escort driver" means an individual who is at least 18 years of age, holds a valid driver's license for the type of vehicle being operated, and does not hold an overdimensional load escort driver certificate under this section; and

(2) "overdimensional load" is a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in chapter 169, or otherwise not in conformity with the provisions of chapter 169.

**EFFECTIVE DATE.** This section is effective on the effective date of this subdivision under Laws 2010, chapter 311, section 4.

Sec. 59. Minnesota Statutes 2010, section 299D.085, is amended by adding a subdivision to read:

Subd. 2a. **Civilian escort driver.** (a) A civilian escort driver who meets those requirements established as of January 1, 2012, to provide overdimensional load escorts under Minnesota Statutes and under policies and regulations of the Department of Public Safety and the Department of Transportation, is exempt from the requirements of subdivisions 2, 3, and 5.

(b) A civilian escort driver may not operate under this subdivision if the overdimensional load:

(1) extends over the centerline of a roadway; or

(2) is routed to travel the wrong way on a road.

**EFFECTIVE DATE.** This section is effective on the effective date of Minnesota Statutes, section 299D.085, subdivisions 1 to 4, under Laws 2010, chapter 311, section 4.

Sec. 60. Minnesota Statutes 2010, section 299D.09, is amended to read:

**299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.**

Fees charged for escort services provided by the State Patrol are annually appropriated to the commissioner of public safety to administer and provide these services.

The ~~fees~~ fee charged for services provided by the State Patrol with a vehicle ~~are \$73.60~~ is \$79.28 an hour in fiscal year ~~2008~~ and \$75.76 an hour in fiscal year 2009 2013, and in fiscal year 2014 and thereafter, the fee may be reviewed and adjusted by the commissioner of public safety in an amount equal to the costs of providing this service. The ~~fees~~ fee charged for services provided without a vehicle ~~are \$54~~ is \$59.28 an hour in fiscal year ~~2008~~ and \$56.16 an hour in fiscal year 2009 2013, and in fiscal year 2014 and thereafter, the fee may be reviewed and adjusted by the commissioner of public safety in an amount equal to the costs of providing this service.

The fees charged for State Patrol flight services are \$140 an hour for a fixed wing aircraft, \$490 an hour for a helicopter, and \$600 an hour for the Queen Air in fiscal year 2012; \$139.64 an hour for a fixed wing aircraft, \$560.83 an hour for a helicopter, and \$454.84 an hour for the Queen Air in fiscal year 2013; and in fiscal year 2014 and thereafter, the fees may be reviewed and adjusted by the commissioner of public safety in an amount equal to the costs of providing these services.

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

Sec. 61. Minnesota Statutes 2010, section 473.388, subdivision 2, is amended to read:

Subd. 2. **Replacement service; eligibility.** (a) The council may provide assistance under the program to a statutory or home rule charter city or town or combination thereof, that:

~~(a)~~ (1) is located in the metropolitan transit taxing district;

~~(b)~~ (2) is not served by the council bus service or is served only with council bus routes which begin or end within the applying city or town or combination thereof; and

~~(c)~~ (3) has fewer than four scheduled runs of council bus service during off-peak hours as defined by the Metropolitan Council.

(b) Eligible cities or towns or combinations thereof may apply on behalf of a transit operator with whom they propose to contract for service.

~~The council may not provide assistance under this section to a statutory or home rule charter city or town unless the city or town,~~

~~(i) was receiving assistance under Minnesota Statutes 1982, section 174.265, by July 1, 1984,~~

~~(ii) had submitted an application for assistance under that section by July 1, 1984, or~~

~~(iii) had submitted a letter of intent to apply for assistance under that section by July 1, 1984, and submits an application for assistance under this section by July 1, 1988. A statutory or home rule charter city or town has an additional 12-month extension if it notified the former regional transit board before July 1, 1988, that the city or town is in the process of completing a transportation evaluation study that includes an assessment of the local transit needs of the city or town.~~

(c) The council may not provide assistance under this section unless the statutory or home rule charter city or town or combination:

(1) was receiving assistance under this section as of January 1, 2012; or

(2) had submitted an application for assistance under this section by July 1, 2016.

Sec. 62. Minnesota Statutes 2010, section 473.388, subdivision 4, is amended to read:

Subd. 4. **Financial assistance.** (a) The council must grant the requested financial assistance if it determines that the proposed service is intended to replace the service to the applying city or town or combination thereof by the council and that the proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service.

(b) ~~The minimum amount of assistance which the council must provide to a system under this section may not be less than the sum of the amounts calculated or determined for each municipality comprising the system as follows: of the replacement service municipalities as provided in paragraphs (c) and (d).~~

(c) For each replacement service municipality that received assistance under this section in 2011, the minimum amount of financial assistance is calculated as:

(1) an amount equal to 3.74 percent of the total state revenues generated from the taxes imposed under chapter 297B for the current fiscal year; times

(2) the ratio of (i) the transit operating assistance grants received under this subdivision by the municipality in calendar year 2001 or the tax revenues for transit services levied by the municipality for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of the municipality's aid under section 273.1398, subdivision 2, attributable to the transit levy; times  
~~(2) the ratio of (i) an amount equal to 3.74 percent of the state revenues generated from the taxes imposed under chapter 297B for the current fiscal year to (ii) the total transit operating assistance grants received under this subdivision in calendar year 2001 or the tax revenues for transit services levied by all replacement service municipalities under this section for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of homestead and agricultural credit aid under section 273.1398, subdivision 2, attributable to nondebt transit levies; times~~

(3) the ratio of (i) the municipality's total taxable market value for taxes payable in 2006 divided by the municipality's total taxable market value for taxes payable in 2001, to (ii) the total taxable market value of all property located in replacement service municipalities for taxes payable in 2006 divided by the total taxable market value of all property located in replacement service municipalities for taxes payable in 2001.

(d) For each replacement service municipality that first begins receiving assistance under this section after January 1, 2012, the council shall identify a minimum amount of assistance. The amount must be (1) to the extent practical, commensurate with the amount of assistance provided under paragraph (c); and (2) based on criteria developed by the council, including the following factors: operating expenses and revenues from other sources, service hours, ridership, and service performance standards.



(e) (e) The council shall pay the amount to be provided to the recipient from the funds the council receives in the metropolitan area transit account under section 16A.88.

Sec. 63. Laws 2009, chapter 158, section 10, is amended to read:

Sec. 10. **EFFECTIVE DATE.**

Sections 2 and 3 are effective August 1, 2009, and the amendments made in sections 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, ~~2012~~ 2014.

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

Sec. 64. Laws 2011, First Special Session chapter 3, article 1, section 4, is amended to read:

Sec. 4. <b>METROPOLITAN COUNCIL</b>	<b>\$39,038,000</b>	<b>\$39,038,000</b>
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This appropriation is from the general fund for transit system operations under Minnesota Statutes, sections 473.371 to 473.449.

Of this appropriation, \$140,000 in each fiscal year is for transit service for disabled veterans under Minnesota Statutes, section 473.408, subdivision 10.

The base appropriation is \$64,889,000 for fiscal year 2014 and \$64,970,000 for fiscal year 2015.

Notwithstanding Minnesota Statutes, section 473.388, subdivision 4, in ~~each year of the biennium~~ fiscal year 2012, the Metropolitan Council shall provide financial assistance to transit providers under Minnesota Statutes, section 473.388, in an amount that is \$1,650,000 less than the amount of assistance that was provided to transit providers by the Metropolitan Council in fiscal year 2011. Funds not transferred as a result of this rider are available for use by the council for metropolitan transit operations.

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

Sec. 65. **LEGISLATIVE ROUTE NO. 227 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 158, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of Wadena County to transfer jurisdiction of Legislative Route No. 227 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 66. **LEGISLATIVE ROUTE NO. 258 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 189, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of Brown County to transfer jurisdiction of Legislative Route No. 258 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 67. **LEGISLATIVE ROUTE NO. 291 REMOVED.**

(a) Minnesota Statutes, section 161.115, subdivision 222, is repealed effective the day after the commissioner of transportation receives a copy of the agreement between the commissioner and the governing body of the city of Hastings to transfer jurisdiction of Legislative Route No. 291 and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor electronically or in writing that the conditions required to transfer the route have been satisfied.

Sec. 68. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR SCOTT COUNTY.**

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety limiting sites for the Office of Deputy Registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall appoint a county deputy registrar of motor vehicles for Scott County to operate an extension of Scott County's license bureau, with full authority to function as a registration and motor vehicle tax collection bureau, at the new library in the city of Elko New Market. Notwithstanding rules adopted by the commissioner governing business hours, the commissioner shall allow the deputy registrar to establish business hours of operation matching the hours of service at the new library in the city of Elko New Market. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office.

Sec. 69. **TRUNK HIGHWAY 47 MAINTENANCE.**

Notwithstanding any law to the contrary, the commissioner of transportation shall permit the Anoka County Board to perform routine roadway maintenance on the portion of marked Trunk Highway 47 north of marked Trunk Highway 10 and located within the jurisdiction of the county. For purposes of this section, "routine roadway maintenance" means work on the roadway to keep it in a reasonable state of repair and functional use, including but not limited to striping, erecting and maintaining traffic control devices, and adding turn lanes within existing rights-of-way.

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

Sec. 70. **DISTANCE-BASED FARE SURCHARGE; PILOT PROGRAM.**

Subdivision 1. **Pilot program authorized.** Notwithstanding Minnesota Statutes, section 473.408, subdivision 2a, or any other law to the contrary, replacement service transit providers operating under Minnesota Statutes, section 473.388, may establish a pilot program that adds a distance-based surcharge to standard transit fares.

Subd. 2. **Pilot program restrictions.** (a) A replacement service transit provider exercising its authority under subdivision 1 may only impose a distance-based surcharge on routes with a total length greater than 15 miles.

(b) Any distance-based surcharge imposed must be prorated on the basis of the distance traveled by the rider paying the surcharge.

Subd. 3. **Reporting requirements.** By August 1 of each year a pilot program is in effect, the replacement service transit provider imposing the distance-based surcharge 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 report detailing the activities of the pilot program. The report shall include information specifying the total revenue collected from the distance-based surcharge and the average surcharge collected per rider, analyzing any impact the surcharge has had on the fare policy considerations under Minnesota Statutes, section 473.408, subdivision 2, and any other information requested by the chairs of the house of representatives and senate committees having jurisdiction over transportation policy and finance.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires on January 1, 2016.

Sec. 71. **LEGISLATIVE REPORTS ON CONTRACTING.**

Subdivision 1. **Submission of reports.** The commissioner shall report on experience with and evaluation of the construction manager/general contractor method of contracting authorized in Minnesota Statutes, sections 161.3207 to 161.3209. The reports must be submitted to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy or transportation finance and in compliance with Minnesota Statutes, sections 3.195 and 3.197. An interim report must be submitted no later than 12 months following the commissioner's acceptance of five construction manager/general contractor contracts. A final report must be submitted no later than 12 months following the commissioner's acceptance of ten construction manager/general contractor contracts.

Subd. 2. **Content of reports.** The reports must include: (1) a description of circumstances of any projects as to which construction manager/general contractor requests for qualifications or requests for proposals were solicited, followed by a cancellation of the solicitation; (2) a description of projects as to which construction manager/general contractor method was utilized; (3) a comparison of project cost estimates with final project costs, if available; and (4) evaluation of the construction manager/general contractor method of procurement with respect to implications for project cost, use of innovative techniques, completion time, and obtaining maximum value. The final report must also include recommendations as to continued use of the program and desired modifications to the program, and recommended legislation to continue, discontinue, or modify the program.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires following the acceptance of ten construction manager/general contractor contracts.

Sec. 72. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in column A to the references listed in column B. The revisor shall also make necessary cross-reference changes in Minnesota Statutes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>169.011, subd. 83</u>	<u>168B.011, subd. 12a</u>
<u>169.041</u>	<u>168B.035</u>
<u>169.64, subd. 5</u>	<u>168B.16</u>
<u>169.86, subd. 8</u>	<u>168B.15</u>
<u>465.75</u>	<u>168B.14</u>
<u>514.18, subd. 1a</u>	<u>168B.045</u>

Sec. 73. **REPEALER.**

Minnesota Statutes 2010, sections 169.441, subdivision 5; 169.445, subdivision 2; and 169.454, subdivision 10, are repealed.

Sec. 74. **RULES REPEALER.**

Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; and 8810.9700, are repealed.

Sec. 75. **EFFECTIVE DATE.**

Sections 34 and 54, subdivisions 1 to 4, are effective one year after publication in the State Register of rules adopted under section 54, subdivision 5. Section 54, subdivision 5, is effective the day following final enactment.

Sec. 76. **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 policy and finance, including trunk highway designation, work and contracting on trunk highways, motor vehicles, motor vehicle weight limit regulations, motor vehicle titles, manufactured home titles, driver's education, metropolitan area transit service and fares, bridge inspections, brake requirements, special veterans license plates, pupil transportation, municipal state-aid street fund eligibility and apportionment, small vehicle passenger service, driver and vehicle information system, deputy registrars of motor vehicles, civilian escort drivers, bicycle equipment, school buses, small business contracts, and legislative reports; making contingent appropriations; setting fees; renumbering statutes; making technical changes; amending Minnesota Statutes 2010, sections 13.72, by adding a subdivision; 160.27, by adding a subdivision; 160.2715; 161.14, by adding a subdivision; 161.20, subdivision 4; 161.321; 161.3212; 162.09, by adding a subdivision; 165.01; 165.03; 168.013, subdivision 3; 168.10, subdivision 1a; 168.185; 168A.01, subdivision 16, by adding subdivisions; 168A.02, subdivision 3; 168A.04, subdivisions 1, 5, by adding a subdivision; 168A.05, subdivisions 1, 1a, 1b, 3; 168A.09, by adding a subdivision; 168A.141, subdivision 1; 168A.15, subdivision 2; 169.06, subdivision 4; 169.222, subdivision 6; 169.4501, subdivisions 1, 2; 169.4503, subdivisions 5, 20, by adding subdivisions; 169.451, subdivision 3; 169.4582, subdivision 2; 169.72, subdivision 1; 169.801, subdivision 10; 169.81, subdivision 3; 169.86, subdivision 3b; 169.872, subdivision 1a; 169.98, subdivisions 1, 3; 171.02, subdivision 2b; 174.03, subdivision 1b; 221.091, subdivision 2; 299D.085, subdivision 1, by adding a subdivision; 299D.09; 473.388, subdivisions 2, 4; Minnesota Statutes 2011 Supplement, sections 168.123, subdivision 1; 171.05, subdivision 2; 171.06, subdivision 2; 299A.705, subdivision 3; Laws 2009, chapter 158, section 10; Laws 2011, First Special Session chapter 3, article 1, section 4; proposing coding for new law in Minnesota Statutes, chapters 161; 168A; 171; repealing Minnesota Statutes 2010, sections 169.441, subdivision 5; 169.445, subdivision 2; 169.454, subdivision 10; Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; 8810.9700."

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.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2705, A bill for an act relating to commerce; regulating closing agents; exempting a licensed attorney and a direct employee of a licensed attorney from the licensing requirements for closing agents; amending Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2011 Supplement, section 82.641, subdivision 1, is amended to read:

Subdivision 1. **License required.** Except as otherwise provided in subdivision 6, a person shall not act as a real estate closing agent unless licensed as provided in this section. The commissioner shall issue a license as a closing agent to a person who qualifies for the license under the terms of this chapter.

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

Sec. 2. Minnesota Statutes 2010, section 82.641, subdivision 6, is amended to read:

Subd. 6. **Exemption.** The following persons, when acting as closing agents, are exempt from the requirements of this section and sections 82.75 and 82.81 unless otherwise required in this chapter:

(1) a direct employee of a title insurance company authorized to do business in this state, or a direct employee of a title company, or a person who has an agency agreement with a title insurance company or a title company in which the agent agrees to perform closing services on the title insurance company's or title company's behalf and the title insurance company or title company assumes responsibility for the actions of the agent as if the agent were a direct employee of the title insurance company or title company;

(2) a licensed attorney or a direct employee of a licensed attorney;

(3) a licensed real estate broker or salesperson;

(4) a direct employee of a licensed real estate broker if the broker maintains all funds received in connection with the closing services in the broker's trust account;

(5) a bank, trust company, savings association, credit union, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of businesses within the scope of its corporate powers as provided by law;

(6) a title insurance company authorized to do business in this state; and

(7) a title company that has a contractual agency relationship with a title insurance company authorized to do business in this state, where the title insurance company assumes responsibility for the actions of the title company and its employees or agents as if they were employees or agents of the title insurance company.

**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.

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

H. F. No. 2753, A bill for an act relating to transportation; public safety; traffic regulations; regulating electric-assisted bicycle as bicycle rather than motorized bicycle; amending Minnesota Statutes 2010, sections 169.011, subdivisions 4, 45; 169.222, subdivision 6; 169.223, subdivisions 1, 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

The report was adopted.

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

H. F. No. 2775, A bill for an act relating to transportation; traffic regulations; amending brake requirements for towed implements of husbandry; amending Minnesota Statutes 2010, section 169.801, subdivision 10.

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

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 2779, A bill for an act relating to taxation; minerals; modifying the rates of taxation of nonferrous minerals; modifying the distribution of production tax revenues; amending Minnesota Statutes 2010, sections 298.018, subdivision 1; 298.28, subdivision 4; Minnesota Statutes 2011 Supplement, sections 298.01, subdivision 3; 298.015, subdivision 1; 298.28, subdivision 2.

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

The report was adopted.

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

H. F. No. 2793, A bill for an act relating to transportation; traffic regulations; allowing vehicle combination to transport property and equipment; amending Minnesota Statutes 2010, section 169.81, subdivision 3.

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

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 1166, 1236, 1774, 2214, 2632, 2638, 2676, 2705, 2775 and 2793 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Quam introduced:

H. F. No. 2890, A bill for an act relating to education finance; authorizing funding for a pilot project designed to increase the efficiency and efficacy of instructional services through mobile technologies; appropriating money.

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

Drazkowski introduced:

H. F. No. 2891, A bill for an act relating to state government; making certain employee compensation plan changes.

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

Davnie; Murphy, E.; Kahn; Liebling; Simon; Carlson and Slawik introduced:

H. F. No. 2892, A bill for an act relating to data privacy; prohibiting the use of Social Security numbers in certain health records; amending Minnesota Statutes 2010, section 325E.59, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62Q; 144.

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

Lanning introduced:

H. F. No. 2893, A bill for an act relating to counties; providing a process for making the office of county auditor-treasurer appointive in Clay County.

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

Bills and Kriesel introduced:

H. F. No. 2894, A bill for an act relating to workers' compensation; modifying payment provisions; amending Minnesota Statutes 2010, sections 176.101, subdivision 4; 353.656, subdivision 2.

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

Norton and Liebling introduced:

H. F. No. 2895, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for a Rochester-Twin Cities High-Speed Passenger Rail project, and for passenger rail facilities.

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

Wardlow introduced:

H. F. No. 2896, A bill for an act relating to public safety; requiring a modification to the sex offender sentencing grid.

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

Davids introduced:

H. F. No. 2897, A bill for an act relating to highways; authorizing sale and issuance of trunk highway bonds; appropriating money for infrastructure improvements attendant to construction on marked Trunk Highway 44 in Caledonia.

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

Davids introduced:

H. F. No. 2898, A bill for an act relating to transportation; highways; requiring the commissioner of transportation to pay the costs of improvements necessitated by construction on marked Trunk Highway 44 in Caledonia.

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

Davids introduced:

H. F. No. 2899, A resolution memorializing Congress to pass the Marketplace Equity Act or the Marketplace Fairness Act.

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

Hackbarth introduced:

H. F. No. 2900, A bill for an act relating to manufactured housing; modifying requirement relating to home relocation trust fund balance; amending Minnesota Statutes 2011 Supplement, section 327C.095, subdivision 12.

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



Huntley; Murphy, E.; Loeffler; Hosch and Liebling introduced:

H. F. No. 2901, A bill for an act relating to state government; making adjustments to health and human services appropriations; making changes to health care and continuing care; modifying program eligibility requirements; making changes to human services licensing and provider screening; establishing fees and modifying fee schedules; appropriating money; amending Minnesota Statutes 2010, section 256B.056, subdivision 1a; Minnesota Statutes 2011 Supplement, sections 245A.03, subdivision 7; 245A.10, subdivisions 3, 4; 256B.056, subdivision 3; 256B.057, subdivision 9; 256B.06, subdivision 4; 256B.0659, subdivisions 11, 28; 256B.49, subdivision 15; 256B.69, subdivision 5c; Laws 2011, First Special Session chapter 9, article 7, sections 52; 54; article 10, section 3, subdivision 3.

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

Murphy, E., introduced:

H. F. No. 2902, A bill for an act relating to human services; providing a nursing facility rate increase for a specified facility; amending Minnesota Statutes 2010, section 256B.441, by adding a subdivision.

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

Lohmer and Dean introduced:

H. F. No. 2903, A bill for an act relating to transportation; appropriating money for city costs of St. Croix River bridge project; 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.

Loeffler introduced:

H. F. No. 2904, A bill for an act relating to finance; requiring the appointment of at least one member of the minority party in the house of representatives and the senate to any conference committee appointed to resolve differences in a major appropriation bill; suspending compensation of legislators until certain major budget bills have been enacted; requiring legislators and the governor to mediate their differences after adjournment of the annual legislative session in an odd-numbered year if the governor vetoes a major appropriation bill; proposing coding for new law in Minnesota Statutes, chapters 3; 16A.

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

Barrett introduced:

H. F. No. 2905, A bill for an act relating to education; requiring a waiver application from No Child Left Behind; modifying enforcement of education statutes.

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

Beard, Shimanski, Gauthier, Hornstein and Abeler introduced:

H. F. No. 2906, A bill for an act relating to transportation; amending provisions governing the safe at home program and driver's licenses; amending Minnesota Statutes 2010, sections 5B.03, subdivisions 1, 3, by adding a subdivision; 5B.05; 171.06, subdivisions 3, 3a, by adding a subdivision.

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

Franson and Gruenhagen introduced:

H. F. No. 2907, A bill for an act relating to taxes; individual income; allowing a credit for uncompensated medical care provided by physicians; amending Minnesota Statutes 2010, section 290.06, by adding a subdivision.

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

Mahoney, Melin, Gunther and McFarlane introduced:

H. F. No. 2908, A bill for an act relating to economic development; appropriating money to the commissioner of employment and economic development for a grant to Enterprise Minnesota, Inc.

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

McElfatrick; Dettmer; Anderson, B.; O'Driscoll; Leidiger and Erickson introduced:

H. F. No. 2909, A bill for an act relating to veterans; expanding the purposes for the Minnesota GI Bill program to include apprenticeships and on-the-job training; amending Minnesota Statutes 2010, section 197.791, subdivision 6, by adding a subdivision.

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

Murdock and Scalze introduced:

H. F. No. 2910, A bill for an act relating to state government; designating Lester as the official soil of the state; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Greiling; Murphy, E.; Huntley; Hosch and Fritz introduced:

H. F. No. 2911, A bill for an act relating to state government; requiring development of outreach, public education, and screening for maternal depression; expanding medical assistance eligibility for pregnant women and infants; requiring the commissioner of human services to provide technical assistance related to maternal depression screening and referrals; adding parenting skills to adult rehabilitative mental health services; expanding Minnesota health care program outreach; providing appointments; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 119B.03, subdivision 3; 119B.05, subdivision 1; 125A.27, subdivision 11; 145.906;

145A.17, subdivisions 1, 8, by adding a subdivision; 214.12, by adding a subdivision; 256B.04, by adding a subdivision; 256B.055, subdivisions 5, 6; 256B.057, subdivision 1; 256B.0623, subdivision 2; Minnesota Statutes 2011 Supplement, section 119B.13, subdivision 7; Laws 2011, First Special Session chapter 9, article 10, section 3, subdivision 4; Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2010, section 256J.24, subdivision 6.

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

Johnson introduced:

H. F. No. 2912, A bill for an act relating to commerce; motor vehicles; amending regulation of scrap metal processing; requiring proof of ownership or hold period for vehicles purchased for scrap; creating the automated property system; creating criminal penalties; amending Minnesota Statutes 2010, sections 168.27, subdivisions 1a, 19a, 23, 24; 168A.153, subdivisions 1, 2; 325E.21, subdivisions 1, 1a, 3, 8, 9; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

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.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1560, A bill for an act relating to state government; providing for disposition of contested case hearings by the Office of Administrative Hearings; amending Minnesota Statutes 2010, section 14.57.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 382, A bill for an act relating to commerce; amending statutes regarding receiverships, assignments for the benefit of creditors, and nonprofit corporations; amending Minnesota Statutes 2010, sections 302A.753, subdivisions 2, 3; 302A.755; 302A.759, subdivision 1; 302A.761; 308A.945, subdivisions 2, 3; 308A.951; 308A.961, subdivision 1; 308A.965; 308B.935, subdivisions 2, 3; 308B.941; 308B.951, subdivision 1; 308B.955; 316.11; 317A.255, subdivision 1; 317A.753, subdivisions 3, 4; 317A.755; 317A.759, subdivision 1; 322B.836, subdivisions 2, 3; 322B.84; 462A.05, subdivision 32; 469.012, subdivision 2i; 540.14; 559.17, subdivision 2; 576.04; 576.06; 576.08; 576.09; 576.11; 576.121; 576.123; 576.144; 576.15; 576.16; proposing coding for new law in Minnesota Statutes, chapters 576; 577; repealing Minnesota Statutes 2010, sections 302A.759, subdivision 2; 308A.961, subdivision 2; 308B.951, subdivisions 2, 3; 317A.759, subdivision 2; 576.01; 577.01; 577.02; 577.03; 577.04; 577.05; 577.06; 577.08; 577.09; 577.10.

The Senate has appointed as such committee:

Senators Thompson, Newman and Latz.

Said House File is herewith returned to the House.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1212, 1528, 1542, 1620, 1788, 1917 and 2166.

CAL R. LUDEMAN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 1212, A bill for an act relating to health records; adding adult children of a deceased patient to the definition of patient; amending Minnesota Statutes 2010, section 144.291, subdivision 2.

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

S. F. No. 1528, A bill for an act relating to education; providing 21st century tools for teachers; encouraging students to take one online course; requiring a report; amending Minnesota Statutes 2010, sections 124D.095, subdivision 10; 126C.15, subdivision 1.

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

S. F. No. 1542, A bill for an act relating to insurance; modifying defensive driving refresher course requirements; amending Minnesota Statutes 2010, section 65B.28, subdivision 4.

The bill was read for the first time.

Loon moved that S. F. No. 1542 and H. F. No. 2441, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1620, A bill for an act relating to eminent domain; providing for a hearing before an administrative law judge on the amount or denial of eligibility for relocation assistance; amending Minnesota Statutes 2010, section 117.52, subdivision 4.

The bill was read for the first time.

Dittrich moved that S. F. No. 1620 and H. F. No. 1833, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1788, A bill for an act relating to utilities; requiring studies for the purpose of reducing regulatory burdens; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

S. F. No. 1917, A bill for an act relating to education; extending for one additional year school districts' ability to use prone restraints under some conditions; requiring data collection and reporting; amending Minnesota Statutes 2010, sections 125A.0941; 125A.0942, subdivision 4; Minnesota Statutes 2011 Supplement, section 125A.0942, subdivision 3.

The bill was read for the first time.

Davnie moved that S. F. No. 1917 and H. F. No. 2293, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2166, A bill for an act relating to public safety; modifying provisions relating to school bus safety and standards; abolishing standards for type III vehicles used for transporting students; amending Minnesota Statutes 2010, sections 169.4501, subdivisions 1, 2; 169.4503, subdivisions 5, 20, by adding subdivisions; 169.4582, subdivision 2; repealing Minnesota Statutes 2010, sections 169.441, subdivision 5; 169.445, subdivision 2; 169.454, subdivision 10.

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

## **FISCAL CALENDAR**

Pursuant to rule 1.22, Holberg requested immediate consideration of H. F. No. 2083.

H. F. No. 2083 was reported to the House.

Atkins moved to amend H. F. No. 2083, the second engrossment, as follows:

Page 27, after line 24, insert:

"Sec. 8. ADVISORY STATEMENT.

Upon the cancellation of a portion of the unobligated balance in the budget reserve account under section 7, the chairs of the legislative committees with primary jurisdiction over kindergarten through grade 12 education finance shall send the following advisory to each school superintendent, school board chair, and charter school director:

"ADVISORY

As a result of passage of recent legislation, the State of Minnesota has paid back 17.9 percent of the shift in school aid payments that had been used to balance the state budget. This payment came from the State's reserve account, leaving \$227 million in reserve, or a little less than one percent of the state budget.

The State continues to owe \$2 billion toward the school aid payment shift, in addition to having a projected \$1.1 billion deficit for the next budget cycle.

Please be mindful of this information as you set your budget for the coming year."

Renumber the sections in sequence and correct the internal references

A roll call was requested and properly seconded.

The question was taken on the Atkins amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Allen	Eken	Hortman	Lesch	Mullery	Scalze
Anzelc	Falk	Hosch	Liebling	Murphy, E.	Simon
Atkins	Fritz	Huntley	Lillie	Murphy, M.	Slawik
Benson, J.	Gauthier	Johnson	Loeffler	Nelson	Slocum
Brynaert	Greene	Kahn	Mahoney	Norton	Thissen
Carlson	Hansen	Kath	Mariani	Paymar	Tillberry
Champion	Hausman	Knuth	Marquart	Persell	Wagenius
Clark	Hilstrom	Koenen	Melin	Peterson, S.	Ward
Dill	Hilty	Laine	Moran	Poppe	Winkler
Dittrich	Hornstein	Lenczewski	Morrow	Rukavina	

Those who voted in the negative were:

Abeler	Banaian	Buesgens	Dean	Erickson	Gruenhagen
Anderson, B.	Barrett	Cornish	Dettmer	Fabian	Gunther
Anderson, D.	Beard	Crawford	Doepke	Franson	Hackbarth
Anderson, P.	Benson, M.	Daudt	Downey	Garofalo	Hamilton
Anderson, S.	Bills	Davids	Drakowski	Gottwalt	Hancock

Holberg	Lanning	McElfatrick	Pelowski	Shimanski	Westrom
Hoppe	Leidiger	McFarlane	Peppin	Smith	Woodard
Howes	LeMieur	McNamara	Petersen, B.	Stensrud	Spk. Zellers
Kelly	Lohmer	Murdock	Quam	Swedzinski	
Kieffer	Loon	Murray	Runbeck	Torkelson	
Kiel	Mack	Myhra	Sanders	Urdahl	
Kiffmeyer	Mazorol	Nornes	Schomacker	Vogel	
Kriesel	McDonald	O'Driscoll	Scott	Wardlow	

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

Carlson offered an amendment to H. F. No. 2083, the second engrossment.

#### POINT OF ORDER

Dean raised a point of order pursuant to rule 3.21 that the Carlson amendment was not in order. The Speaker ruled the point of order well taken and the Carlson amendment out of order.

Carlson appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Crawford	Gottwalt	Kiffmeyer	McNamara	Scott
Anderson, B.	Daudt	Gruenhagen	Kriesel	Murdock	Shimanski
Anderson, D.	Davids	Gunther	Lanning	Murray	Smith
Anderson, P.	Dean	Hackbarth	Leidiger	Myhra	Stensrud
Anderson, S.	Dettmer	Hamilton	LeMieur	Nornes	Swedzinski
Banaian	Doepke	Hancock	Lohmer	O'Driscoll	Torkelson
Barrett	Downey	Holberg	Loon	Peppin	Urdahl
Beard	Drazkowski	Hoppe	Mack	Petersen, B.	Vogel
Benson, M.	Erickson	Howes	Mazorol	Quam	Wardlow
Bills	Fabian	Kelly	McDonald	Runbeck	Westrom
Buesgens	Franson	Kieffer	McElfatrick	Sanders	Woodard
Cornish	Garfalo	Kiel	McFarlane	Schomacker	Spk. Zellers

Those who voted in the negative were:

Allen	Clark	Greene	Hortman	Koenen	Mahoney
Anzelc	Dill	Greiling	Hosch	Laine	Mariani
Atkins	Dittrich	Hansen	Huntley	Lenczewski	Marquart
Benson, J.	Eken	Hausman	Johnson	Lesch	Melin
Brynaert	Falk	Hilstrom	Kahn	Liebling	Moran
Carlson	Fritz	Hilty	Kath	Lillie	Morrow
Champion	Gauthier	Hornstein	Knuth	Loeffler	Mullery

Murphy, E.	Paymar	Poppe	Slawik	Wagenius
Murphy, M.	Pelowski	Rukavina	Slocum	Ward
Nelson	Persell	Scalze	Thissen	Winkler
Norton	Peterson, S.	Simon	Tillberry	

So it was the judgment of the House that the decision of the Speaker should stand.

Rukavina offered an amendment to H. F. No. 2083, the second engrossment.

#### POINT OF ORDER

Dean raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. The Speaker ruled the point of order well taken and the Rukavina amendment out of order.

Rukavina appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Gunther	Leidiger	Nornes	Swedzinski
Anderson, B.	Davids	Hackbarth	LeMieur	O'Driscoll	Torkelson
Anderson, D.	Dean	Hamilton	Lohmer	Paymar	Urdahl
Anderson, P.	Dettmer	Hancock	Loon	Peppin	Vogel
Anderson, S.	Doepke	Holberg	Mack	Petersen, B.	Wardlow
Banaian	Downey	Hoppe	Mazorol	Quam	Westrom
Barrett	Drazkowski	Howes	McDonald	Runbeck	Woodard
Beard	Erickson	Kelly	McElfratrick	Sanders	Spk. Zellers
Benson, M.	Fabian	Kieffer	McFarlane	Schomacker	
Bills	Franson	Kiel	McNamara	Scott	
Buesgens	Garofalo	Kiffmeyer	Murdock	Shimanski	
Cornish	Gottwalt	Kriesel	Murray	Smith	
Crawford	Gruenhagen	Lanning	Myhra	Stensrud	

Those who voted in the negative were:

Allen	Eken	Hornstein	Lenczewski	Morrow	Scalze
Anzelc	Falk	Hortman	Lesch	Murphy, E.	Simon
Atkins	Fritz	Hosch	Liebling	Murphy, M.	Slawik
Benson, J.	Gauthier	Huntley	Lillie	Nelson	Slocum
Brynaert	Greene	Johnson	Loeffler	Norton	Thissen
Carlson	Greiling	Kahn	Mahoney	Pelowski	Tillberry
Champion	Hansen	Kath	Mariani	Persell	Wagenius
Clark	Hausman	Knuth	Marquart	Peterson, S.	Ward
Dill	Hilstrom	Koenen	Melin	Poppe	Winkler
Dittrich	Hilty	Laine	Moran	Rukavina	

So it was the judgment of the House that the decision of the Speaker should stand.



H. F. No. 2083, A bill for an act relating to education; providing funding and modifying certain early, adult, and kindergarten through grade 12 education provisions, including general education, education excellence, special programs, facilities and technology, nutrition and accounting, libraries, and prevention; providing education forecast adjustments; appropriating money; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11, 13, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; 123B.41, by adding a subdivision; 123B.42; 123B.43; 124D.111, subdivision 3; 124D.518, subdivision 3, by adding a subdivision; 124D.531, by adding a subdivision; 126C.10, subdivision 28; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6; 123B.41, subdivision 2; 124D.11, subdivision 9; 127A.33; 127A.45, subdivision 2; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, 3, 4, 5, 6, 7, 10; article 2, section 50, subdivisions 2, 3, 4, 5, 6, 7, 9; article 3, section 11, subdivisions 2, 3, 4, 5, 6; article 4, section 10, subdivisions 2, 3, 4, 6; article 5, section 12, subdivisions 2, 3, 4; article 6, section 2, subdivisions 2, 3, 5; article 7, section 2, subdivisions 2, 3, 4; article 8, section 2, subdivisions 2, 3; article 9, section 3, subdivision 2; repealing Minnesota Statutes 2010, sections 124D.135, subdivisions 8, 9; 124D.16, subdivisions 6, 7; 124D.20, subdivisions 11, 12.

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 74 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Gruenhagen	Lanning	Myhra	Stensrud
Anderson, B.	Dean	Gunther	Leidiger	Nornes	Swedzinski
Anderson, D.	Dettmer	Hackbarth	LeMieur	O'Driscoll	Torkelson
Anderson, P.	Dittrich	Hamilton	Lohmer	Peppin	Urdahl
Anderson, S.	Doepke	Hancock	Loon	Petersen, B.	Vogel
Banaian	Downey	Holberg	Mack	Quam	Wardlow
Barrett	Drazkowski	Hoppe	Mazorol	Runbeck	Westrom
Beard	Erickson	Howes	McDonald	Sanders	Woodard
Benson, M.	Fabian	Kelly	McElfatrick	Scalze	Spk. Zellers
Bills	Franson	Kieffer	McFarlane	Schomacker	
Cornish	Garofalo	Kiel	McNamara	Scott	
Crawford	Gottwalt	Kiffmeyer	Murdock	Shimanski	
Daudt	Greiling	Kriesel	Murray	Smith	

Those who voted in the negative were:

Allen	Eken	Hortman	Lesch	Mullery	Rukavina
Anzelc	Falk	Hosch	Liebling	Murphy, E.	Simon
Atkins	Fritz	Huntley	Lillie	Murphy, M.	Slawik
Benson, J.	Gauthier	Johnson	Loeffler	Nelson	Slocum
Brynaert	Greene	Kahn	Mahoney	Norton	Thissen
Buesgens	Hansen	Kath	Mariani	Paymar	Tillberry
Carlson	Hausman	Knuth	Marquart	Pelowski	Wagenius
Champion	Hilstrom	Koenen	Melin	Persell	Ward
Clark	Hilty	Laine	Moran	Peterson, S.	Winkler
Dill	Hornstein	Lenczewski	Morrow	Poppe	

The bill was passed and its title agreed to.

Hosch was excused for the remainder of today's session.

### CALENDAR FOR THE DAY

H. F. No. 1524, A bill for an act relating to education; clarifying continuing education requirements for substitute principals; amending Minnesota Statutes 2010, section 122A.14, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2078 was reported to the House.

Dittrich moved to amend H. F. No. 2078 as follows:

Page 3, after line 20, insert:

"Sec. 4. Minnesota Statutes 2010, section 123B.43, is amended to read:

#### **123B.43 USE OF INDIVIDUALIZED INSTRUCTIONAL MATERIALS.**

(a) The commissioner shall assure that textbooks and individualized instructional materials loaned to nonpublic school pupils are secular, neutral, nonideological and that they are incapable of diversion for religious use.

(b) Textbooks ~~and~~, individualized instructional materials, software and other technology must not be used in religious courses, devotional exercises, religious training or any other religious activity.

(c) Textbooks and individualized instructional materials must be loaned only to individual pupils upon the request of a parent or guardian or the pupil on a form designated for this use by the commissioner. The request forms shall provide for verification by the parent or guardian or pupil that the requested textbooks and individualized instructional materials are for the use of the individual pupil in connection with a program of instruction in the pupil's elementary or secondary school.

(d) The servicing school district or the intermediary service area must take adequate measures to ensure an accurate and periodic inventory of all textbooks ~~and~~, individualized instructional materials, software and other technology loaned to elementary and secondary school pupils attending nonpublic schools. The commissioner of education shall promulgate rules under the provisions of chapter 14 to terminate the eligibility of any nonpublic school pupil if the commissioner determines, after notice and opportunity for hearing, that the textbooks ~~or~~, individualized instructional materials, or software or other technology have been used in a manner contrary to the provisions of section 123B.41, subdivision 5, 123B.42, or this section or any rules promulgated by the commissioner of education.

(e) Nothing contained in section 123B.41, subdivision 5, 123B.42, or this section shall be construed to authorize the making of any payments to a nonpublic school or its faculty, staff or administrators for religious worship or instruction or for any other purpose.

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

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dill was excused for the remainder of today's session.

H. F. No. 2078, A bill for an act relating to education finance; expanding use of nonpublic pupil textbook aid; amending Minnesota Statutes 2010, sections 123B.41, by adding a subdivision; 123B.42; 123B.43; Minnesota Statutes 2011 Supplement, section 123B.41, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

H. F. No. 1708, A bill for an act relating to youth; establishing the Minnesota Youth Council; proposing coding for new law as Minnesota Statutes, chapter 16F.

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 95 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Hortman	Liebling	Murphy, E.	Slawik
Allen	Dittrich	Howes	Lillie	Murphy, M.	Slocum
Anderson, P.	Doepke	Huntley	Loeffler	Murray	Smith
Anzels	Eken	Johnson	Loon	Myhra	Stensrud
Atkins	Falk	Kahn	Mack	Nelson	Swedzinski
Banaian	Fritz	Kath	Mahoney	Nornes	Thissen
Beard	Gauthier	Kelly	Mariani	O'Driscoll	Tillberry
Benson, J.	Gottwalt	Kiffmeyer	Marquart	Paymar	Torkelson
Bills	Greene	Knuth	McElfatrick	Pelowski	Urdahl
Brynaert	Greiling	Koenen	McFarlane	Persell	Wagenius
Carlson	Gunther	Kriesel	McNamara	Peterson, S.	Ward
Champion	Hamilton	Laine	Melin	Poppe	Westrom
Clark	Hausman	Lanning	Moran	Rukavina	Winkler
Cornish	Hilstrom	LeMieur	Morrow	Scalze	Woodard
Crawford	Hilty	Lenczewski	Mullery	Schomacker	Spk. Zellers
Davids	Hornstein	Lesch	Murdock	Simon	

Those who voted in the negative were:

Anderson, B.	Daudt	Franson	Holberg	Mazorol	Runbeck
Anderson, D.	Dettmer	Garofalo	Hoppe	McDonald	Sanders
Anderson, S.	Downey	Gruenhagen	Kieffer	Norton	Scott
Barrett	Drazkowski	Hackbarth	Kiel	Peppin	Shimanski
Benson, M.	Erickson	Hancock	Leidiger	Petersen, B.	Vogel
Buesgens	Fabian	Hansen	Lohmer	Quam	Wardlow

The bill was passed and its title agreed to.

H. F. No. 2291, A bill for an act relating to education finance; creating a process for adjusting adult basic education contact hours lost due to a service disruption; amending Minnesota Statutes 2010, sections 124D.518, subdivision 3, by adding a subdivision; 124D.531, by adding a subdivision.

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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

Dean moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Lohmer moved that the name of Smith be added as an author on H. F. No. 1492. The motion prevailed.

Clark moved that the name of Liebling be added as an author on H. F. No. 1886. The motion prevailed.

Davids moved that the names of Murphy, M., and Quam be added as authors on H. F. No. 1972. The motion prevailed.

Atkins moved that the name of Champion be added as an author on H. F. No. 2137. The motion prevailed.

O'Driscoll moved that the names of Woodard; Kiffmeyer; Benson, J.; Greiling and Slawik be added as authors on H. F. No. 2244. The motion prevailed.

Dettmer moved that the name of Lesch be added as an author on H. F. No. 2259. The motion prevailed.

Dettmer moved that the name of Lesch be added as an author on H. F. No. 2261. The motion prevailed.

Runbeck moved that the name of Dettmer be added as an author on H. F. No. 2381. The motion prevailed.

Knuth moved that the name of Champion be added as an author on H. F. No. 2543. The motion prevailed.

Moran moved that her name be stricken as an author on H. F. No. 2723. The motion prevailed.

Persell moved that the name of Champion be added as an author on H. F. No. 2782. The motion prevailed.

Rukavina moved that the name of Kahn be added as an author on H. F. No. 2813. The motion prevailed.

Mullery moved that the name of Fritz be added as an author on H. F. No. 2823. The motion prevailed.

Mariani moved that the name of Moran be added as an author on H. F. No. 2840. The motion prevailed.

Kahn moved that the name of Lesch be added as an author on H. F. No. 2846. The motion prevailed.

Scott moved that the name of Scalze be added as an author on H. F. No. 2863. The motion prevailed.

Hansen moved that the name of Winkler be added as an author on H. F. No. 2869. The motion prevailed.

Kahn moved that the name of Champion be added as an author on H. F. No. 2873. The motion prevailed.

Rukavina moved that the name of Kahn be added as an author on H. F. No. 2884. The motion prevailed.

LeMieur moved that the name of Ward be added as an author on H. F. No. 2888. The motion prevailed.

Ward moved that H. F. No. 157 be recalled from the Veterans Services Division and be re-referred to the Committee on State Government Finance. The motion prevailed.

Abeler moved that H. F. No. 2602 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.

Liebling moved that H. F. No. 2683 be recalled from the Committee on Taxes and be re-referred to the Committee on Health and Human Services Reform.

A roll call was requested and properly seconded.

The question was taken on the Liebling motion and the roll was called. There were 52 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Allen	Falk	Hortman	Lesch	Mullery	Slawik
Anzelc	Fritz	Huntley	Liebling	Murphy, E.	Slocum
Atkins	Gauthier	Johnson	Loeffler	Murphy, M.	Thissen
Benson, J.	Greene	Kahn	Mahoney	Nelson	Tillberry
Brynaert	Greiling	Kath	Mariani	Norton	Wagenius
Carlson	Hansen	Knuth	Marquart	Peterson, S.	Ward
Clark	Hausman	Koenen	Melin	Rukavina	Winkler
Dittrich	Hilstrom	Laine	Moran	Scalze	
Eken	Hilty	Lenczewski	Morrow	Simon	

Those who voted in the negative were:

Abeler	Daudt	Gunther	Leidiger	Myhra	Smith
Anderson, B.	Davids	Hackbarth	LeMieur	Nornes	Stensrud
Anderson, D.	Dean	Hamilton	Lillie	O'Driscoll	Swedzinski
Anderson, P.	Dettmer	Hancock	Lohmer	Pelowski	Torkelson
Anderson, S.	Doepke	Holberg	Loon	Peppin	Urdahl
Banaian	Downey	Hoppe	Mack	Petersen, B.	Vogel
Barrett	Drazkowski	Howes	Mazorol	Poppe	Wardlow
Beard	Erickson	Kelly	McDonald	Quam	Westrom
Benson, M.	Fabian	Kieffer	McElfatrick	Runbeck	Woodard
Bills	Franson	Kiel	McFarlane	Sanders	Spk. Zellers
Buesgens	Garofalo	Kiffmeyer	McNamara	Schomacker	
Cornish	Gottwalt	Kriesel	Murdock	Scott	
Crawford	Gruenhagen	Lanning	Murray	Shimanski	

The motion did not prevail.

Banaian moved that H. F. No. 2720 be recalled from the Committee on Government Operations and Elections and be re-referred to the Committee on State Government Finance. The motion prevailed.

Abeler moved that H. F. No. 2728 be recalled from the Committee on Rules and Legislative Administration 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 3:00 p.m., Monday, March 19, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, March 19, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

