

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2004

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 EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 2, 2004

The House of Representatives convened at 8:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 6B, Hermantown, 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	DeLaForest	Hilstrom	Lenczewski	Osterman	Soderstrom
Abrams	Demmer	Hilty	Lesch	Otremba	Solberg
Adolphson	Dempsey	Holberg	Lieder	Otto	Stang
Anderson, B.	Dill	Hoppe	Lindgren	Ozment	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Howes	Lipman	Paymar	Sykora
Atkins	Eastlund	Huntley	Magnus	Pelowski	Thao
Beard	Eken	Jacobson	Mahoney	Penas	Thissen
Bernardy	Ellison	Jaros	Mariani	Peterson	Tingelstad
Biernat	Entenza	Johnson, J.	Marquart	Powell	Urdahl
Blaine	Erhardt	Juhnke	McNamara	Pugh	Vandever
Borrell	Erickson	Kahn	Meslow	Rhodes	Walker
Boudreau	Finstad	Kelliher	Mullery	Rukavina	Walz
Bradley	Fuller	Klinzing	Murphy	Samuelson	Wardlow
Brod	Gerlach	Knoblach	Nelson, C.	Seagren	Wasiluk
Buesgens	Goodwin	Koenen	Nelson, M.	Seifert	Westerberg
Carlson	Greiling	Kohls	Nelson, P.	Sertich	Westrom
Clark	Gunther	Krinkie	Newman	Severson	Wilkin
Cornish	Hackbarth	Kuisle	Nornes	Sieben	Zellers
Cox	Harder	Lanning	Olsen, S.	Simpson	Spk. Sviggum
Davids	Hausman	Larson	Olson, M.	Slawik	
Davnie	Heidgerken	Latz	Opatz	Smith	

A quorum was present.

Haas; Johnson, S., and Wagenius were excused.

Ruth was excused until 12:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Juhnke moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Abrams.

Mariani was excused between the hours of 9:20 a.m. and 11:35 a.m.

### REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 1867, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.125, by adding a subdivision; 84.798, subdivision 1; 84.83, subdivision 3; 84.925, subdivision 1; 84.9256, subdivision 1; 84.9257; 84.928, subdivisions 2, 6; 84A.51, subdivision 2; 89.035; 89.19; 97C.605, subdivision 2; 103F.225, subdivision 5; 115.06, subdivision 4; 115.55, subdivision 9; 115A.12; 116.92, subdivision 4; 116P.12, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 84.026; 84.773; 84.777; 84.788, subdivision 3; 84.92, subdivision 8; 84.926; 115.551; 115A.072, subdivision 1; 115B.20, subdivision 2; 473.845, subdivision 1; Laws 2003, chapter 128, article 1, section 10; Laws 2003, chapter 128, article 1, section 167, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 89; 103G; 115; 116; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

Reported the same back with the following amendments:

Page 17, line 25, before "or" insert "watershed management organization."

Page 27, line 15, delete "any" and insert "available"

Page 33, line 35, before "The" insert "Subdivision 1. [REGIONAL PARKS.]"

Page 34, after line 4, insert:

"Subd. 2. [FUNDING AUTHORIZATION.] To begin implementing the recommendations in the Legislative Commission on Minnesota Resources February 2004 parks report, up to \$6,000 of the appropriation in Laws 2003, chapter 128, article 1, section 9, subdivision 3, clause (b), is for an agreement with the Association of Minnesota Counties to identify and develop a comprehensive list of regional parks in greater Minnesota, outside of the seven county metropolitan area, including an inventory of park facilities."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2755, A bill for an act relating to agriculture; changing certain duties, loan requirements, procedures, inspection requirements, and fees; regulating certain veterinary treatments; modifying provisions governing county and regional fairs; eliminating an ownership disclosure requirement; changing certain grain buyers' bond and financial reporting requirements; changing certain limits; establishing loan and grant programs; providing for faculty veterinary licensure; limiting certain nuisance claims; prohibiting intentional introduction of disease to domestic animals; prohibiting certain trespass on agricultural land; providing a civil remedy; providing criminal penalties; transferring certain funds; appropriating money; changing certain appropriations; amending Minnesota Statutes 2002, sections 16C.135, by adding subdivisions; 17.115, subdivisions 2, 3, 4; 17B.03, subdivision 1; 17B.15, subdivision 1; 27.10; 35.243; 38.04; 38.12; 38.14; 38.15; 38.16; 41B.03, subdivision 3; 41B.036; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b, by adding a subdivision; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.049, subdivision 2; 41C.02, subdivision 12; 156.12, subdivision 2, by adding a subdivision; 223.17, subdivisions 3, 6; 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 561.19, subdivision 2; 609.605, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 18G.10, subdivisions 5, 7; 38.02, subdivisions 1, 3; 41A.09, subdivision 3a; 223.17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 41B; 116J; 609; repealing Minnesota Statutes 2002, sections 18C.433; 38.02, subdivision 2; 38.13; 41B.046, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 23, after "2005," insert "and the base reduction for fiscal years 2006 and 2007,"

Page 2, line 24, delete "services"

Page 2, line 25, delete "provided" and insert "operational activities"

Page 4, after line 35, insert:

"Sec. 9. Minnesota Statutes 2002, section 17.115, subdivision 5, is amended to read:

Subd. 5. [FARM MANURE DIGESTER TECHNOLOGY.] Any remaining balance of appropriations in Laws 1998, chapter 401, section 6, must be used for and any other money designated for revolving loans for demonstration projects of farm manure digester technology are transferred to the revolving loan account in section 41B.06. Notwithstanding the limitations of subdivision 2, paragraphs (b) and (c), loans under this subdivision are no interest loans in principal amounts not to exceed \$200,000 and may be made to any resident of this state. Loans for one or more projects must be made only after the commissioner seeks applications. Loans under this program may be used as a match for federal loans or grants. Money repaid from loans must be returned to the revolving fund for future projects.

Page 5, line 27, delete "Public Service" and insert "Commerce"

Pages 16 to 23, delete sections 23, 25, 26, 28, 29, 30, and 31

Page 32, line 28, reinstate the stricken language

Page 32, line 29, reinstate the first "or"

Page 40, line 34, before "The" insert "(a)"

Page 40, line 35, after "sections" insert "17.115," and after "41B.046" insert a comma

Page 41, line 4, after the period, insert:

"(b) The accounts referred to in paragraph (a) are canceled.

(c)" and after "from" insert "shared savings loans."

Page 41, line 5, after "loans" insert a comma

Page 41, line 6, after "sections" insert "17.115, subdivisions 4 and 5," and after "41B.046" insert a comma

Page 41, line 15, delete "46" and insert "40" and delete "48" and insert "42"

Page 41, line 18, delete "46" and insert "40"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, after "4" insert ", 5"

Page 1, line 20, delete "41B.03, subdivision"

Page 1, delete lines 21 to 23 and insert "41B.036;"

Page 1, line 24, delete "subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3090, A bill for an act relating to economic development; reducing appropriations for economic development and certain other programs; appropriating money for economic development and other programs; modifying programs and practices; modifying provisions governing barbers and cosmetologists; regulating petroleum testing and fees; creating a revolving fund; increasing a bonding limit; modifying tobacco sales penalty provisions; granting extra unemployment benefits for certain military reservists; transferring powers and funds; renumbering sections; amending Minnesota Statutes 2002, sections 60A.14, subdivision 1; 154.01; 154.02; 154.03; 154.04; 154.06; 154.07, as amended; 154.08; 154.11; 154.12; 154.161, subdivisions 2, 4, 5, 7; 154.18; 154.19; 154.21; 154.22; 154.23; 154.24; 154.25; 155A.01; 155A.02; 155A.03, subdivisions 1, 2, 7, by adding subdivisions; 155A.045, subdivision 1; 155A.05; 155A.07, subdivisions 2, 8, by adding a subdivision; 155A.08, subdivisions 1, 2, 3; 155A.09; 155A.095; 155A.10; 155A.135; 155A.14; 155A.15; 155A.16; 177.23, subdivision 7; 182.653, subdivision 9; 214.01, subdivision 3; 239.011, by adding a subdivision; 239.101, subdivision 3; 326.975, subdivision 1; 327C.01, by adding a subdivision; 327C.02, subdivision 2; 327C.04, by adding a subdivision; 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19; 461.12, subdivision 2; 461.19; 462A.05, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 116J.70, subdivision 2a; 116J.8731, subdivision 5;

214.04, subdivision 3; 462A.03, subdivision 13; Laws 2003, chapter 128, article 10, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 446A; repealing Minnesota Statutes 2002, sections 155A.03, subdivisions 11, 13; 155A.04; 155A.06; Minnesota Statutes 2003 Supplement, section 239.101, subdivision 7; Minnesota Rules, part 2100.9300, subpart 1.

Reported the same back with the following amendments:

Page 2, delete line 12, and insert:

"General	-0-	(\$1,021,000)	(\$1,021,000)"
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Page 3, line 6, after "is" insert "not"

Page 3, line 55, delete "349,000" and insert "424,000"

Page 4, line 1, delete "\$589,000" and insert "\$664,000"

Page 5, line 57, delete "\$11,448,000" and insert "\$5,724,000"

Page 6, after line 1, insert:

"On June 30, 2005, the commissioner of finance shall transfer any remaining unencumbered balance in the fund account to the general fund."

Page 6, line 11, delete "\$800,000" and insert "\$875,000"

Page 49, line 9, after "If" insert "a park owner chooses to bill separately for water or sewer usage."

Page 49, line 10, delete "installs" and insert "must install"

Page 49, line 11, delete the comma and insert "and"

Page 49, line 29, before the comma, insert "or a private sewer or private septic system"

Page 49, line 30, delete "rate" and insert "or sewer rates"

Pages 52 to 56, delete sections 67, 68, 69, and 70

Page 61, line 8, delete "July" and insert "January"

Page 62, line 26, delete "TRIANNUAL" and insert "TRIENNIAL"

Page 62, line 29, delete "triannual" and insert "triennial"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "increasing a bonding limit;"

Page 1, line 26, delete "446A.12,"

Page 1, line 27, delete everything before "461.12,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3141, A bill for an act relating to transportation; reducing certain appropriations to the Department of Transportation, Department of Public Safety, and Metropolitan Council; limiting certain deposits of revenue from the motor vehicle sales tax; temporarily allowing money for certain activities to be spent for bus transit; amending Minnesota Statutes 2003 Supplement, section 297B.09, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION FINANCE

Section 1. [TRANSPORTATION APPROPRIATIONS.]

The dollar amounts in the columns under "APPROPRIATION CHANGES" are subtracted from the appropriations in Laws 2003, First Special Session chapter 19, or other law to the specified agencies. The appropriation changes are from the general fund for fiscal year 2005.

APPROPRIATION CHANGES

2005

Sec. 2. TRANSPORTATION (\$15,000)

This is a reduction from the appropriations in Laws 2003, First Special Session chapter 19, article 1, section 2.

Sec. 3. METROPOLITAN COUNCIL TRANSIT (1,737,000)

This is a reduction from the appropriations in Laws 2003, First Special Session chapter 19, article 1, section 3.

Sec. 4. PUBLIC SAFETY (118,000)

This is a reduction from the appropriations in Laws 2003, First Special Session chapter 19, article 1, section 4.

Sec. 5. Minnesota Statutes 2003 Supplement, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [DEPOSIT OF REVENUES.] (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) ~~From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~

(e) In each fiscal year from July 1, 2003, to June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, ~~21.5 percent;~~ \$130,742,000 must be deposited in the metropolitan area transit fund under section 16A.88, ~~1.43 percent;~~ \$8,696,000 must be deposited in the greater Minnesota transit fund under section 16A.88; 0.65 percent must be deposited in the county state-aid highway fund; and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund.

~~(d)~~ (c) In each fiscal year on and after July 1, 2007, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, ~~20.5 percent;~~ \$130,742,000 must be deposited in the metropolitan area transit fund under section 16A.88, ~~and 1.25 percent;~~ \$8,696,000 must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.

Sec. 6. [METROPOLITAN COUNCIL; LIGHT RAIL TRANSIT APPROPRIATION MAY BE SPENT FOR BUS TRANSIT.]

Notwithstanding any other law, the Metropolitan Council may spend money appropriated for fiscal year 2004 under Laws 2003, First Special Session chapter 19, article 1, section 3, paragraph (c), for the purposes of Laws 2003, First Special Session chapter 19, article 1, section 3, paragraph (b), in that fiscal year.

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

Sec. 7. [METROPOLITAN COUNCIL; LIVABLE COMMUNITIES FUNDS MAY BE SPENT FOR BUS TRANSIT.]

Notwithstanding Minnesota Statutes, sections 473.25 to 473.255, until June 30, 2007, the Metropolitan Council may spend money in any of the accounts established under section 473.251 for bus transit operated by the council.

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

## ARTICLE 2

### TRANSPORTATION POLICY

Section 1. [BELTWAY; PLANNING.]

Subdivision 1. [INCLUSION IN PLANS.] The commissioner of transportation shall evaluate new principal arterial alignments surrounding the metropolitan area as part of the metropolitan area's transportation system plan, with particular attention to evaluating these alignments in the context of planning for a second beltway around the metropolitan area. The commissioner shall coordinate activities under this subdivision with the Metropolitan Council's preparation of its transportation policy plan. Each alignment must be considered for its capacity to serve urban development and to provide a traffic bypass of the metropolitan area.

Subd. 2. [REPORT.] The commissioner of transportation shall report to the legislature by January 15, 2005, on the activities of the commissioner and council under subdivision 1. The report must include an evaluation of the feasibility and desirability of conducting a comprehensive study, including timetables, detailed documentation, cost, and right-of-way needs of a second beltway.

Sec. 2. [HIGHWAY PROJECTS; USE OF CENTERLINE RUMBLE STRIPS.]

The commissioner of transportation shall:

(1) in all projects for the construction, reconstruction, or resurfacing of two-lane trunk highways outside urban districts, as defined in Minnesota Statutes, section 169.01, subdivision 59, that have a design speed of 55 miles per hour or more, include rumble strips on the centerline of the highway; and

(2) insure that all projects for the construction, reconstruction, or resurfacing of two-lane county state-aid highways outside urban districts that have a design speed of 55 miles per hour or more include rumble strips on the centerline of the highway.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to highway projects for which contracts are let on and after that date.

Sec. 3. [METRO MOBILITY; PREMIUM PARATRANSIT PILOT PROJECT.]

The Metropolitan Council shall, by October 1, 2004, implement a pilot project for subsidizing premium paratransit for certified Metro Mobility users. The council shall make agreements with taxi providers or other providers of small vehicle passenger service under which the council subsidizes trips made by certified Metro Mobility users who have been denied same-day reservations by Metro Mobility. The council may determine the amount of each fare under the pilot project that will be paid by the user and the amount paid by the council, except that the amount of each fare paid by the user may not exceed \$7 and the amount of each fare paid by the council may not be less than \$13. The council shall report to the legislative committees having jurisdiction over transportation policy and finance by January 15, 2005, on the council's activities under this section. The council may not enter into any provider contracts for Metro Mobility that are in effect in fiscal year 2006 or 2007 until after the report has been submitted.

Sec. 4. Minnesota Statutes 2002, section 160.85, subdivision 1, is amended to read:

Subdivision 1. [ROAD AUTHORITY.] A road authority may solicit or accept proposals from and enter into development agreements with counties or private operators for developing, financing, designing, constructing, improving, rehabilitating, owning, and operating toll facilities wholly or partly within the road authority's jurisdiction. A road authority may solicit proposals from private operators only after the county in which the proposed toll facilities will be located has refused or failed to submit a proposal acceptable to the commissioner within 60 days of the county's receipt of the solicitation of proposals. If a road authority solicits toll facility proposals, it must publish a notice of solicitation in the State Register.

Sec. 5. Minnesota Statutes 2002, section 160.85, subdivision 3a, is amended to read:

Subd. 3a. [INFORMATION MEETING.] Before approving or denying a development agreement, the commissioner shall hold a public information meeting in any municipality or county in which any portion of the proposed toll facility runs. The commissioner shall determine the time and place of the information meeting. The commissioner shall make the proposed development agreement available for public review at the meeting and for a reasonable period of time before the meeting.

Sec. 6. Minnesota Statutes 2002, section 160.86, is amended to read:

160.86 [TOLL FACILITY DEVELOPMENT AGREEMENT; REQUIREMENTS.]

A development agreement must include the following provisions:

(a) The toll facility must meet the road authority's standards of design and construction for roads and bridges of the same functional classification.

(b) The commissioner must review and approve the location and design of a bridge over navigable waters as if the bridge were constructed by a road authority. This requirement does not diminish the private operator's responsibility for bridge safety.

(c) The private operator shall manage and operate the toll facility in cooperation with the road authority and subject to the development agreement.

(d) The toll facility is subject to regular inspections by the road authority and the commissioner.

(e) The agreement must provide the terms and conditions of maintenance, snow removal, and police services to the toll facility. The road authority must provide the services. The services must meet at least the road authority's standards for facilities of the same functional classification.

(f) The agreement must establish a reasonable rate of return on investment and capital during the term of the agreement.

(g) A development agreement may not contain a provision that (1) prohibits or restricts a road authority from constructing, improving, or maintaining any highway within its jurisdiction, or (2) prohibits or restricts the development, design, construction, or operation of public transit facilities or service, including commuter rail lines.

Sec. 7. [160.865] [TOLL FACILITIES; ADDITIONAL PLANNING REQUIREMENTS.]

Subdivision 1. [INCLUSION IN STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.] The commissioner of transportation may not make a development agreement for a toll facility unless the facility is included in the commissioner's statewide transportation improvement program for the federal fiscal year in which construction of the facility would begin.

Subd. 2. [BUDGET SUBMISSION.] As part of the commissioner's biennial budget submission to the legislature, the commissioner shall include a status report of all toll facilities under active consideration at the time of preparation of the budget, including:

(1) solicitations of interest;

(2) requests for letters of interest;

(3) calls for corridor concepts;

(4) selection of corridors;

(5) formal requests for proposals, requests for qualifications, and requests for public partners; and

(6) completed development agreements.

The report must include responses to clauses (1) through (5) to the extent that information in such responses may be disclosed under section 13.591, subdivision 3.

Subd. 3. [REPORT TO LEGISLATIVE COMMITTEES.] The commissioner shall notify the chairs of the senate and house of representatives committees having jurisdiction over transportation policy and finance each time the commissioner selects a corridor with the intention of soliciting proposals for a toll facility in that corridor. The notification must be made within ten days of the selection.

Sec. 8. Minnesota Statutes 2002, section 160.87, is amended by adding a subdivision to read:

Subd. 4. [LIMITATION ON COLLECTION OF TOLLS; USE OF TOLL REVENUE.] (a) Notwithstanding subdivisions 1 to 3, a toll facility operator or road authority may collect tolls on a toll facility only until all costs related to the construction of the facility, including right-of-way acquisition and payment of principal and interest on any debt incurred therefore, have been paid.

(b) Toll revenue under sections 160.84 to 160.92 may only be used for costs related to construction as authorized under paragraph (a), and costs of maintaining and operating the facility.

Sec. 9. [160.93] [LIMIT ON DEVELOPMENT AGREEMENTS.]

The commissioner may not enter into more than two development agreements under sections 160.84 to 160.92 before July 1, 2006.

Sec. 10. [160.94] [COMPATIBILITY OF TOLL-COLLECTION SYSTEMS.]

The commissioner shall take all necessary steps to insure that (1) all toll facilities use exclusively electronic collection methods, and (2) to the maximum feasible degree, all toll-collection systems used in Minnesota are compatible with each other.

Sec. 11. Minnesota Statutes 2003 Supplement, 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 169.01, subdivision 52. 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, except during winter weight increase periods; 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 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. 12. Minnesota Statutes 2002, section 168.187, is amended by adding a subdivision to read:

Subd. 27. [PROHIBITED OPERATION.] The commissioner of public safety shall refuse to issue a vehicle registration, license plate, or permit to a vehicle licensed under this section if the vehicle is assigned to a commercial motor carrier who has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

The commissioner of public safety may revoke the registration of a vehicle licensed under this section if the vehicle is assigned to a commercial motor carrier who has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

If the prohibition by the federal agency is rescinded, the commissioner of public safety may reinstate a vehicle registration under this section if registration taxes and fees have been paid.

Sec. 13. Minnesota Statutes 2002, section 168A.11, subdivision 1, is amended to read:

Subdivision 1. [~~APPLICATION REQUIREMENTS UPON SUBSEQUENT TRANSFER.~~] (a) ~~If A dealer who buys a vehicle and holds it for resale and procures the certificate of title from the owner, and complies with subdivision 2 hereof, the dealer~~ need not apply for a certificate of title, ~~but~~. Upon transferring the vehicle to another person other than by the creation of a security interest, the dealer shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any secured party holding a security interest created or reserved at the time of the resale, and the date of the security agreement in the spaces provided therefor on the certificate of title or secure reassignment.

(b) With respect to motor vehicles subject to the provisions of section 325E.15, the dealer shall also, in the space provided therefor on the certificate of title or secure reassignment, state the true cumulative mileage registered on the odometer or that the exact mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage.

(c) The transferee shall complete the application for title section on the certificate of title or separate title application form prescribed by the department. The dealer shall mail or deliver the certificate to the registrar or deputy registrar with the transferee's application for a new certificate and appropriate taxes and fees, within ten business days.

(d) With respect to vehicles sold to buyers who will remove the vehicle from this state, the dealer shall remove any license plates from the vehicle, issue a 31-day temporary permit pursuant to section 168.091, and notify the registrar within 48 hours of the sale that the vehicle has been removed from this state. The notification must be

made in an electronic format prescribed by the registrar. The dealer may contract with a deputy registrar for the notification of sale to an out-of-state buyer. The deputy registrar may charge a fee of \$7 per transaction to provide this service.

Sec. 14. Minnesota Statutes 2002, section 168A.11, subdivision 2, is amended to read:

Subd. 2. [~~PURCHASE RECEIPT NOTIFICATION ON VEHICLE HELD FOR RESALE.~~] ~~A dealer, on buying a vehicle for which the seller does not present a certificate of title, shall at the time of taking delivery of the vehicle execute a purchase receipt for the vehicle in a format designated by the department, and deliver a copy to the seller. In a format and at a time prescribed by the registrar, the dealer shall notify the registrar that the vehicle is being held for resale by the dealer. Within 48 hours of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership is holding the vehicle for resale. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee of \$7 per transaction to provide this service.~~

Sec. 15. Minnesota Statutes 2002, section 169.14, is amended by adding a subdivision to read:

Subd. 2a. [SPEED LIMIT ON INTERSTATE HIGHWAY 35E.] The commissioner shall designate the speed limit on marked Interstate Highway 35E from West Seventh Street to marked Interstate Highway 94 in St. Paul as 55 miles per hour, unless the commissioner designates a different speed limit on that highway after conducting an engineering and traffic investigation under subdivision 4 and determining that a different speed limit is reasonable and safe. Any speed in excess of a speed limit designated under this section is unlawful.

Sec. 16. Minnesota Statutes 2002, section 169.448, is amended by adding a subdivision to read:

Subd. 4. [DAY ACTIVITY CENTER BUSES.] (a) Notwithstanding subdivision 1, a vehicle used to transport adults to and from a day activity center may be equipped with prewarning flashing amber signals and a stop-signal arm, and the operator of the vehicle may activate this equipment under the following circumstances:

(1) the operator possesses a commercial driver's license with a school bus endorsement;

(2) the vehicle is engaged in picking up or dropping off adults at locations predesignated by the day activity center that owns or leases the bus;

(3) the vehicle is identified as a "day activity center bus" in letters at least eight inches high on the front and rear top of the bus;

(4) the name, address, and telephone number of the owner and operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

(5) notwithstanding subdivision 1, paragraph (a), the vehicle is painted national school bus glossy yellow.

(b) The provisions of section 169.444 relating to duties of care of a motorist to a school bus, and violations thereof, apply to a vehicle described in this section when the vehicle is operated in conformity with this subdivision. The provisions of section 169.443 relating to a bus driver's duties apply to a vehicle described in this section except those which by their nature have no application.

Sec. 17. Minnesota Statutes 2002, section 169.824, subdivision 2, is amended to read:

Subd. 2. [GROSS VEHICLE WEIGHT OF ALL AXLES.] (a) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed:

(1) except as provided in clause (2), 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 29, and for all routes designated under section 169.832, subdivision 11;

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (j);

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11; and

~~(3)~~ (4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.

(b) The maximum weights specified in this section for five consecutive axles shall not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this section.

Sec. 18. [169.8261] [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that such vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes;

(4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation; and

(7) obey all road postings.

Sec. 19. Minnesota Statutes 2003 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

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

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

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

- (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
- (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
- (3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;
- (4) special pulpwood vehicles described in section 169.863;
- (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and
- (6) noncommercial transportation of a boat by the owner or user of the boat.

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

- (1) mobile cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes;
- (4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);
- (5) double-deck buses;
- (6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

#### Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

Weight (pounds) exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05

4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

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

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

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

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

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

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

(1) In fiscal years 2005 through 2010:

(i) The first \$50,000 in each fiscal year must be deposited in the trunk highway fund.

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

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

(B) erection of weight posting signs on local bridges.

(2) In fiscal year 2011 and subsequent years, all fees under this paragraph must be deposited in the trunk highway fund.

Sec. 20. Minnesota Statutes 2002, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. [SPEED.] The uniform traffic ticket must provide a blank or space wherein:

(1) an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed;

(2) an officer who issues a citation for exceeding a speed limit of 60 miles per hour must specify whether the speed was greater than five miles per hour in excess of the lawful speed; and

(3) an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (2), (4), or (5), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed.

Sec. 21. Minnesota Statutes 2002, section 171.05, subdivision 1, is amended to read:

Subdivision 1. [PERSON 18 OR MORE YEARS OF AGE.] Any person who is 18 or more years of age and who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a class D driver's license under this chapter, may apply for an instruction permit and the department shall issue such permit

entitling the applicant, while having such permit in immediate possession, to drive a motor vehicle for which a class D license is valid upon the highways for a period of ~~one year~~ two years, but such person must be accompanied by an adult licensed driver who is actually occupying a seat beside the driver. Any license of a lower class may be used as an instruction permit for a higher class for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using such lower class license as an instruction permit.

Sec. 22. Minnesota Statutes 2002, 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) 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 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 home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

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

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

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

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

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

(b) The instruction permit is valid for ~~one year~~ 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. 23. Minnesota Statutes 2002, section 171.12, subdivision 6, is amended to read:

Subd. 6. [CERTAIN CONVICTIONS NOT RECORDED.] The department shall not keep on the record of a driver any conviction for:

(1) a violation of section 169.14, subdivision 2, paragraph (a), clause (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed;

(2) a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than five miles per hour in excess of the lawful speed; or

(3) a violation of section 169.14, subdivision 2, paragraph (a), clause (2), (4), or (5), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed.

Sec. 24. Minnesota Statutes 2002, section 171.165, subdivision 1, is amended to read:

Subdivision 1. [FIRST VIOLATION.] Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for one year upon receiving a record of the first conviction of the person for committing a violation of any of the following offenses while operating a ~~commercial~~ motor vehicle:

(1) section 169A.20 or 169A.31;

(2) section 169.09, subdivision 1 or 2;

(3) a felony, other than a felony described in subdivision 3, paragraph (a), clause (2), item (ii);

(4) driving with a revoked, suspended, canceled, denied, or disqualified commercial driver's license;

(5) causing a fatality through the negligent or criminal operation of a commercial motor vehicle; or

(6) an offense committed in another state that would be grounds for disqualification under this subdivision or subdivision 2 if committed in Minnesota.

Sec. 25. Minnesota Statutes 2002, section 171.165, subdivision 4, is amended to read:

Subd. 4. [SERIOUS TRAFFIC VIOLATION.] On receiving a record of conviction and subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a ~~commercial~~ motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic violation includes the following:

(1) following too closely under section 169.18, subdivision 8;

(2) erratic lane change under sections 169.18, subdivisions 3 and 7; and 169.19, subdivision 4;

(3) operating the ~~commercial~~ vehicle at a speed 15 miles per hour or more above the posted speed limit;

(4) reckless or careless driving under section 169.13;

(5) fleeing a peace officer under section 609.487;

(6) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident;

(7) operating a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the type of vehicle being operated; and

(8) operating a commercial motor vehicle without a commercial driver's license in immediate possession, unless the person provides proof to the court that, on the date of the citation, the person held a valid commercial driver's license of the proper class and with the proper endorsements.

Sec. 26. Minnesota Statutes 2002, section 171.165, is amended by adding a subdivision to read:

Subd. 8. [ADOPTION OF FEDERAL REGULATIONS.] Code of Federal Regulations, title 49, section 383.51, is incorporated by reference.

Sec. 27. Minnesota Statutes 2003 Supplement, section 171.20, subdivision 4, is amended to read:

Subd. 4. [REINSTATEMENT FEE.] (a) Before the license is reinstated, (1) a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) a person whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, a person whose license has been suspended ~~or revoked~~ under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

(d) A suspension may be rescinded without fee for good cause.

Sec. 28. [171.324] [HAZARDOUS MATERIALS LICENSE ENDORSEMENT BACKGROUND CHECKS.]

Subdivision 1. [ENDORSEMENT; FEE; ACCOUNT; APPROPRIATION.] (a) Before being issued or renewing a class C, class B, or class A driver's license with a hazardous materials endorsement, an applicant must comply with the federal regulations incorporated in this section.

(b) The commissioner may charge the applicant a fee of up to \$100 to cover the department's actual costs of conducting the required background check of persons applying for a Minnesota driver's license with a hazardous materials endorsement. The proceeds of the fee must be deposited in an account in the special revenue fund. Money in the account is annually appropriated to the commissioner to pay the actual costs associated with conducting the required background checks.

Subd. 2. [ADOPTION OF FEDERAL REGULATIONS.] Public Law 107-56, section 1012, as implemented in Code of Federal Regulations, title 49, part 1572, is incorporated by reference except for sections 1572.9 and 1572.11.

Subd. 3. [RULES.] The commissioner may adopt rules pursuant to section 14.388, subdivision 1, clause (1), in order to implement this section.

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

Sec. 29. [174.53] [TEN-TON COUNTY HIGHWAY SYSTEM.]

The commissioner shall develop a plan for a statewide system of ten-ton county and county state-aid highways to, in order of priority:

(1) support the commissioner's interregional corridor system;

(2) provide greater efficiencies for forestry, agriculture, and other industries in transporting their produce to market; and

(3) provide new and existing manufacturing industries with new growth opportunities.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 30. Minnesota Statutes 2002, section 179A.03, subdivision 7, is amended to read:

Subd. 7. [ESSENTIAL EMPLOYEE.] "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.863, 911 system and police and fire department public safety dispatchers, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, assistant city attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, public safety radio communications operators, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires. Employees for whom the state court administrator is the negotiating employer are not essential employees.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 31. Minnesota Statutes 2002, section 179A.10, subdivision 2, is amended to read:

Subd. 2. [STATE EMPLOYEES.] Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following are the appropriate units of executive branch state employees:

(1) Law Enforcement Unit;

(2) Craft, Maintenance, and Labor unit;

(3) Service Unit;

(4) Health Care Nonprofessional Unit;

(5) Health Care Professional Unit;

(6) Clerical and Office Unit;

(7) Technical Unit;

(8) Correctional Guards Unit;

(9) State University Instructional Unit;

(10) State College Instructional Unit;

- (11) State University Administrative Unit;
- (12) Professional Engineering Unit;
- (13) Health Treatment Unit;
- (14) General Professional Unit;
- (15) Professional State Residential Instructional Unit; ~~and~~
- (16) Supervisory Employees Unit; and
- (17) Public Safety Radio Communications Operator Unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 32. Minnesota Statutes 2002, section 299D.08, is amended to read:

299D.08 [TRAFFIC CITATION QUOTA PROHIBITED.]

The State Patrol or a law enforcement agency shall not order, mandate, require, or suggest to a patrol trooper, commercial vehicle inspector, or law compliance representative that the patrol trooper, inspector, or representative issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, or yearly quota basis.

Sec. 33. Minnesota Statutes 2002, section 360.015, is amended by adding a subdivision to read:

Subd. 6a. [STATE AVIATION PLAN.] The commissioner must prepare a 20-year state aviation plan that addresses all key and intermediate airports in Minnesota. The commissioner shall consult with the Metropolitan Airports Commission in preparing the plan. The commissioner shall adopt the plan by January 1, 2006, and adopt an updated version of the plan every five years thereafter.

Sec. 34. Minnesota Statutes 2002, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Suburban Hennepin Regional Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 35. [TRANSITION.]

Subdivision 1. [ASSIGNMENT OF JOB CLASSIFICATION TO UNIT.] The commissioner of the Bureau of Mediation Services shall assign the job classifications and positions of employees working as public safety radio communications operators to state employee bargaining unit 17.

Subd. 2. [TERMS AND CONDITIONS OF EMPLOYMENT.] The terms and conditions of the collective bargaining agreement, memoranda of understanding, or other salary and benefit provisions covering public safety radio communications operators immediately before the effective date of this section remain in effect until a successor agreement between the commissioner of employee relations and the exclusive representative of bargaining unit 17 becomes effective, subject to Minnesota Statutes, section 179A.20, subdivision 6.

Subd. 3. [EXCLUSIVE REPRESENTATIVE.] The employee organization that is the exclusive representative of employees assigned to bargaining unit 17 on the day before the effective date of this section must be certified by the commissioner of the Bureau of Mediation Services as the exclusive representative of newly created bargaining unit 17, subject to future changes as provided in Minnesota Statutes, section 179A.12. For employees assigned to bargaining unit 17, the exclusive representative retains all rights and obligations under the contract governing these employees immediately before the effective date of this section, so long as that contract continues to apply to those employees.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 36. [REPORT REQUIRED.]

The commissioner of transportation shall conduct engineering and traffic investigations of speeds on trunk highways and interstate freeways that (1) are part of the United States highway numbering system, and (2) have a speed limit of 55 miles per hour in the case of trunk highways and 70 miles per hour in the case of interstate freeways. After conducting the engineering and traffic investigation on any such highway, the commissioner shall designate a speed limit of 60 miles per hour on trunk highways and 75 miles per hour on interstate freeways if the

commissioner determines on the basis of the investigation that such a speed limit is reasonable, safe, and unlikely to raise the medical costs associated with motor vehicle crashes. The commissioner shall report by February 1, 2005, to the chairs of the legislative committees having jurisdiction over transportation policy and finance on each highway on which the commissioner has conducted an engineering and traffic investigation under this section, and in each case describe the results of the investigation and the commissioner's ensuing action.

Sec. 37. [NOT TO AFFECT BRIDGE POSTINGS.]

Nothing in sections 17 and 19 authorizes operation of any vehicle on any bridge in violation of gross weight limitations lawfully posted for that bridge.

Sec. 38. [EFFECTIVE DATE.]

Sections 15, 20, 23, and 36 are effective June 1, 2004."

Delete the title and insert:

"A bill for an act relating to transportation; reducing certain appropriations to the Department of Transportation, Department of Public Safety, and Metropolitan Council; limiting certain deposits of revenue from the motor vehicle sales tax; temporarily allowing money for certain activities to be spent for bus transit; requiring commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of second beltway; requiring future use of highway centerline rumble strips; providing for premium paratransit project; regulating toll facilities; modifying vehicle weight regulations; modifying interstate vehicle registration provisions; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating speed limits and driver's records; regulating day activity center buses; modifying gross vehicle weight provisions; extending duration of driver instruction permits to two years; modifying requirements for commercial vehicle drivers; modifying driver's license fee provisions; requiring plan for county ten-ton highway system; modifying provisions relating to public safety radio communications operators; regulating use of traffic citations; requiring preparation of 20-year state aviation plan; including the Division of Driver and Vehicle Services in the definition of appropriate agency for purposes of certain property forfeitures; authorizing rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 168.187, by adding a subdivision; 168A.11, subdivisions 1, 2; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.824, subdivision 2; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1867, 2755, 3090 and 3141 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Erickson introduced:

H. F. No. 3160, A bill for an act relating to state government; declaring that the state does not recognize certain tribal boundaries; requiring the attorney general to reimburse Mille Lacs County for legal expenses.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Kahn, Kelliher, Hilty, Lesch and Krinkie introduced:

H. F. No. 3161, A bill for an act relating to the state; appointing a poet laureate; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 138.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

**CERTIFICATION PURSUANT TO RULE 4.03  
ON FINANCE AND REVENUE BILLS**

April 1, 2004

Edward A. Burdick  
Chief Clerk of the House of Representatives  
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 1681, the Omnibus Health and Human Services Finance bill, reconciles with the budget resolution and targets.

Sincerely,

REPRESENTATIVE JIM KNOBLACH  
Chair, House Ways and Means Committee

**FISCAL CALENDAR**

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1681.

H. F. No. 1681 was reported to the House.

Bradley moved to amend H. F. No. 1681, the fourth engrossment, as follows:

Page 8, after line 24, insert:

"Sec. 4. Minnesota Statutes 2002, section 62A.28, is amended to read:

62A.28 [COVERAGE FOR SCALP HAIR PROSTHESES.]

Subdivision 1. [SCOPE OF COVERAGE.] This section applies to all policies of accident and health insurance, health maintenance contracts regulated under chapter 62D, health benefit certificates offered through a fraternal benefit society regulated under chapter 64B, and group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C. This section does not apply to policies designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or policies that provide only accident coverage.

Subd. 2. [REQUIRED COVERAGE.] Every policy, plan, certificate, or contract referred to in subdivision 1 issued or renewed after August 1, 1987, must provide coverage for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata.

The coverage required by this section is subject to ~~a policy's~~ the co-payment requirement, coinsurance, deductible, and other enrollee cost sharing requirements that apply to similar types of items under the policy, plan, certificate, or contract, and is limited to a maximum of \$350 in any benefit year, ~~exclusive of any deductible."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bradley moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 98, after line 10, insert:

"Subd. 5. [IMMUNITY.] The commissioner of human services, county agencies, and elected officials and their employees are immune from all liability for actions taken pursuant to Laws 2003, First Special Session chapter 14, article 12, sections 40 to 52 and 90, as those laws existed at the time the action was taken, and this section."

Page 98, line 11, delete "5" and insert "6"

Page 98, delete lines 13 to 16 and insert:

"(b) A life estate or joint tenancy interest is established upon the recording or filing of the instrument creating the interest in the office of the county recorder or registrar of titles for the county where the real estate interest it describes is located. The date upon which the interest is established is the earliest of: (1) the date the instrument creating the interest is filed or recorded in the office of the county recorder or registrar of titles where the real estate interest it describes is located; (2) the date on which the judicial order or decree creating the interest was issued by the court; or (3) the date upon which the interest devolves under section 524.3-101. The recipient, any other owner of an interest in the property, or any other person with personal knowledge of the facts may record an affidavit describing the property, the recipient's interest in the property, and the date the decedent died for purposes of this section."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Huntley moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 2, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Huntley amendment and the roll was called. There were 53 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Howes	Lenczewski	Otremba	Sieben
Atkins	Ellison	Huntley	Lesch	Otto	Slawik
Bernardy	Entenza	Jaros	Lieder	Paymar	Smith
Biernat	Goodwin	Juhnke	Mahoney	Pelowski	Solberg
Carlson	Greiling	Kahn	Marquart	Peterson	Thao
Clark	Hausman	Kelliher	Mullery	Pugh	Thissen
Davnie	Hilstrom	Koenen	Murphy	Rhodes	Walker
Dill	Hilty	Larson	Nelson, M.	Rukavina	Wasiluk
Dorn	Hornstein	Latz	Opatz	Sertich	

Those who voted in the negative were:

Abeler	Anderson, J.	Boudreau	Cornish	Demmer	Erhardt
Abrams	Beard	Bradley	Cox	Dempsey	Erickson
Adolphson	Blaine	Brod	Davids	Dorman	Finstad
Anderson, B.	Borrell	Buesgens	DeLaForest	Eastlund	Fuller

Gerlach	Klinzing	Magnus	Osterman	Simpson	Walz
Gunther	Knobloch	McNamara	Ozment	Soderstrom	Wardlow
Hackbarth	Kohls	Meslow	Paulsen	Stang	Westerberg
Harder	Krinkie	Nelson, C.	Penas	Strachan	Westrom
Heidgerken	Kuisle	Nelson, P.	Powell	Swenson	Wilkin
Holberg	Lanning	Newman	Samuelson	Sykora	Zellers
Hoppe	Lindgren	Nornes	Seagren	Tingelstad	Spk. Sviggum
Jacobson	Lindner	Olsen, S.	Seifert	Urdahl	
Johnson, J.	Lipman	Olson, M.	Severson	Vandev eer	

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

Slawik moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 23, after line 31, insert:

"Section 1. [PURPOSE.]

Whereas the 2003 legislature drastically reduced income eligibility levels for child care assistance programs for low-income, working families; and whereas Minnesota went from ranking 4th among the states to 29th in child care income eligibility levels; and whereas Minnesota now ranks below Mississippi in child care income eligibility levels; and whereas Mississippi ranks dead last in the nation for child well-being; and whereas the purpose of the child care assistance program is to help low-income families to work and become self-sufficient while providing children with quality child care; the legislature finds that it is a priority to assist low-income Minnesota families, at a minimum, at the same income eligibility levels as the state of Mississippi.

Sec. 2. Minnesota Statutes 2003 Supplement, section 119B.09, subdivision 1, is amended to read:

Subdivision 1. [GENERAL ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS FOR CHILD CARE ASSISTANCE.] (a) Child care services must be available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

(1) meet the requirements of section 119B.05; receive MFIP assistance; and are participating in employment and training services under chapter 256J or 256K;

(2) have household income below the eligibility levels for MFIP; or

(3) have household income less than or equal to ~~175~~ 205 percent of the federal poverty guidelines, adjusted for family size, at program entry and less than 250 percent of the federal poverty guidelines, adjusted for family size, at program exit.

(b) Child care services must be made available as in-kind services.

(c) All applicants for child care assistance and families currently receiving child care assistance must be assisted and required to cooperate in establishment of paternity and enforcement of child support obligations for all children in the family as a condition of program eligibility. For purposes of this section, a family is considered to meet the requirement for cooperation when the family complies with the requirements of section 256.741.

[EFFECTIVE DATE.] This section is effective July 1, 2004."



Bradley moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 134, delete line 37, and insert:

"General	\$137,726,000	(\$117,763,000)	\$19,963,000"
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Page 134, after line 41 insert:

"Other Funds		-0-	188,000
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Page 135, delete line 6, and insert:

"Appropriation		\$179,720,000	(163,256,000)
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Page 135, delete line 8, and insert:

"General		137,726,000	(117,081,000)"
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Page 135, delete line 23

Page 136, line 18, delete "\$370,000" and insert "\$170,000"

Page 136, line 19, delete "\$1,152,000" and insert "\$925,000"

Page 136, line 24, delete "(46,580,000)" and insert "(46,700,000)"

Page 136, line 29, delete "(45,830,000)" and insert "(46,700,000)"

Page 136, line 35, delete "\$70,000,000" and insert "\$71,027,000"

Page 137, line 36, delete "28,821,000 (31,301,000)" and insert "29,171,000 (30,981,000)"

Page 138, line 33, delete "15,409,000" and insert "15,639,000"

Page 140, line 4, delete "12,591,000" and insert "12,821,000"

Page 142, lines 15 and 21, delete "(10,152,000)" and insert "(10,579,000)"

Page 143, line 7, delete "598,000" and insert "(560,000)"

Page 143, after line 10, insert:

"Miscellaneous Special Revenue Fund		-0-	38,000"
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Page 143, after line 20, insert:

"Miscellaneous Special Revenue Fund		-0-	38,000"
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Page 143, after line 39, insert:

"Sec. 6. [SUNSET OF UNCODIFIED LANGUAGE.]

All uncodified language contained in this article expires on June 30, 2005, unless a different expiration date is explicit.

Sec. 7. [EFFECTIVE DATE.]

The provisions in this article are effective July 1, 2004, unless a different effective date is specified."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Lipman to the Chair.

Slawik moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 100, after line 12, insert:

"Sec. 4. [145.4137] [WOMEN'S RIGHT TO KNOW ACT.]

Subdivision 1. [SHORT TITLE.] This section must be known and may be cited as the "Women's Right to Know Act of 2004."

Subd. 2. [DEFINITION.] "Medically and factually accurate" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and:

(1) published in peer-reviewed journals where applicable; or

(2) comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists, the American Public Health Association, or the National Cancer Institute, recognize as accurate and objective.

Subd. 3. [MEDICALLY AND FACTUALLY ACCURATE.] (a) All information, written or oral, provided or offered pursuant to Minnesota Statutes, chapter 145 to women seeking abortion services must be medically and factually accurate.

(b) Any provision of chapter 145 that violates the requirement in paragraph (a) is invalidated.

Subd. 4. [SEVERABILITY.] If any provision, word, phrase, or clause of this section, or the application thereof, to any person, entity, or circumstance should be held invalid, such invalidity must not affect the remaining provisions, words, phrases, or clauses of this section which can be given effect without the invalid provision, word, phrase, clause, or application, and to this end, the provisions, words, phrases, or clauses of this section are declared severable.

Subd. 5. [EFFECTIVE DATE.]

This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Slawik amendment and the roll was called. There were 39 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorman	Hilstrom	Larson	Paymar	Thao
Atkins	Ellison	Hilty	Latz	Pugh	Thissen
Bernardy	Entenza	Hornstein	Lesch	Rhodes	Walker
Biernat	Erhardt	Huntley	Mahoney	Rukavina	Wasiluk
Carlson	Goodwin	Jaros	Mullery	Sertich	
Clark	Greiling	Kahn	Nelson, M.	Sieben	
Davnie	Hausman	Kelliher	Otto	Slawik	

Those who voted in the negative were:

Abeler	DeLaForest	Holberg	Lindgren	Osterman	Solberg
Adolphson	Demmer	Hoppe	Lindner	Otremba	Stang
Anderson, B.	Dempsey	Howes	Lipman	Ozment	Strachan
Anderson, I.	Dill	Jacobson	Magnus	Paulsen	Swenson
Anderson, J.	Dorn	Johnson, J.	Marquart	Pelowski	Sykora
Beard	Eastlund	Juhnke	McNamara	Penas	Tingelstad
Blaine	Eken	Klinzing	Meslow	Peterson	Urdahl
Borrell	Erickson	Knoblach	Murphy	Powell	Vandevveer
Boudreau	Finstad	Koenen	Nelson, C.	Samuelson	Walz
Bradley	Fuller	Kohls	Nelson, P.	Seagren	Wardlow
Brod	Gerlach	Krinkie	Newman	Seifert	Westerberg
Buesgens	Gunther	Kuisle	Nornes	Severson	Westrom
Cornish	Hackbarth	Lanning	Olsen, S.	Simpson	Wilkin
Cox	Harder	Lenczewski	Olson, M.	Smith	Zellers
Davids	Heidgerken	Lieder	Opatz	Soderstrom	Spk. Sviggum

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

Davids; Otremba; Slawik; Paymar; Hilstrom; Mahoney; Ellison; Eken; Larson; Lenczewski; Atkins; Nelson, M.; Juhnke; Goodwin; Rukavina; Clark; Hornstein; Koenen; Kelliher; Hausman; Murphy; Bernardy; Lesch; Davnie; Mariani; Otto; Wasiluk; Sertich; Mullery; Lieder; Greiling; Sieben; Anderson, I.; Hilty; Solberg; Biernat; Marquart; Kahn; Carlson and Peterson moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 9, after line 7, insert:

"Sec. 2. Minnesota Statutes 2002, section 62A.30, subdivision 2, is amended to read:

Subd. 2. [REQUIRED COVERAGE.] Every policy, plan, certificate, or contract referred to in subdivision 1 ~~issued or renewed after August 1, 1988,~~ that provides coverage to a Minnesota resident must provide coverage for routine screening procedures for cancer, including mammograms, surveillance tests for ovarian cancer for women who are at risk for ovarian cancer as defined in subdivision 3, and pap smears, when ordered or provided by a physician in accordance with the standard practice of medicine.

Sec. 3. Minnesota Statutes 2002, section 62A.30, is amended by adding a subdivision to read:

Subd. 3. [OVARIAN CANCER SURVEILLANCE TESTS.] For purposes of subdivision 2:

(a) "At risk for ovarian cancer" means:

(1) having a family history:

(i) with one or more first or second-degree relatives with ovarian cancer;

(ii) of clusters of women relatives with breast cancer; or

(iii) of nonpolyposis colorectal cancer; or

(2) testing positive for BRCA1 or BRCA2 mutations.

(b) "Surveillance tests for ovarian cancer" means annual screening using:

(1) CA-125 serum tumor marker testing;

(2) transvaginal ultrasound;

(3) pelvic examination; or

(4) other proven ovarian cancer screening tests currently being evaluated by the federal Food and Drug Administration or by the National Cancer Institute."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Davids et al amendment and the roll was called. There were 95 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, J.	Biernat	Clark	Davnie	Dorn
Abrams	Atkins	Blaine	Cornish	Dempsey	Eken
Adolphson	Beard	Brod	Cox	Dill	Ellison
Anderson, I.	Bernardy	Carlson	Davids	Dorman	Entenza

Erhardt	Jacobson	Magnus	Olsen, S.	Rukavina	Thao
Finstad	Jaros	Mahoney	Olson, M.	Samuelson	Thissen
Fuller	Juhnke	Marquart	Opatz	Seifert	Tingelstad
Gerlach	Kahn	McNamara	Osterman	Sertich	Urdahl
Goodwin	Kelliher	Meslow	Otremba	Severson	Walker
Gunther	Koenen	Mullery	Otto	Sieben	Walz
Hausman	Lanning	Murphy	Ozment	Simpson	Wardlow
Hilstrom	Larson	Nelson, C.	Paymar	Slawik	Wasiluk
Hilty	Latz	Nelson, M.	Pelowski	Smith	Westerberg
Hornstein	Lenczewski	Nelson, P.	Peterson	Soderstrom	Westrom
Howes	Lesch	Newman	Pugh	Solberg	Zellers
Huntley	Lieder	Nornes	Rhodes	Swenson	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Heidgerken	Krinkie	Penas	Wilkin
Borrell	Demmer	Holberg	Kuisle	Powell	Spk. Sviggum
Boudreau	Eastlund	Hoppe	Lindner	Stang	
Bradley	Erickson	Johnson, J.	Lipman	Strachan	
Buesgens	Hackbarth	Kohls	Paulsen	Vandevveer	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Otremba moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Pages 31 to 33, delete section 4

Page 34, after line 17, insert:

"Sec. 7. [REPEALER.]

Minnesota Statutes 2003 Supplement, section 256J.24, subdivision 6, is repealed effective July 1, 2004."

Page 135, line 16, delete "(2,300,000)" and insert "(4,375,000)"

Page 135, line 21, delete "(2,300,000)" and insert "(4,375,000)"

Page 135, line 27, delete "10,579,000" and insert "8,504,000"

Page 135, line 34, delete "\$10,579,000" and insert "\$8,504,000"

Page 135, line 35, delete "\$15,028,000" and insert "\$12,294,000"

Page 135, line 36, delete "\$15,254,000" and insert "\$12,606,000"

Page 142, line 15, delete "(10,152,000)" and insert "(8,077,000)"

Page 142, line 21, delete "(10,152,000)" and insert "(8,077,000)"

Renumber the sections in sequence and correct the internal references

Correct the totals and summaries accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Otremba amendment and the roll was called. There were 42 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dill	Hilty	Koenen	Olson, M.	Sieben
Atkins	Eken	Hornstein	Latz	Otremba	Slawik
Bernardy	Ellison	Huntley	Lesch	Paymar	Solberg
Biernat	Entenza	Jaros	Lieder	Peterson	Thao
Carlson	Goodwin	Juhnke	Mahoney	Pugh	Thissen
Clark	Greiling	Kahn	Mullery	Rukavina	Walker
Davnie	Hausman	Kelliher	Murphy	Sertich	Wasiluk

Those who voted in the negative were:

Abeler	DeLaForest	Hilstrom	Lindner	Ozment	Swenson
Abrams	Demmer	Holberg	Lipman	Paulsen	Sykora
Adolphson	Dempsey	Hoppe	Magnus	Pelowski	Tingelstad
Anderson, B.	Dorman	Howes	Marquart	Penas	Urdahl
Anderson, J.	Dorn	Jacobson	McNamara	Powell	Vandever
Beard	Eastlund	Johnson, J.	Meslow	Rhodes	Walz
Blaine	Erhardt	Klinzing	Nelson, C.	Samuelson	Wardlow
Borrell	Erickson	Knoblach	Nelson, M.	Seagren	Westerberg
Boudreau	Finstad	Kohls	Nelson, P.	Seifert	Westrom
Bradley	Fuller	Krinkie	Newman	Severson	Wilkin
Brod	Gerlach	Kuistle	Nornes	Simpson	Zellers
Buesgens	Gunther	Lanning	Olsen, S.	Smith	Spk. Sviggum
Cornish	Hackbarth	Larson	Opatz	Soderstrom	
Cox	Harder	Lenczewski	Osterman	Stang	
Davids	Heidgerken	Lindgren	Otto	Strachan	

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

Ellison was excused for the remainder of today's session.

Soderstrom moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 104, after line 10, insert:

"Sec. 6. Minnesota Statutes 2002, section 253B.02, is amended by adding a subdivision to read:

Subd. 24. [ADMINISTRATIVE RESTRICTION.] "Administrative restriction" means any measure utilized by the commissioner to maintain safety and security, protect possible evidence, and prevent the continuation of suspected criminal acts. Administrative restriction does not mean protective isolation as defined by Minnesota Rules, part 9515.3090, subpart 4. Administrative restriction may include increased monitoring, program limitations, loss of privileges, restricted access to and use of possessions, and separation of a patient from the normal living environment, as determined by the commissioner or the commissioner's designee. Administrative restriction applies only to patients in a secure treatment facility as defined in subdivision 18a who:

- (1) are suspected of criminal acts;
- (2) are the subject of a criminal investigation;
- (3) are awaiting sentencing following a conviction of a crime; or
- (4) are awaiting transfer to a correctional facility.

The commissioner shall establish policies and procedures according to section 246.014, paragraph (d), regarding the use of administrative restriction. The policies and procedures shall identify the implementation and termination of administrative restrictions. Use of administrative restriction and the reason associated with the use shall be documented in the patient's medical record.

Sec. 7. Minnesota Statutes 2002, section 253B.02, is amended by adding a subdivision to read:

Subd. 25. [SAFETY.] "Safety" means protection of persons or property from potential danger, risk, injury, harm, or damage.

Sec. 8. Minnesota Statutes 2002, section 253B.02, is amended by adding a subdivision to read:

Subd. 26. [SECURITY.] "Security" means the measures necessary to achieve the management and accountability of patients of the facility, staff, and visitors, as well as property of the facility.

Sec. 9. Minnesota Statutes 2002, section 253B.03, is amended by adding a subdivision to read:

Subd. 1a. [ADMINISTRATIVE RESTRICTION.] (a) A patient has the right to be free from unnecessary or excessive administrative restriction, therefore, administrative restriction shall not be used for the convenience of staff, for retaliation for filing complaints, or as a substitute for program treatment. Administrative restriction may not involve any further deprivation of privileges than is necessary.

- (b) Administrative restriction may include separate and secure housing.
- (c) Patients under administrative restriction shall not be limited in access to their attorney.

## Sec. 10. [253B.184] [LEGISLATIVE FINDINGS AND PURPOSE.]

(a) The Patients' and Residents' Bill of Rights in section 144.651 and the Patients' Bill of Rights in section 253B.03, create statutory protections for persons in health care facilities who generally have physical or mental conditions that make it difficult or impossible for them to protect themselves or who are particularly vulnerable to exploitation. Sexual psychopathic personalities and sexually dangerous persons civilly committed to the Minnesota sex offender program, however, are a significantly and clearly different population from other patients and residents protected by sections 144.651 and 253B.03 in several respects:

(1) civilly committed sex offenders have documented histories of harmful sexual conduct, have been proven to be highly likely to commit harmful sexual conduct and, as a result, are dangerous to others if not committed to a secure treatment facility. This predatory nature distinguishes them from other voluntary or involuntary patients in health care facilities, including patients committed as mentally ill and dangerous;

(2) most sex offenders are civilly committed directly from prison, often after lengthy sentences, and tend to be far more criminally sophisticated than patients or residents of health care facilities who have not been institutionalized with criminals for a long period of time;

(3) while all civilly committed sex offenders have diagnosed mental or personality disorders that provide the constitutional basis for civil commitment, they generally are not psychotic and their disorders do not make them vulnerable to abuse or exploitation by others. For this reason, civilly committed sex offenders are not defined categorically as vulnerable adults under the Minnesota Vulnerable Adult Act. This difference distinguishes them from those committed as mentally ill, mentally retarded, chemically dependent, or mentally ill and dangerous; and

(4) more than ten years of operation of the current sex offender program and decades of experience in the predecessor programs (BEAD 1972-1975 and ITPSA 1975-1993) has demonstrated that civilly committed sex offenders misuse and distort the protections afforded by sections 144.651 and 253B.03 far more than other patients, including those committed as mentally ill and dangerous. Sex offenders have taken advantage of the rights given them by the bills of rights to breach the security of the treatment facility, communicate inappropriately with sexually vulnerable children and others outside of the facility, commit a variety of property-related crimes, engage in counter-therapeutic conduct, and mount frivolous litigation against the state and state employees. Other patients and residents have not exhibited these behaviors to the extent that committed sex offenders have.

(b) The legislature finds that, in order to further the purposes of civil commitment of sex offenders, individuals in the sex offender program require special consideration related to patients' rights. The commissioner of human services is authorized to limit the statutory rights under the patients' and residents' bills of rights under sections 144.651 and 253B.03 of individuals committed to the sex offender program in order to ensure the safety and security of the treatment facility, staff, other patients, and the public, and to maintain a safe environment in which treatment can be best provided. These limitations are not intended to make civil commitment punitive or as punishment for past behavior, but are necessary to further the legitimate purposes of the patients' commitment, protection of the public, and treatment of the patients' disorders. Furthermore, it is necessary to make explicit that any rights conferred by sections 144.651 and 253B.03 do not confer a private cause of action upon civilly committed sex offenders but are instead enforceable by the Department of Health that licenses the sex offender program.

Sec. 11. Minnesota Statutes 2002, section 253B.185, is amended by adding a subdivision to read:

Subd. 7. [RIGHTS OF PATIENTS COMMITTED UNDER THIS SECTION.] (a) The commissioner or the commissioner's designee may limit the statutory rights described in paragraph (b) for patients committed to the Minnesota sex offender program under this section or with the commissioner's consent under section 246B.02. These statutory rights may be limited as necessary to maintain a therapeutic environment and the security of the

facility, to prevent crime, or to protect the safety and well-being of patients, staff, and the public. Limitations of statutory rights may be applied facility-wide, or to parts of the facility, or to individual patients, and are in addition to any other limitations on rights permitted by sections 144.651, 253B.03, or any other law.

(b) The head of a secure treatment facility may limit the statutory rights of patients and residents created by sections 144.651, subdivision 19 (personal privacy); 144.651, subdivision 21 (private communications); 144.651, subdivision 22 (retain and use of personal property); 144.651, subdivision 25 (manage personal financial affairs); 144.651, subdivision 26 (meet with visitors and participate in groups); 253B.03, subdivision 2 (correspond with others); and 253B.03, subdivision 3 (receive visitors and make telephone calls). Other statutory rights enumerated by sections 144.651 and 253B.03 may be limited as provided in those sections.

(c) Notwithstanding any other law, a patient committed to a secure treatment facility under this section may not maintain a civil cause of action to enforce section 144.651 or 253B.03.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Soderstrom amendment and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Lesch	Otto	Stang
Abrams	Demmer	Holberg	Lieder	Ozment	Strachan
Adolphson	Dempsey	Hoppe	Lindgren	Paulsen	Swenson
Anderson, B.	Dill	Hornstein	Lindner	Paymar	Sykora
Anderson, I.	Dorman	Howes	Lipman	Pelowski	Thao
Anderson, J.	Dorn	Huntley	Magnus	Penas	Thissen
Atkins	Eastlund	Jacobson	Mahoney	Peterson	Tingelstad
Beard	Eken	Jaros	Marquart	Powell	Urdahl
Bernardy	Entenza	Johnson, J.	McNamara	Pugh	Vandev eer
Biernat	Erhardt	Juhnke	Meslow	Rhodes	Walker
Blaine	Erickson	Kahn	Mullery	Rukavina	Walz
Borrell	Finstad	Kelliher	Murphy	Samuelson	Wardlow
Boudreau	Fuller	Klinzing	Nelson, C.	Seagren	Wasiluk
Bradley	Gerlach	Knoblach	Nelson, M.	Seifert	Westerberg
Brod	Goodwin	Koenen	Nelson, P.	Sertich	Westrom
Buesgens	Greiling	Kohls	Newman	Severson	Wilkin
Carlson	Gunther	Krinkie	Nornes	Sieben	Zellers
Clark	Hackbarth	Kuisle	Olsen, S.	Simpson	Spk. Sviggum
Cornish	Harder	Lanning	Olson, M.	Slawik	
Cox	Hausman	Larson	Opatz	Smith	
Davids	Heidgerken	Latz	Osterman	Soderstrom	
Davnie	Hilstrom	Lenczewski	Otremba	Solberg	

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 111, after line 26, insert:

"Sec. 11. [REPRODUCTIVE TECHNOLOGY.]

The Department of Health must consider drafting legislation for introduction in the 2005 Legislature considering:

(1) the state to join the federal government in financing research on the uses and effects of reproductive technologies on women and children, including a voluntary, long-term, large-scale study to monitor the health of children conceived with the help of in-vitro fertilization;

(2) practitioners of assisted reproductive technology and their professional societies to tighten self-regulation, improve data collection, and help patients make more informed decisions;

(3) a ban on transferring a human embryo into a nonhuman species and prohibiting attempts to conceive a child by any means other than the union of egg and sperm; and

(4) limiting scientific research on human embryos to no more than ten to 14 days of development after fertilization."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 28 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Biernat	Greiling	Huntley	Lesch	Rukavina	Thissen
Carlson	Hausman	Jaros	Mahoney	Sertich	Walker
Clark	Hilstrom	Kahn	Mullery	Sieben	Wasiluk
Davnie	Hilty	Larson	Nelson, M.	Slawik	
Goodwin	Hornstein	Latz	Paymar	Thao	

Those who voted in the negative were:

Abeler	Blaine	DeLaForest	Erickson	Hoppe	Krinkie
Abrams	Borrell	Demmer	Finstad	Howes	Kuisle
Adolphson	Boudreau	Dempsey	Fuller	Jacobson	Lanning
Anderson, B.	Bradley	Dill	Gerlach	Johnson, J.	Lenczewski
Anderson, I.	Brod	Dorman	Gunther	Juhnke	Lieder
Anderson, J.	Buesgens	Dorn	Hackbarth	Klinzing	Lindgren
Atkins	Cornish	Eastlund	Harder	Knoblach	Lindner
Beard	Cox	Eken	Heidgerken	Koenen	Lipman
Bernardy	Davids	Erhardt	Holberg	Kohls	Magnus

Marquart	Olsen, S.	Pelowski	Seifert	Sykora	Wilkin
McNamara	Olson, M.	Penas	Severson	Tingelstad	Zellers
Meslow	Opatz	Peterson	Simpson	Urdahl	Spk. Sviggum
Murphy	Osterman	Powell	Smith	Vandever	
Nelson, C.	Otremba	Pugh	Soderstrom	Walz	
Nelson, P.	Otto	Rhodes	Solberg	Wardlow	
Newman	Ozment	Samuelson	Stang	Westerberg	
Nornes	Paulsen	Seagren	Swenson	Westrom	

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

Olson, M.; Erickson; Anderson, B., and Otremba moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Pages 3 and 4, delete section 1

Page 5, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson, M., et al amendment and the roll was called. There were 33 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Goodwin	Jacobson	Mariani	Seagren	Walker
Anderson, I.	Greiling	Koenen	Nelson, M.	Slawik	Westerberg
Bernardy	Heidgerken	Krinkie	Olson, M.	Smith	Westrom
Carlson	Hilstrom	Lesch	Otremba	Soderstrom	
Clark	Hilty	Lieder	Pelowski	Sykora	
Erickson	Holberg	Lindner	Pugh	Urdahl	

Those who voted in the negative were:

Abeler	Cornish	Entenza	Jaros	Lindgren	Nornes
Abrams	Cox	Erhardt	Johnson, J.	Lipman	Olsen, S.
Adolphson	Dauids	Finstad	Juhnke	Magnus	Opatz
Anderson, J.	Davnie	Fuller	Kelliher	Mahoney	Osterman
Atkins	DeLaForest	Gerlach	Klinzing	Marquart	Otto
Beard	Demmer	Gunther	Knoblach	McNamara	Ozment
Biernat	Dempsey	Hackbarth	Kohls	Meslow	Paulsen
Blaine	Dill	Harder	Kuisle	Mullery	Paymar
Boudreau	Dorman	Hoppe	Lanning	Murphy	Penas
Bradley	Dorn	Hornstein	Larson	Nelson, C.	Peterson
Brod	Eastlund	Howes	Latz	Nelson, P.	Powell
Buesgens	Eken	Huntley	Lenczewski	Newman	Rhodes

Rukavina	Sertich	Solberg	Thao	Walz	Zellers
Ruth	Severson	Stang	Thissen	Wardlow	Spk. Sviggum
Samuelson	Sieben	Strachan	Tingelstad	Wasiluk	
Seifert	Simpson	Swenson	Vandevveer	Wilkin	

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

Olson, M., moved to amend H. F. No. 1681, the fourth engrossment, as amended, as follows:

Page 4, after line 32, insert:

"(f) Physicians and other health care providers must inform patients that the identification, reporting, and contracting provisions of this section may unduly influence the physician's medical treatment decisions."

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

H. F. No. 1681, A bill for an act relating to operation of state government; making changes to encourage consumer-driven health plans; encouraging efficiency in providing health care; requiring disease management initiatives; implementing health care cost containment, cost-shifting provisions, and reduction of government mandates; implementing health plan competition and reform provisions; changing health maintenance organization regulatory authority; changing provisions related to child care, economic supports, health care, long-term care, continuing care, civil commitment, and program integrity and administration; making health and human services forecast adjustments and reductions; appropriating money; amending Minnesota Statutes 2002, sections 16A.10, by adding a subdivision; 43A.23, by adding a subdivision; 62A.02, subdivision 2; 62A.28; 62A.30, subdivision 2, by adding a subdivision; 62D.02, subdivision 4, by adding a subdivision; 62D.03, subdivision 1; 62D.04, subdivision 1; 62D.05, subdivision 1; 72A.20, by adding a subdivision; 119B.13, by adding a subdivision; 144.148, by adding a subdivision; 144A.10, subdivision 1a, by adding a subdivision; 144D.025; 147.03, subdivision 1; 253B.02, by adding subdivisions; 253B.03, by adding a subdivision; 253B.185, by adding a subdivision; 256.01, by adding subdivisions; 256.9365, subdivision 1; 256.955, subdivisions 2b, 4, 6; 256B.02, subdivision 12; 256B.04, subdivision 14, by adding a subdivision; 256B.056, subdivision 5, by adding subdivisions; 256B.0916, subdivision 2; 256B.431, by adding subdivisions; 256B.49, by adding a subdivision; 256D.045; 256D.051, subdivisions 1a, 3a, 6c; 256L.04, subdivision 2a; 256L.01, subdivision 5; 256L.03, subdivision 5, by adding a subdivision; 256L.04, subdivision 2, by adding subdivisions; 256L.05, subdivision 3; 549.02, by adding a subdivision; 549.04; Minnesota Statutes 2003 Supplement, sections 62E.08, subdivision 1; 62E.091; 62J.26, by adding a subdivision; 119B.09, subdivision 9; 119B.13, subdivision 1; 144.7063, subdivision 3; 144A.071, subdivision 4c; 245A.10, subdivision 4; 246B.04, as amended; 252.27, subdivision 2a; 256.019, subdivision 1; 256.046, subdivision 1; 256.955, subdivisions 2a, 3; 256B.056, subdivision 3c; 256B.057, subdivision 9; 256B.0595, subdivision 2; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0631, subdivision 2; 256B.19, subdivision 1; 256B.434, subdivision 4; 256B.69, subdivision 2; 256D.03, subdivisions 3, 4; 256D.44, subdivision 5; 256J.24, subdivision 6; 256J.37, subdivision 3a; 256J.53, subdivision 1; 256L.03, subdivision 1; 256L.035; 256L.07, subdivisions 1, 3; 295.50, subdivision 9b; 295.53, subdivision 1; Laws 2003, First Special Session chapter 14, article 9, section 34; Laws 2003, First Special Session chapter 14, article 13C, section 1; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivisions 1, 3, 6, 7, 9, 11; Laws 2003, First Special Session chapter 14, article 13C, section 10, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62L; 62Q; 144; 144A; 145; 151; 253B; 256B; repealing Minnesota Statutes 2002, sections 62A.309; 62J.17, subdivisions 1, 3, 4a, 5a, 6a, 7, 8; 256.955, subdivisions 1, 2, 2b, 4, 5, 6, 7, 9; 256L.04, subdivision 11; Minnesota Statutes 2003 Supplement, sections 62J.17, subdivision 2; 256.955, subdivisions 2a, 3, 4a; 256B.431, subdivision 36.

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.

Pursuant to rule 2.05, the Speaker excused Entenza from voting on final passage of H. F. No. 1681, as amended.

There were 83 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Howes	Lipman	Ozment	Strachan
Adolphson	Dempsey	Huntley	Magnus	Paulsen	Swenson
Anderson, J.	Dill	Jacobson	Marquart	Pelowski	Sykora
Beard	Eastlund	Johnson, J.	McNamara	Penas	Tingelstad
Blaine	Erickson	Klinzing	Meslow	Powell	Urdahl
Borrell	Finstad	Knoblach	Murphy	Ruth	Vandever
Boudreau	Fuller	Koenen	Nelson, C.	Samuelson	Walz
Bradley	Gerlach	Kohls	Nelson, P.	Seagren	Wardlow
Brod	Gunther	Krinkie	Newman	Seifert	Westerberg
Buesgens	Hackbarth	Kuisle	Nornes	Severson	Westrom
Cornish	Harder	Lanning	Olsen, S.	Simpson	Wilkin
Cox	Heidgerken	Lenczewski	Opatz	Smith	Zellers
Davids	Holberg	Lindgren	Osterman	Soderstrom	Spk. Sviggum
DeLaForest	Hoppe	Lindner	Otremba	Stang	

Those who voted in the negative were:

Abrams	Davnie	Hilstrom	Latz	Otto	Slawik
Anderson, B.	Dorman	Hilty	Lesch	Paymar	Solberg
Anderson, I.	Dorn	Hornstein	Lieder	Peterson	Thao
Atkins	Eken	Jaros	Mahoney	Pugh	Thissen
Bernardy	Erhardt	Juhnke	Mariani	Rhodes	Walker
Biernat	Goodwin	Kahn	Mullery	Rukavina	Wasiluk
Carlson	Greiling	Kelliher	Nelson, M.	Sertich	
Clark	Hausman	Larson	Olson, M.	Sieben	

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

## MOTIONS AND RESOLUTIONS

Brod moved that the names of Seagren, Osterman, Erickson, Soderstrom, Penas, Ruth, Klinzing, Holberg, Boudreau, Harder, Sykora and Tingelstad be added as authors on H. F. No. 2181. The motion prevailed.

Boudreau moved that the name of Stang be added as an author on H. F. No. 2571. The motion prevailed.

## FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. Nos. 1867, 2755, 3090 and 3141 on the Fiscal Calendar for Monday, April 5, 2004.

## ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, April 5, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, April 5, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

